

House of Assembly—No 3

As laid on the table and read a first time, 15 September 2004

South Australia

Statutes Amendment (Parliament Finance and Services) Bill 2004

A BILL FOR

An Act to amend the *Constitution Act 1934* and the *Parliament (Joint Services) Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Parliament Finance and Services) Act 2004*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Constitution Act 1934*

4—Insertion of section 64AA

After section 64 insert:

64AA—Appropriation for general purposes of Parliament

- 5 (1) No appropriation Bill for general government purposes of the State
for a financial year may be introduced into Parliament unless—
- (a) an appropriation Bill for the general purposes of the
Parliament for the financial year has been passed by the
Parliament and assented to by the Governor; or
- 10 (b) an appropriation Bill for the general purposes of the
Parliament for the financial year has been passed by the
House of Assembly and six sitting days of the Legislative
Council have elapsed since the Bill was received by the
Legislative Council from the House of Assembly.
- 15 (2) If an appropriation Act for the general purposes of the Parliament for
a financial year has not come into operation at the commencement of
the financial year, an amount is appropriated by force of this
subsection for those purposes equal to the amount appropriated for
those purposes for the preceding financial year less an amount equal
20 to the total of any payments of a capital nature made during the
preceding financial year from the money appropriated for those
purposes for the preceding financial year.
- (3) If an appropriation Act for the general purposes of the Parliament for
a financial year is enacted after the commencement of the financial
25 year, the appropriation Act operates in substitution for the
appropriation by force of subsection (2) .
- (4) This section does not affect any other statutory provisions fixing or
providing for the determination of remuneration, allowances or other
benefits for members of Parliament, or appropriating money for the
30 payment of remuneration, allowances or other benefits for members
of Parliament.
- (5) In this section—
- appropriation Bill* means a Bill for appropriating revenue or other
public money for purposes other than a previously authorised
35 purpose (as defined by section 60(4)), and *appropriation Act* has a
corresponding meaning;
- committee of the Parliament* includes a body corporate constituted
by statute and comprised, or having a governing body comprised,
only of members of Parliament (whether or not described as a
40 committee of the Parliament);

the general purposes of the Parliament means all the staff, services, buildings, facilities and operations of the Parliament, including benefits for members of Parliament for which money is not appropriated by some other statutory provision;

5 *the Parliament* includes either House of Parliament and the committees of the Parliament or either House of Parliament.

Part 3—Amendment of the *Parliament (Joint Services) Act 1985*

5—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *the Committee* insert:

10 *Executive Officer* for the joint parliamentary service means the person holding or acting in the office of Executive Officer for the joint parliamentary service under Part 2;

6—Substitution of section 6

Section 6—delete the section and substitute:

15 **Division 1A—Executive Officer for the joint parliamentary service**

6—Executive Officer for the joint parliamentary service

- (1) The office of Executive Officer for the joint parliamentary service is established.
- 20 (2) Subject to this section, the Executive Officer is to be appointed by the Committee on terms and conditions determined by the Committee.
- (3) The salary for the office of Executive Officer is to be 90 per cent of the salary for the Office of Clerk of the Legislative Council or Clerk of the House of Assembly.
- 25 (4) The appointment of a person as the Executive Officer may be terminated by the Committee by not less than 3 months notice in writing to the Executive Officer.
- (5) Nothing in this section prevents termination of the Executive Officer's appointment by a shorter period of notice than 3 months provided that a payment is made to the Executive Officer in lieu of notice of an amount equal to the salary and allowances (if any) that the Executive Officer would have been entitled to receive during the balance of the period of 3 months.
- 30 (6) The provisions of Part 3 relating to termination of an officer's employment apply to the Executive Officer in addition to this section but subject to the terms and conditions of the Executive Officer's appointment.
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- (7) The Committee may appoint a person to act in the office of Executive Officer during a vacancy in the office or absence of the holder of the office.

6A—Duties of Executive Officer

- (1) The Executive Officer is responsible to the Committee for the efficient management of the joint parliamentary service.
- (2) The Executive Officer must, at the request of the Committee, and may at his or her own initiative, make a report to the Committee on any aspect of the management or operation of the joint parliamentary service.

7—Amendment of section 7—Divisions of the parliamentary service

Section 7(2)(d)—delete "the person for the time being acting as secretary to the Committee" and substitute:

the Executive Officer for the joint parliamentary service

8—Amendment of section 8—Duties of chief officers

- (1) Section 8(1)—delete "Committee" and substitute:
Executive Officer for the joint parliamentary service
- (2) Section 8(2) and (3)—delete subsections (2) and (3)

9—Amendment of section 9—Delegation

- (1) Section 9(1)—after paragraph (a) insert:
(ab) to the Executive Officer for the joint parliamentary service; or
- (2) Section 9(2)—delete subsection (2) and substitute:
(2) A power or function delegated under this section may, subject to any conditions of the delegation, be further delegated.

10—Amendment of section 10—Creation and abolition of offices

- (1) Section 10(1)—delete "Governor may, on the recommendation of the Committee" and substitute:
Committee may
- (2) Section 10(2)—delete "shall not recommend the abolition of" and substitute:
may not abolish

11—Substitution of section 11

Section 11—delete the section and substitute:

11—Remuneration levels of offices

- (1) Subject to this Act, the Committee may fix or vary the remuneration levels of an office of the joint parliamentary service.

- 5 (2) For the purposes of this section, a structure of remuneration levels that corresponds to one applying under the *Public Sector Management Act 1995* should be adopted (as far as may be appropriate to the various offices of the joint parliamentary service), and where remuneration levels within the structure applying under the *Public Sector Management Act 1995* are varied under that Act, that variation is to operate in relation to the corresponding structure under this Act.
- 10 (3) An officer occupying a particular office may apply to the Committee for variation of the remuneration level of the office.
- (4) A variation of the remuneration level of an office has effect from a date determined by the Committee which may be a date earlier than the date of the decision to vary the level.
- 15 (5) The Committee must, in accordance with the rules, cause notice of the fixing or variation of the remuneration level of an office under this section to be laid before both Houses of Parliament.

12—Amendment of section 21—Special leave

Section 21(3)—delete subsection (3)

13—Amendment of section 24—Application of certain Acts

- 20 (1) Section 24(1)—delete subsection (1)
- (2) Section 24—delete "*Industrial Conciliation and Arbitration Act 1972*" wherever occurring and substitute in each case:
Industrial and Employee Relations Act 1994
- 25 (3) Section 24—delete "*Workers Compensation Act 1971*" wherever occurring and substitute in each case:
Workers Rehabilitation and Compensation Act 1986
- (4) Section 24(4)(a)(i)—delete "the Court" third occurring and substitute:
the Tribunal or a person authorised by the Tribunal
- (5) Section 24(4)(a)(ii)—after "award" insert:
30 or enterprise agreement
- (6) Section 24(5)—before "the President" insert:
the Senior Judge or
- (7) Section 24(5)—after "the Court" wherever occurring insert in each case:
, the Tribunal
- 35 (8) Section 24(8), definition of *the Commission*—after "Industrial" insert:
Relations
- (9) Section 24(8), definition of *the Court*—after "Industrial" insert:
Relations

(10) Section 24(8), definition of *inspector*—delete the definition and substitute:

inspector means an inspector or authorised officer under the *Industrial and Employee Relations Act 1994* or the *Workers Rehabilitation and Compensation Act 1986*;

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the Tribunal means the Workers Compensation Tribunal.

14—Amendment of section 26—Certain officers to constitute advisory committee

(1) Section 26(1)(c), (d), (e) and (f)—delete paragraphs (c), (d), (e) and (f) and substitute:

(c) the Executive Officer for the joint parliamentary service.

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(2) Section 26(3)—delete "Four" and substitute:

Two

15—Amendment of section 30—Allowances and deductions

Section 30(2)—delete "*Public Service Act 1967*" wherever occurring and substitute in each case:

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Public Sector Management Act 1995

16—Repeal of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules