

South Australia

## **Parliament (Joint Services) Act 1985**

An Act to provide for the appointment and to regulate the conditions of service, of officers who serve both Houses of Parliament; to facilitate the provision of joint services to the Houses of Parliament.

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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 *Parliament (Joint Services) Act 1985*.

#### 4—Interpretation

- (1) In this Act, unless the contrary intention appears—

**chief officer**, in relation to a division of the joint parliamentary service, means a person who is chief officer of that division by virtue of section 7;

**the Committee** means the Joint Parliamentary Service Committee constituted under Part 2;

**the joint parliamentary service** means all persons employed in any capacity under the provisions of this Act;

**officer** means a person appointed to an office under this Act on a permanent, temporary or probationary basis;

***permanent officer*** means an officer who is neither a temporary nor a probationary officer;

***Presiding Officer*** means the President of the Legislative Council or the Speaker of the House of Assembly;

***probationary officer*** means an officer appointed on probation whose probation has not terminated;

***temporary officer*** means an officer appointed under section 13(1)(a);

***working day***, in relation to an officer, means a day on which the officer would (if not on leave) ordinarily be required to work.

- (2) A reference in this Act to Parliament House will be taken to include a reference to—
- (a) the premises known as *Old Parliament House*; and
  - (b) any land appurtenant to Parliament House or Old Parliament House.

## **Part 2—Administration of the Joint Parliamentary Service**

### **Division 1—The Joint Parliamentary Service Committee**

#### **5—The Joint Parliamentary Service Committee**

- (1) There shall be a committee entitled the *Joint Parliamentary Service Committee*.
- (2) The Committee—
  - (a) shall be a body corporate with perpetual succession and a common seal; and
  - (b) shall be capable in its corporate name of acquiring, holding, dealing with and disposing of real and personal property; and
  - (c) shall be capable of acquiring or incurring any other rights or liabilities, and of suing and being sued; and
  - (d) shall have the powers, authorities, duties and functions prescribed by or under this Act.
- (3) The Committee shall consist of the following members:
  - (a) the President of the Legislative Council; and
  - (b) the Speaker of the House of Assembly; and
  - (c) two members of the Legislative Council appointed by the Legislative Council, of whom one shall be appointed from the group led by the Leader of the Government and one appointed from the group led by the Leader of the Opposition in the Legislative Council; and
  - (d) two members of the House of Assembly appointed by the House of Assembly, of whom one shall be appointed from the group led by the Premier and one appointed from the group led by the Leader of the Opposition in the House of Assembly.
- (4) Alternate members of the Committee shall be appointed as follows:
  - (a) the Legislative Council—

- (i) shall appoint a member of the Legislative Council to be the alternate member of the Committee to the President; and
  - (ii) upon appointing a member of the Committee under subsection (3)(c), shall appoint another member of the Legislative Council (from the same group) to be an alternate member of the Committee to that member; and
- (b) the House of Assembly—
  - (i) shall appoint a member of the House of Assembly to be the alternate member of the Committee to the Speaker; and
  - (ii) upon appointing a member of the Committee under subsection (3)(d), shall appoint another member of the House of Assembly (from the same group) to be an alternate member of the Committee to that member.
- (5) An alternate member of the Committee may act as a member of the Committee in the absence of the member in respect of whom the alternate member has been appointed.
- (6) A member appointed by the Legislative Council or the House of Assembly shall, subject to any resolution to the contrary by the appropriate House of Parliament, hold office until the first day that Parliament sits following the next general election of members of the House of Assembly and shall then (assuming that the member remains a member of the Parliament) be eligible for re-appointment.
- (7) Four members of the Committee shall constitute a quorum of the Committee, of whom—
  - (a) at least two must be members of the Legislative Council, one being a member of the group led by the Leader of the Government and one being a member of the group led by the Leader of the Opposition in the Legislative Council (and for the purposes of this paragraph the President of the Legislative Council may be regarded as being a member of a group); and
  - (b) at least two must be members of the House of Assembly, one being a member of the group led by the Premier and one being a member of the group led by the Leader of the Opposition in the House of Assembly (and for the purposes of this paragraph the Speaker of the House of Assembly may be regarded as being a member of a group).
- (8) Each member of the Committee who is present at a meeting of the Committee shall be entitled to one vote on any question that arises for decision by the Committee (and the chairman of the Committee shall not have a second or casting vote).
- (9) Subject to this Act, a decision supported by a majority of the votes cast by the members present at a meeting of the Committee shall be a decision of the Committee.
- (10) Subject to subsection (11), the Committee shall, on the commencement of this section, be chaired first by the most senior Presiding Officer, then by the other Presiding Officer, and so on in alternation, each acting for an alternate calendar year.
- (11) Subsection (10) is subject to the following qualifications:
  - (a) if on the commencement of this section both Presiding Officers have held office for the same period, the Committee shall be chaired first by the President of the Legislative Council;

- (b) the Presiding Officer first appointed as the chairman of the Committee in accordance with subsection (10) shall continue as chairman until the thirty-first day of December, 1986.
- (12) In the absence of the chairman the other Presiding Officer shall chair a meeting of the Committee or, in the absence of the chairman and the other Presiding Officer, the members present shall decide who is to chair the meeting.
- (13) The Committee may, if it thinks fit, appoint sub-committees to deal with any matter or class of matters relevant to the performance of its functions under this Act.
- (14) Subject to this Act, the procedures of the Committee and any sub-committee shall be as determined by the Committee.

## **6—Secretarial services**

Secretarial services shall be provided to the Committee as follows:

- (a) when the President of the Legislative Council is the chairman of the Committee—the Clerk of the Legislative Council or a person nominated by that Clerk shall act as secretary to the Committee;
- (b) when the Speaker of the House of Assembly is the chairman of the Committee—the Clerk of the House of Assembly or a person nominated by that Clerk shall act as secretary to the Committee.

## **Division 2—Divisions of the Joint Parliamentary Service**

### **7—Divisions of the parliamentary service**

- (1) The joint parliamentary service is divided into the following divisions:
  - (a) the Parliamentary Reporting Division;
  - (b) the Parliamentary Library Division;
  - (c) the Catering Division;
  - (d) the Joint Services Division.
- (2) For each division of the joint parliamentary service there shall be a chief officer, as follows:
  - (a) in relation to the Parliamentary Reporting Division—the Leader of Hansard shall be the chief officer;
  - (b) in relation to the Parliamentary Library Division—the Parliamentary Librarian shall be the chief officer;
  - (c) in relation to the Catering Division—the Catering Manager shall be the chief officer;
  - (d) in relation to the Joint Services Division—the person for the time being acting as secretary to the Committee shall be the chief officer.

## **Division 3—Duties of chief officers**

### **8—Duties of chief officers**

- (1) The chief officer of a division of the joint parliamentary service is responsible to the Committee for the efficient management of that division.
- (2) The chief officers shall together constitute a management panel for the purpose of achieving a consistent and efficient approach to the management of the joint parliamentary service as a whole.
- (3) The chief officers shall, at the request of the Committee, and may of their own motion make a report to the Committee on any aspect of the management or operation of the joint parliamentary service.

## **Division 4—Delegation**

### **9—Delegation**

- (1) The Committee may delegate any of its powers or functions—
  - (a) to a sub-committee appointed by the Committee; or
  - (b) to a chief officer.
- (2) The chief officer of a division of the joint parliamentary service may delegate to any officer of that division—
  - (a) any power or function assigned to the chief officer by this Act; or
  - (b) any power or function delegated to the chief officer by the Committee.
- (3) A delegation under this section—
  - (a) may be absolute or conditional; and
  - (b) does not derogate from the powers of the delegator; and
  - (c) is revocable at will.

## **Part 3—Appointment and classification and tenure of office**

### **10—Creation and abolition of offices**

- (1) The Committee may—
  - (a) create an office in a division of the joint parliamentary service; or
  - (b) abolish an office in a division of the joint parliamentary service.
- (2) The Committee shall not abolish an office that is occupied by a permanent officer.
- (3) The Committee shall, in accordance with the rules, cause notice of the creation or abolition of an office under this section to be laid before each House of Parliament.

### **11—Classification of offices**

- (1) Each office of the joint parliamentary service shall have a classification determined from time to time by the Committee.

- (2) A classification shall fix the salary or limits of salary that are appropriate to the office to which it applies.
- (3) For the purposes of this section—
  - (a) a system of classification that corresponds to one applying to Public Service employees should be adopted (as far as may be appropriate to the various offices of the joint parliamentary service); and
  - (b) if the salary or limits of salary that attach to a particular classification applying to Public Service employees are altered, that alteration operates in relation to the corresponding classification under this Act.
- (4) An officer occupying a particular office who is dissatisfied with the classification of that office may apply to the Committee for its reclassification.
- (5) On an application under subsection (4), the officer is entitled to be heard personally or by representative.
- (6) After hearing an application, the Committee may confirm the existing classification of the office or may reclassify the office.
- (7) The Committee shall, in accordance with the rules, cause notice of the classification or reclassification of an office under this section to be laid before each House of Parliament.

## **12—Appointment of persons to offices**

- (1) The Committee may appoint a person to a vacant office in a division of the joint parliamentary service.
- (2) Every person first appointed to an office in a division of the joint parliamentary service shall, unless the Committee otherwise determines, be appointed on probation.
- (3) The period of probation shall be for a period fixed by the Committee.
- (4) For the purpose of subsection (3)—
  - (a) the period of probation shall be for a period not exceeding 2 years; and
  - (b) a period of probation initially fixed by the Committee may, if the Committee thinks fit, be extended (but so that the period of probation does not exceed the period of 2 years).
- (5) The Committee may, at any time during probation, dispense with the services of a probationary officer.
- (6) Every officer appointed under this section to a particular office shall be paid the salary fixed for that office.
- (7) The Committee shall, in accordance with the rules, cause notice of the appointment of a person to an office under this section to be laid before each House of Parliament.

## **13—Other appointments to the parliamentary service**

- (1) Subject to this section, the Committee may—
  - (a) appoint a person to an office in a division of the joint parliamentary service on a temporary basis;

- (b) engage a person to work in a division of the joint parliamentary service at hourly, daily or weekly rates of remuneration.
- (2) Where the Committee makes an appointment under subsection (1)(a)—
  - (a) the appointment shall be for a term not exceeding 12 months; and
  - (b) the Committee may, at any time, dispense with the services of the appointee.
- (3) The Committee shall, in accordance with the rules, cause notice of the appointment or engagement of a person under this section to be laid before each House of Parliament.

#### **14—Retirement**

- (1) An officer who has attained the age of 55 years is entitled to retire from the joint parliamentary service.
- (2) The Committee, if satisfied that an officer is physically or mentally unfit to continue in the joint parliamentary service, may allow the officer to retire from the joint parliamentary service on the ground of invalidity.

#### **15—Compulsory retirement on the ground of physical or mental incapacity**

- (1) Where, in the opinion of the Committee, a permanent officer is by reason of physical or mental incapacity unable to perform satisfactorily official duties, and the incapacity is of a permanent nature, the Committee may determine that the officer should be retired from the joint parliamentary service and notify the officer accordingly.
- (2) The officer may, within 14 days after receiving the notice, lodge with the Committee a written objection to the determination.
- (3) Upon the receipt of an objection under subsection (2), the Committee shall afford the officer a reasonable opportunity to make representations to it in support of the objection.
- (4) Representations may be made under subsection (3) personally or by representative.
- (5) Where an officer does not object to being retired from the joint parliamentary service under this section or the Committee, after considering an objection from the officer and any representations made in its support, remains of the opinion that the officer should be retired from the joint parliamentary service, the Committee may retire the officer from the joint parliamentary service.

#### **16—Discipline**

- (1) If a permanent officer—
  - (a) commits a breach of this Act or any other Act that applies by virtue of the officer's official position; or
  - (b) is guilty of an indictable offence; or
  - (c) is sentenced to imprisonment for an offence; or
  - (d) wilfully disobeys or disregards an order given by a person having authority to make the order; or
  - (e) by word or conduct displays insubordination; or
  - (f) is negligent, careless or indolent in the discharge of official duties; or



- (g) behaves in a disgraceful, improper or unbecoming manner that reflects upon the joint parliamentary service; or
- (h) is absent from duty without reasonable excuse; or
- (i) directly or indirectly discloses confidential information acquired in the course of official duties otherwise than in the discharge of those duties; or
- (j) makes, without permission of the Committee, any communication relating to the joint parliamentary service where it is reasonable to expect that the communication is likely to be published by any part of the media,

the officer shall be liable to disciplinary action under this section.

- (2) Where an officer is liable to disciplinary action under this section, the Committee may exercise any of the following powers:
  - (a) it may forfeit an entitlement of the officer to recreation leave; or
  - (b) it may require the officer to pay to the General Revenue of the State a fine not exceeding \$1 000; or
  - (c) it may—
    - (i) reduce the salary of the officer; or
    - (ii) transfer the officer to an office with a lower classification; or
    - (iii) dismiss the officer from the joint parliamentary service.
- (3) Before the Committee exercises a power under subsection (2), it shall notify the officer of the circumstances by reason of which the officer is alleged to be liable to disciplinary action.
- (4) The officer may, within 14 days of receiving the notice, lodge with the Committee a written objection to the taking of disciplinary action (denying, if the officer thinks fit, a liability to disciplinary action).
- (5) Upon receipt of an objection under subsection (4), the Committee shall afford the officer a reasonable opportunity to make representations in support of the objection.
- (6) Representations may be made under subsection (5) personally or by representative.
- (7) Where an officer does not object to disciplinary action being taken under this section or the Committee, after considering an objection from the officer and any representations made in its support, remains of the opinion that disciplinary action should be taken, the Committee may discipline the officer.
- (8) Before disciplining an officer the Committee shall, if the officer so desires, afford the officer a reasonable opportunity to make representations (personally or by representative) as to the disciplinary action that should be taken.

### **17—Suspension from office**

- (1) The Committee may suspend an officer charged with a serious offence from office until the charge has been heard and determined.
- (2) An officer shall, unless the Committee otherwise determines, be entitled to salary during the period of suspension.

(3) Where the Committee determines that a suspended officer should not receive salary during a period of suspension but the officer is found not guilty of the offence, the officer shall be paid full salary in respect of the period of suspension.

(4) In this section—

*serious offence* means an indictable offence or an offence punishable by imprisonment of one year or more.

## Part 4—Other conditions of service of officers

### 18—Recreation leave

(1) An officer's entitlement to recreation leave shall accrue at the rate of 20 working days recreation leave for each year of service and a proportionate entitlement to recreation leave shall accrue in respect of each month of service.

(2) Where, in the opinion of the Committee, there are special reasons for increasing an officer's entitlement to recreation leave, the Committee may increase the entitlement by such amount not exceeding 5 working days in each year as the Committee thinks fit.

(3) Subject to subsection (4)—

(a) an officer may take recreation leave in respect of a particular financial year at any time during that financial year; and

(b) an officer must take recreation leave that has accrued in respect of a particular financial year before the expiration of the next financial year.

(4) Subsection (3) is subject to the following qualifications:

(a) recreation leave may be taken only at such times as the Committee may approve; and

(b) where recreation leave is taken by an officer who ceases to be employed in the joint parliamentary service before the accrued entitlement to recreation leave equals or exceeds the number of days of recreation leave actually taken, the officer shall pay to the General Revenue of the State a sum calculated by the Committee as being the monetary equivalent of recreation leave taken in excess of the accrued entitlement; and

(c) the Committee may extend the period within which an officer must take recreation leave under subsection (3)(b) if it is satisfied that there are special reasons justifying such an extension.

(5) An officer shall, unless the Committee otherwise directs, take recreation leave on every day (not being a Saturday or public holiday) falling between Christmas Day of each year and New Years Day of the following year.

(6) An officer who fails to take recreation leave as required by or under this section shall forfeit the entitlement to that leave.

(7) Where a person ceases for any reason to be an officer before taking recreation leave which has accrued under this section, that person shall be entitled to the monetary equivalent of that leave.

## 19—Sick leave

- (1) An officer's entitlement to sick leave shall accrue at the rate of 12 working days sick leave for each year of service.
- (2) An officer's entitlement to sick leave shall be credited as follows:
  - (a) at the commencement of the officer's service a number of working days sick leave equivalent to the number of complete months intervening between the date of commencement of service and the first day of July next ensuing shall be credited; and
  - (b) on that first day of July and on the first day of July in each succeeding year an entitlement to a further 12 working days sick leave shall be credited.
- (3) In the case of illness or other pressing necessity, the Committee may, subject to the rules, approve the taking of sick leave by an officer for a period not exceeding the period of sick leave currently credited to the officer and, in that event, the period credited shall be reduced by the period of that leave.

## 20—Long service leave and retention entitlement

- (1) An officer shall be entitled to long service leave calculated as follows:
  - (a) in respect of the first 10 years of service—90 days leave;
  - (b) in respect of each subsequent year of service—9 days leave.
- (1a) An officer who has completed 15 years of effective service (a *long-term employee*) is entitled to an additional amount of leave (a *skills and experience retention leave entitlement*) (that will be taken to constitute long service leave) for each completed month of effective service (being service as a long-term employee) as follows:
  - (a) for each month of effective service completed during the 2012/2013 financial year— $\frac{1}{6}$  working days leave;
  - (b) for each month of effective service completed during the 2013/2014 financial year— $\frac{1}{4}$  working days leave;
  - (c) for each month of effective service completed on or after 1 July 2014— $\frac{1}{3}$  working days leave.
- (2) An officer may choose to take long service leave at half pay and, in that event, shall be entitled to twice the number of days leave.
- (3) Subject to subsection (4), long service leave to which an officer is entitled shall be taken at such times and in such periods as the Committee may approve.
- (4) Long service leave may not be taken for a period of less than 2 weeks.
- (5) Every day falling on or after the commencement of a period of long service leave shall be counted as a day of that leave until the period for which the leave was granted is exhausted.
- (6) Where a person ceases for any reason to be an officer before taking accrued long service leave, that person shall be entitled, in lieu of that leave, to a sum ascertained in accordance with the following formula:

$$P = SD + \left[ S \times \frac{AM}{12} \right]$$

Where—

*P* is the amount payable:

*S* is an amount arrived at by dividing the annual remuneration of the officer immediately before the cessation of service by 365:

*D* is the number of days long service leave on full pay to which the officer would have been entitled in respect of completed years of service if the long service leave had commenced on the date of cessation of service:

*A* is the number of additional days long service leave to which the officer would have been entitled if a further year of service had been completed:

*M* is—

- (a) where the period of the officer's service is not divisible exactly into complete years—the number of complete months (if any) in the remainder;
  - (b) where the period of the officer's service is divisible into complete years with no remainder or a remainder of less than 1 month—zero.
- (6a) Despite subsections (3) to (6), the following provisions will apply in relation to a skills and experience retention leave entitlement:
- (a) the Committee may make a determination under which the accrual of the entitlement will be calculated instead as a number of working hours leave for each completed month of effective service;
  - (b) an entitlement to skills and experience retention leave accrued during a particular financial year may be converted to an entitlement to a monetary amount fixed by the regulations in accordance with a scheme prescribed by the regulations;
  - (c) a skills and experience retention leave entitlement is to be taken (depending on the amount of such leave accrued) as 1 or more whole working days of leave and accordingly—
    - (i) subsection (4) will not apply in relation to a skills and experience retention leave entitlement; and
    - (ii) subsection (5) will apply in relation to a skills and experience retention leave entitlement as if it were referring to a working day;
  - (d) a skills and experience retention leave entitlement that is not taken within 5 years of the end of the financial year in which it accrues will be lost (and a sum equal to the monetary value of any entitlement that is lost will not be payable) and accordingly—
    - (i) subsection (6) will apply in relation to a skills and experience retention leave entitlement subject to the operation of this paragraph; and
    - (ii) subsection (6) will apply on the basis that a part of a day constituted by a skills and experience retention leave entitlement (unless lost) may be taken into account;
  - (e) the Committee may, by determination, make any other provision in relation to the granting or taking of skills and experience retention leave.

- (7) Where a person ceases to be an officer after completing not less than 7 years service but before becoming entitled to long service leave under this Act, that person shall be entitled to a sum representing *pro rata* long service leave, ascertained in accordance with the following formula:

$$P = 9SD + \left[ 9S \times \frac{M}{12} \right]$$

Where—

**P** is the amount payable:

**S** is an amount arrived at by dividing the annual remuneration of the officer immediately before the cessation of service by 365:

**D** is the number of complete years in the period of the officer's service:

**M** is—

- (a) where the period of the officer's service is not divisible exactly into complete years—the number of complete months (if any) in the remainder;
  - (b) where the period of the officer's service is divisible into complete years with no remainder or a remainder of less than 1 month—zero.
- (8) The regulations may—
- (a) prescribe a process for electing to convert an accrued entitlement to skills and experience retention leave to a monetary amount; and
  - (b) fix different monetary amounts according to different classes or categories of officers.
- (9) A regulation under subsection (8) will be made on the recommendation of the Treasurer.
- (10) The Treasurer must, in making a recommendation under subsection (9), apply the principle that a monetary amount fixed by the regulations must be consistent with any corresponding regulations applying under the *Public Sector Act 2009*.
- (11) In this section—
- effective service** of an officer means the period of the officer's continuous service under this Act.

## 21—Special leave

- (1) The Committee may grant special leave to an officer for any reason that, in the opinion of the Committee, justifies the grant of such leave.
- (2) Subject to subsection (4), special leave may be granted with or without remuneration, and for any period that the Committee thinks fit.
- (4) An officer is entitled to accouchement leave on the same terms and conditions as apply to officers of the Public Service of the State.
- (5) Special leave without remuneration shall count as service for the purposes of this Act only to such extent (if any) and for such purposes (if any) as may be determined by the Committee.

## 22—Determination of rights on transition from other employment

- (1) Where a person is appointed as an officer under this Act, the Committee may determine—
  - (a) that rights to recreation leave, sick leave, long service leave and accouchement leave that had accrued to the appointee in previous employment should be treated as if they had accrued under this Act; and
  - (b) that service by the appointee in previous employment should be treated in a manner and to an extent determined by the Committee as service under this Act for the purpose of determining the rights of the appointee to recreation leave, sick leave, long service leave or accouchement leave, or in respect of superannuation.
- (2) A determination under subsection (1) shall have effect in accordance with its terms.
- (3) A determination under subsection (1) may be made upon such conditions as the Committee thinks fit.
- (4) Notwithstanding subsection (1), where an officer appointed under this Act commences service as such within 3 months immediately following cessation of service as—
  - (a) an officer of the Public Service of the State; or
  - (b) an employee of the State otherwise than as an officer; or
  - (c) an employee of a prescribed person, or of a person of a prescribed class,then, for the purposes of determining rights to recreation leave, sick leave, long service leave and accouchement leave under this Act, service in that previous employment (whether before or after the commencement of this Act) shall, subject to such conditions as the Committee thinks fit, be deemed to be service as an officer under this Act.

## 23—Payment of monetary equivalent of leave to personal representative etc

- (1) Where an officer dies without having taken all the accrued recreation leave and long service leave, the monetary equivalent of such leave standing to the officer's credit on the date of death shall be payable as if it were a debt that had become due to the officer immediately before death.
- (2) Where an officer dies before becoming entitled to long service leave, but after completing 7 or more years service, the monetary sum representing *pro rata* long service leave to which the officer would have been entitled on resignation shall be payable as if it were a debt that had become due to the officer immediately before death.
- (3) The Committee may, in its discretion, direct that the whole or a part of an amount payable under subsection (1) or (2) shall be paid to a dependant of the deceased officer or divided amongst dependants of the deceased officer.
- (4) The Committee may refuse to give a direction under subsection (3) unless such indemnities or undertakings as it thinks necessary are given.
- (5) No action lies against the Committee or the Crown in respect of a payment made pursuant to subsection (3).

- (6) Nothing in this section shall relieve a person receiving money paid pursuant to subsection (3) from any liability to account for or apply such money in accordance with law.
- (7) In this section—  
*dependant* means a person who was wholly or partly dependent on the earnings of a deceased officer immediately before the officer's death.

## 24—Application of certain Acts

- (2) Subject to this section, the provisions of the *Equal Opportunity Act 1984* extend to the employment of any person in any capacity under this Act and apply as if a person so employed were an employee as defined in that Act and the Committee the employer.
- (3) Subject to this section, the provisions of the *Fair Work Act 1994*, and of the *Return to Work Act 2014*, extend to all persons employed in any capacity under this Act as if a person so employed were an employee as defined in the *Fair Work Act 1994*, and a worker as defined in the *Return to Work Act 2014*, and the Committee the employer.
- (4) Notwithstanding subsections (2) and (3)—
  - (a) the following may not occur at Parliament House without the joint approval of the President of the Legislative Council and the Speaker of the House of Assembly—
    - (i) an inspection or investigation pursuant to, or as part of any proceedings under, the *Fair Work Act 1994* or the *Return to Work Act 2014*;
    - (ii) the taking of photographs; and
  - (b) the Committee (and the members of the Committee) shall not, in relation to any matter under the *Equal Opportunity Act 1984*, the *Fair Work Act 1994* or the *Return to Work Act 2014*—
    - (i) be required to attend at any proceedings, conference, interview or inquiry held under or in pursuance of those Acts; or
    - (ii) be required to answer any question put as part of any proceedings or inquiry under any of those Acts; or
    - (iii) be required to discover or produce any book, record or other document that should, in the opinion of the Committee, be privileged.
- (5) If the President of the South Australian Employment Tribunal has certified that an inspection at Parliament House under subsection (4)(a)(i) is necessary to ensure the just and proper determination of proceedings before the Tribunal, the President of the Legislative Council and the Speaker of the House of Assembly shall jointly give due weight and consideration to that certificate.
- (6) An approval required under subsection (4)(a) may be given subject to such conditions as the President of the Legislative Council and the Speaker of the House of Assembly think fit.
- (7) An order made on the determination of any matter under the *Equal Opportunity Act 1984*, the *Fair Work Act 1994* or the *Return to Work Act 2014* may have effect on the resolution of the Committee.

## **Part 5—Special provisions for all staff of the Parliament**

### **25—Special provision for all staff of the Parliament**

Where the Committee considers it to be necessary for the purpose of—

- (a) achieving equitable and consistent working and industrial conditions for all of the staff of the Parliament; and
- (b) attempting to arrive at a consistent approach to questions of staff management; and
- (c) achieving efficiencies in the management of the resources of the Parliament as a whole,

the Committee shall consult with, and, as may be appropriate, may make recommendations to, the President of the Legislative Council and the Speaker of the House of Assembly.

### **26—Certain officers to constitute advisory committee**

- (1) There shall be a committee of the following parliamentary officers:
  - (a) the Clerk of the Legislative Council; and
  - (b) the Clerk of the House of Assembly; and
  - (c) the Leader of Hansard; and
  - (d) the Parliamentary Librarian; and
  - (e) the Catering Manager; and
  - (f) the chief officer of the Joint Services Division.
- (2) The committee shall, as it thinks fit, make recommendations to the Joint Parliamentary Service Committee, the President of the Legislative Council or the Speaker of the House of Assembly in relation to the management and working conditions of the staff of the Parliament.
- (3) Four members of the committee shall constitute a quorum of the committee.
- (4) The committee shall meet on such occasions as appear to the committee to be necessary or desirable.
- (5) A person chosen from amongst its own membership by the committee shall preside at meetings of the committee.
- (6) The procedures of the committee shall be as determined by the committee.

### **27—Officers may be regarded as members of the Public Service in certain situations**

- (1) Notwithstanding the provisions of any other Act, applications may be made in respect of positions in the Public Service, appeals may be made against the nomination of persons to positions in the Public Service and vacant positions may be filled in the Public Service as if officers were members of the Public Service.



- (2) In this section—

*officer* includes an officer of either House of Parliament or a person under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly.

## **Part 6—Control and management of joint facilities**

### **28—Premises under management of Committee**

The Committee shall have the control and management of the dining, refreshment and recreation rooms, lounges and garages of Parliament House.

### **29—Provision of meals, refreshments etc**

The Committee may, on such terms as the Committee thinks fit, provide meals, refreshments and other commodities and services for members and officers of Parliament and persons visiting Parliament House.

## **Part 7—Miscellaneous**

### **29A—Smoking prohibited in certain areas**

A person must not smoke in any part of Parliament House under the control and management of the Committee except in a part of the House set aside by the Committee for that purpose.

### **30—Allowances and deductions**

- (1) The Committee shall fix allowances and deductions from salary that are to apply to officers on account of their employment in the joint parliamentary service.
- (2) For the purposes of this section—
  - (a) the allowances and deductions fixed by the Committee must correspond to ones applying to Public Service employees; and
  - (b) if there is any alteration to the allowances or deductions applying to Public Service employees, that alteration must be adopted by the Committee for the purposes of this Act.

### **31—Performance of other duties**

- (1) The Committee may direct that an officer perform temporarily duties other than, or in addition to, the duties on which the classification of the officer's office is based.
- (2) Where an officer performs for one week or more temporary duties in accordance with a direction under subsection (1), the Committee may, subject to the rules, authorise payment of such allowance to that officer in respect of those duties as the Committee determines.

### **32—Expenditure of Committee's funds**

The Committee may expend any of its funds for any purpose connected with the execution of its powers and duties under this Act and for any purpose specified in the rules.

### **33—Saving provision**

This Act shall not affect any power of the President, Speaker or any other person authorised by the President or the Speaker to remove from Parliament House any person in Parliament House.

### **34—Annual report**

- (1) The Committee shall, on or before the thirtieth day of September in each year, present to the President of the Legislative Council and the Speaker of the House of Assembly a report on the administration of the joint parliamentary service during the previous financial year.
- (2) The President and the Speaker shall cause copies of the report to be laid before their respective Houses as soon as practicable after it is received.

### **35—Rules**

- (1) The Committee may make such rules for the operation of the joint services of the Parliament as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.
- (2) No resolution of the Committee for the making of a rule shall be valid unless the resolution is supported by the votes of at least 2 members of the House of Assembly and at least 2 members of the Legislative Council, one of whom must be a member of the group led by the Leader of the Government in the Legislative Council or the group led by the Premier in the House of Assembly and another of whom must be a member of the group led by the Leader of the Opposition in the Legislative Council or the group led by the Leader of the Opposition in the House of Assembly (and for the purposes of this subsection the President of the Legislative Council and the Speaker of the House of Assembly may each be regarded as being a member of a group).

### **36—Regulations**

The Governor may make such regulations as are contemplated by this Act.

## **Schedule 1—Transitional provisions**

### **1—Schedule of officers**

- (1) At the commencement of this Act, or as soon as practicable after the commencement of this Act, the Governor shall, on the joint recommendation of the President of the Legislative Council and the Speaker of the House of Assembly, publish, in the Gazette, a Schedule of offices and officers of the joint parliamentary service.
- (2) A person whose name appears in a Schedule published under subclause (1) shall, by force of this Act—
  - (a) become an officer of the joint parliamentary service occupying the office specified in the Schedule without reduction of classification and salary and without prejudice to existing and accruing rights in respect of employment; and
  - (b) be assigned to a division of the joint parliamentary service specified in the Schedule.

## 2—Parliamentary reporters

- (1) Subject to subclause (2), a person who was, immediately before the commencement of this Act, employed in the Parliamentary Reporting Division of the Attorney-General's Department shall, on a day fixed by the Governor for the purposes of this clause, by force of this Act become an officer of the Parliamentary Reporting Division of the joint parliamentary service without reduction of classification and salary and without prejudice to existing and accruing rights in respect of employment.
- (2) A person who was, immediately before the commencement of this Act, employed in the Parliamentary Reporting Division of the Attorney-General's Department may, after the commencement of this Act and before the day fixed by the Governor under subclause (1), elect to remain employed in the Attorney-General's Department and, in that event—
  - (a) the person shall not be subject to the operation of subclause (1); and
  - (b) the person shall not (while employed in the Attorney-General's Department) be entitled to act as a permanent member of the staff of Hansard at Parliament House.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Parliament (Joint Services) Act 1985* repealed the following:

*Joint House Committee Act 1941*

### Legislation amended by principal Act

The *Parliament (Joint Services) Act 1985* amended the following:

*Public Service Act 1967*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1985	121	<i>Parliament (Joint Services) Act 1985</i>	10.11.1985	15.3.1987 ( <i>Gazette 19.2.1987 p381</i> )
1992	4	<i>Parliament (Joint Services—Prohibition on Smoking) Amendment Act 1992</i>	5.3.1992	5.3.1992
1993	75	<i>Statutes Amendment (Abolition of Compulsory Retirement) Act 1993</i>	21.10.1993	Pt 14 (s 21)—1.1.1994: s 2
2000	47	<i>History Trust of South Australia (Old Parliament House) Amendment Act 2000</i>	13.7.2000	s 10—14.9.2000 ( <i>Gazette 7.9.2000 p1637</i> )
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 ( <i>Gazette 13.11.2003 p4048</i> )
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 106 (ss 254 & 255)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
2010	22	<i>Statutes Amendment (Budget 2010) Act 2010</i>	18.11.2010	Pt 6 (ss 40 & 41)—1.7.2011: s 2(2)
2012	54	<i>Statutes Amendment and Repeal (Budget 2012) Act 2012</i>	6.12.2012	Pt 7 (ss 27—29)—1.7.2012: s 2(2)
<b>2017</b>	<b>29</b>	<b><i>Parliament (Joint Services) (Staffing) Amendment Act 2017</i></b>	<b>15.8.2017</b>	<b>5.9.2017 (<i>Gazette 5.9.2017 p3964</i>)</b>

2023 39 *Public Holidays Act 2023* 7.12.2023 Sch 1 (cl 16)—1.1.2024: s 2

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
Pt 1		
<i>ss 2 and 3</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>
s 4		
s 4(1)	s 4 redesignated as s 4(1) by 47/2000 s 10	14.9.2000
s 4(2)	inserted by 47/2000 s 10	14.9.2000
Pt 3		
<b>s 10</b>		
<b>s 10(1)</b>	<b>amended by 29/2017 s 4(1)</b>	<b>5.9.2017</b>
<b>s 10(2)</b>	<b>amended by 29/2017 s 4(2)</b>	<b>5.9.2017</b>
s 11		
<b>s 11(1)</b>	<b>amended by 29/2017 s 5(1)</b>	<b>5.9.2017</b>
s 11(3)	substituted by 84/2009 s 254	1.2.2010
<b>s 11(6)</b>	<b>amended by 29/2017 s 5(2)</b>	<b>5.9.2017</b>
s 14		
s 14(1)	amended by 75/1993 s 21	1.1.1994
Pt 4		
s 20		
s 20(1)	amended by 22/2010 s 40	1.7.2011
	(c) deleted by 22/2010 s 40	1.7.2011
s 20(1a)	inserted by 54/2012 s 27(1)	1.7.2012
s 20(6a)	inserted by 54/2012 s 27(2)	1.7.2012
s 20(8)—(11)	inserted by 54/2012 s 27(3)	1.7.2012
<b>s 21</b>		
<b>s 21(2)</b>	<b>amended by 29/2017 s 6(1)</b>	<b>5.9.2017</b>
<b>s 21(3)</b>	<i>deleted by 29/2017 s 6(2)</i>	<b>5.9.2017</b>
<b>s 24</b>		
<b>s 24(1)</b>	<i>deleted by 29/2017 s 7(1)</i>	<b>5.9.2017</b>
<b>s 24(3)</b>	<b>amended by 29/2017 s 7(2), (3)</b>	<b>5.9.2017</b>
<b>s 24(4)</b>	<b>amended by 29/2017 s 7(2)—(4)</b>	<b>5.9.2017</b>
	<b>(a)(ii) deleted by 29/2017 s 7(5)</b>	<b>5.9.2017</b>
<b>s 24(5)</b>	<b>amended by 29/2017 s 7(6)</b>	<b>5.9.2017</b>
<b>s 24(7)</b>	<b>amended by 29/2017 s 7(2), (3)</b>	<b>5.9.2017</b>
<b>s 24(8)</b>	<i>deleted by 29/2017 s 7(7)</i>	<b>5.9.2017</b>
Pt 6		
s 29A	inserted by 4/1992 s 2	5.3.1992

Pt 7

s 30

s 30(2) substituted by 84/2009 s 255 1.2.2010

s 36 inserted by 54/2012 s 28 1.7.2012

Sch 1 amended by 44/2003 s 3(1) (Sch 1) 24.11.2003

Sch 2 deleted by 44/2003 s 3(1) (Sch 1) 24.11.2003

## Transitional etc provisions associated with Act or amendments

### *Statutes Amendment (Budget 2010) Act 2010*

#### 41—Transitional provision

The amendment to the *Parliament (Joint Services) Act 1985* made by this Part does not affect an entitlement to long service leave or payment in lieu of long service leave that accrues before 1 July 2011.

### *Statutes Amendment and Repeal (Budget 2012) Act 2012*

#### 29—Transitional provisions

(1) In this section—

*effective service* has the same meaning as in subsection (11) of section 20 of the principal Act (as enacted by this Act);

*officer* means an officer under the principal Act;

*principal Act* means the *Parliament (Joint Services) Act 1985*.

(2) An officer who—

(a) during the 2011/2012 financial year has, or attains, at least 15 years of effective service; and

(b) is an officer on 1 July 2012,

will qualify for an additional skills and experience retention leave entitlement under section 20 of the principal Act equal to  $\frac{1}{6}$  working days leave for each month of effective service completed during that financial year (being service as a long-term employee within the meaning of subsection (1a) of section 20 of the principal Act as enacted by this Act).

(3) Paragraph (d) of section 20(6a) of the principal Act as enacted by this Act applies subject to the qualification that no skills and experience retention leave entitlement will be lost under that paragraph before 1 July 2018.

(4) The Governor may, by proclamation, make other transitional or ancillary provisions that may be necessary or expedient in connection with the provision of an entitlement to skills and experience retention leave under the principal Act or this section.

## Historical versions

Reprint No 1—5.3.1992

Reprint No 2—1.1.1994

Reprint No 3—14.9.2000

Reprint No 4—24.11.2003

1.2.2010

1.7.2011

1.7.2012