



PARLIAMENTARY PRIVILEGE AMENDMENT

No. 77 of 1979

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AN ACT to amend the Parliamentary Privilege Act 1898 to make further provision for the appointment and terms and conditions of service of officers of Parliament and for other purposes.

[Royal Assent 14 December 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Parliamentary Privilege Amendment Act 1979*. Short title.

Principal Act. **2**—In this Act, the *Parliamentary Privilege Act 1898** is referred to as the Principal Act.

Substitution of section 3 of Principal Act. **3**—Section 3 of the Principal Act is repealed and the following section is substituted:—

Appointment of officers of Parliament.

3—(1) Subject to subsection (3), the Governor may, on the recommendation of the President, appoint officers for the purposes of the Legislative Council.

(2) Subject to subsection (3), the Governor may, on the recommendation of the Speaker, appoint officers for the purposes of the House of Assembly.

(3) The Governor may, on the joint recommendation of the President and the Speaker, appoint officers for the joint purposes of both Houses of Parliament.

(4) The purposes referred to in subsection (3) include the reporting of debates and proceedings of Parliament.

Insertion in Principal Act of section 3A.

4—After section 3 of the Principal Act, the following sections are inserted:—

Supplementary provisions relating to officers.

3A—(1) Subject to this section, an officer appointed under section 3 is entitled to—

(a) such salary and allowances as are determined in accordance with an award made under Part V of the *Public Service Act 1973*; and

(b) such other terms and conditions of service (including leave) as are determined—

(i) in the case of an officer appointed under section 3 (1), by the President;

(ii) in the case of an officer appointed under section 3 (2), by the Speaker; and

(iii) in the case of an officer appointed under section 3 (3), by the President and the Speaker acting jointly.

* 62 Vict. No. 30. Subsequently amended by No. 43 of 1964.

(2) The provisions of the *Public Service Act* 1973, other than Parts V and VI, do not apply to an officer appointed under section 3.

(3) An officer appointed under section 3 shall be deemed to be an employee for the purposes of the *Superannuation Act* 1938 and the *Retirement Benefits Act* 1970.

3B—(1) A person who is a member of a House of Parliament of the Commonwealth, or of a State or Territory of the Commonwealth, or a candidate for election as a member of any such House of Parliament, is disqualified from being appointed as an officer under section 3, and, if a person holding office as an officer under that section becomes a candidate for election as such a member, he shall vacate that office.

Disqualification from holding office; vacation of office.

(2) For the purpose of subsection (1), a person becomes a candidate for election as a member of a House of Parliament when he is nominated for election in accordance with the law regulating the election.

(3) An officer appointed under section 3 may, by writing under his hand addressed to the Governor, apply to resign his office, and, on the acceptance of the application by the Governor, that office is vacated.

5—Section 4 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 4 of Principal Act.

4—(1) The President may appoint such sessional or temporary employees required for the Legislative Council for such period as he thinks necessary.

Appointment of sessional and temporary employees.

(2) The Speaker may appoint such sessional or temporary employees required for the House of Assembly for such period as he thinks necessary.

(3) The President and the Speaker acting jointly may appoint such sessional or temporary employees required for both Houses of Parliament for such period as they think necessary.

(4) A person appointed under this section as a sessional or temporary employee is entitled to remuneration at such rates, and to such other terms and conditions of employment (including leave), as the President or the Speaker or, as the case may be, the President and the Speaker may determine in respect of him.

(5) Nothing in this section empowers the President or the Speaker, or the President and Speaker acting jointly, as the case may be, to make an appointment under this section unless Parliament has voted the money necessary for that appointment.

Amendment of section 5 of Principal Act (Payment for contingent services).

6—(1) Section 5 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Any expenditure out of money provided by an Appropriation Act in relation to Parliament, other than expenditure in relation to the salaries, allowances, and other emoluments of persons appointed and employed under this Act, may be incurred—

- (a) in the case of expenditure relating to the Legislative Council, on the written authority (either special or general) of the President;
- (b) in the case of expenditure relating to the House of Assembly, on the written authority (either special or general) of the Speaker; or
- (c) in the case of expenditure relating to both Houses of Parliament, on the written authority (either special or general) of the President and the Speaker acting jointly.

(2) Section 5 (2) of the Principal Act is amended by inserting “ or the President and Speaker,” after “ Speaker,”.

(3) Section 5 of the Principal Act is further amended by omitting subsection (3) and substituting the following subsection:—

(3) The production of the authority of the President or the Speaker, or the President and the Speaker, as the case may be, or a reference to that authority, shall be sufficient authority to enable the Treasurer to liquidate any account for the payment of money provided as referred to in subsection (1).

Savings provisions.

7—(1) Where, immediately before the commencement of this Act, a person was employed as a permanent officer under section 3 of the Principal Act, he shall, on that commencement, continue to be so employed and shall be deemed to have been appointed an officer under section 3 of the Principal Act (as in force after that commencement).

(2) A person referred to in subsection (1) shall retain any rights and privileges accrued or accruing to him as a permanent officer before the commencement of that subsection, including any entitlement to sick leave or annual leave.

(3) A person referred to in subsection (1) shall, for any period of service in respect of which he has made contributions to the Superannuation Fund or the Retirement Benefits Fund, be deemed to have been an employee for the purposes of the *Superannuation Act* 1938 or, as the case may be, the *Retirement Benefits Act* 1970.

