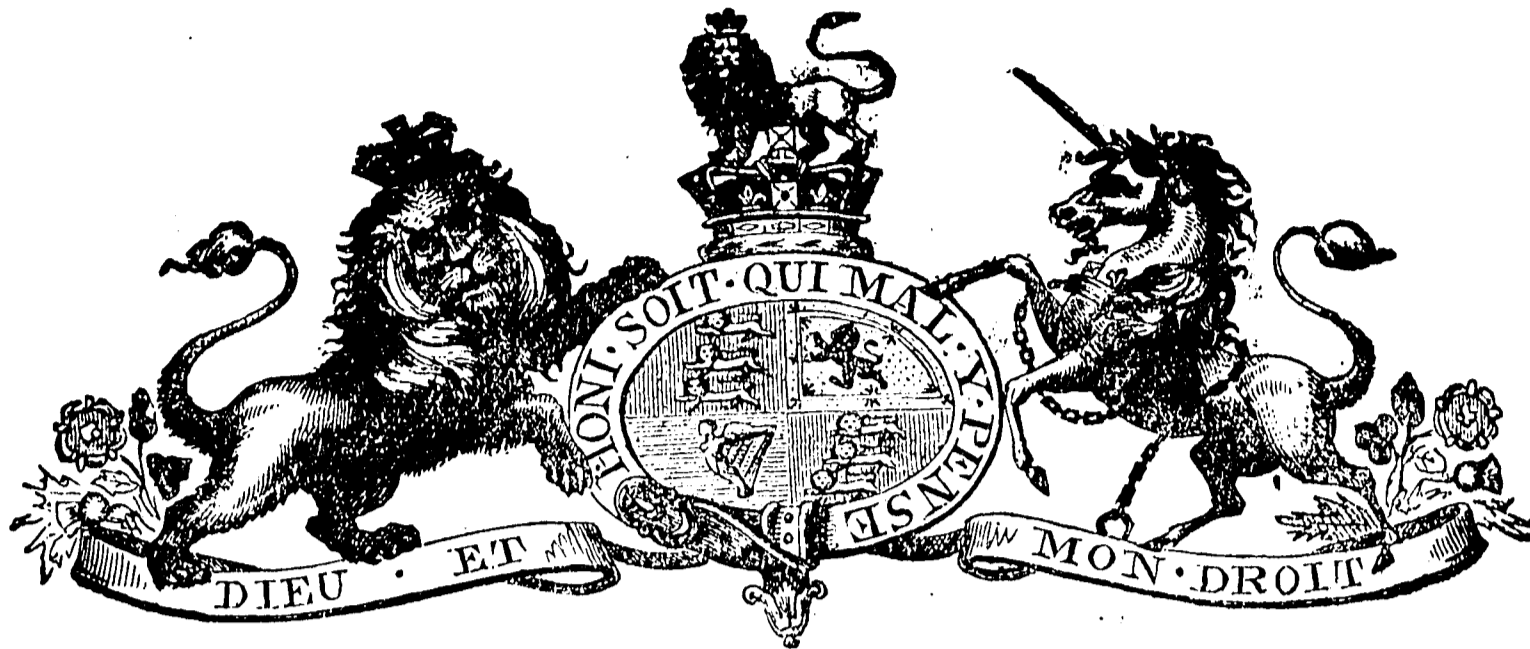


VICTORIA.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. DCCCCXCII.

An Act to make better provision for the Appointment Promotion and Control of Officers and others in the service of the Parliament of Victoria.

[20th *December* 1888.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "*The Officers of Parliament Act* 1888." Short title.

2. In this Act unless inconsistent with the subject-matter or Interpretation. context the words and expressions following shall have the meanings hereinafter respectively assigned to them (that is to say):—

"Assembly" shall mean Legislative Assembly.

"Building Committee" shall mean the Joint Parliament Buildings Committee of the Legislative Council and the Legislative Assembly.

"Council" shall mean Legislative Council.

"Gardens" shall mean the Parliament Gardens.

"Library" shall mean the Parliament Library.

"Library Committee" shall mean the Joint Library Committee of the Legislative Council and the Legislative Assembly.

"Officers

*Published as a Supplement to the 'Victoria Government Gazette' of Friday,
21st December 1888.*

“Officers of the Parliament” shall mean officers of the Legislative Council, officers of the Legislative Assembly, officers employed in the Parliament Library, officers employed in the preparation and publication of the *Victorian Parliamentary Debates*, and officers employed in the Parliament Gardens.

“Office of Parliament” shall mean any office held by any officer of the Parliament as such.

“President” shall mean President of the Legislative Council.

“Speaker” shall mean Speaker of the Legislative Assembly.

Officers of the Parliament to be under this Act.
Rights reserved.

3. The provisions of this Act shall apply to all officers of the Parliament whether appointed to their respective offices before or after the passing of this Act and to no other officers. All officers of the Parliament shall, subject to the provisions of this Act, hold office in the same division and class and have the same rights to increments of salary and to transfer and promotion to any other branch of the public service as they would have held or had but for the passing of this Act; and nothing herein shall in any manner affect take away alter or diminish any rights existing at the time of the passing of this Act or hereafter accruing of any such officer with respect to classification salary increment of salary superannuation or retiring allowance compensation or gratuity leave of absence or furlough or of transfer or promotion to any other branch of the public service. The promotion or transfer before or after the passing of this Act of any officer of Parliament to any office in the general public service or of any officer from the general public service to an office of Parliament shall not in any way affect alter diminish or take away the rights of such officer to the increments of salary to which he may be entitled under the provisions of Act No. CLX. Save as aforesaid nothing in “*The Public Service Act 1883*” or in any regulations made thereunder or in the Act No. CLX. contained shall in the absence of express provision in this Act to the contrary apply to any such officer.

Nothing in this Act contained shall be construed to make any alteration in Schedule D to “*The Constitution Act.*”

Permanent heads.

4. The persons holding the offices of Clerk of the Legislative Council, Clerk of the Legislative Assembly, Librarian, and Chief Reporter of the Victorian Parliamentary Debates for the time being respectively shall be designated “permanent heads” of Departments and shall be permanent heads of the departments of the “Legislative Council,” “Legislative Assembly,” “Library” and “Reporting Staff of the Victorian Parliamentary Debates” respectively, and such “permanent heads” (except in case of any official paid by any Act now in force) shall be paid such emoluments salaries and allowances as may be provided for them in the annual Appropriation Act. The officers employed

employed in the Gardens shall be from time to time placed under such of the aforesaid permanent heads as the Building Committee may from time to time direct.

5. The Governor in Council may from time to time—

- On the recommendation of the President, determine the number of persons to be employed as officers of the Council; and,
 On the recommendation of the Speaker, determine the number of persons to be employed as officers of the Assembly; and,
 On the recommendation of the Library Committee, determine the number of persons to be employed in the Library and in the preparation and publication of the *Victorian Parliamentary Debates*; and,
 On the recommendation of the Building Committee, determine the number of persons to be employed in the Gardens.

Determination of number position duties &c. of officers of the Parliament.

The classification attached to the various offices of Parliament at the time of the passing of this Act shall continue attached to the same respectively: Provided however that the Governor in Council may at any time upon the recommendation of the President the Speaker the Library Committee or the Building Committee (as the case may be) alter the classification of any such office, but the classification of any officer shall not in any case be lowered by or in consequence of the exercise of such power.

Classification of offices existing at time of passing of Act.

If any new office of Parliament be created after the passing of this Act the Governor in Council may determine the relative position of and the duties and classification to be attached to the same. He may also determine the qualifications to be possessed by the person filling any such office of Parliament.

New offices.

Each officer of the Parliament shall be paid such salary as may be attached to offices of the same classification in other branches of the public service as that held by him.

6. Every appointment to any office of Parliament after the passing of this Act shall be made by the Governor in Council, upon the nomination, in the case of officers of the Council of the President, in the case of officers of the Assembly of the Speaker, in the case of officers employed in the Library or in the preparation and publication of the *Victorian Parliamentary Debates* of the Library Committee, and in the case of officers employed in the Gardens of the Building Committee. If any nomination so made be not approved by the Governor in Council, it shall be the duty of the President Speaker Library Committee or Building Committee (as the case may be) to nominate some other person when so requested by the Governor in Council. If some other person be not nominated within the time specified by the Governor in Council, then he may appoint without any nomination.

Nomination and appointment of officers.

7. The

What persons to be nominated.

7. The person nominated for appointment to any office of Parliament shall be some person who is at the time of nomination an officer in the public service, and who in the opinion of the person or body nominating is best qualified for the appointment and entitled thereto by seniority and merit combined. In making such nomination preference shall be given (other qualifications being equal) to officers of the Parliament: Provided that if the person or body whose duty it is to nominate certify to the Governor in Council that there is no officer in the public service available and fit for appointment to the vacant office, then such person or body (as the case may be) shall nominate such person as to him or it appears best qualified for appointment to such vacant office, and such person may be appointed thereto.

Appointment of officer from any other branch of public service not to affect his rights.

8. The appointment of any officer in any other department of the public service to any office of Parliament shall not in any manner affect take away alter or diminish any right whatever (whether then accrued or only accruing) of such officer as an officer in the public service so long as such right does not in any way conflict with his duties or obligations as an officer of the Parliament.

Transfer of officer to another department of public service.

If any officer of the Parliament be transferred to any other department of the public service the Governor in Council may on the recommendation of the Public Service Board determine all questions as to the classification to be assigned to the officer so transferred, but so that such classification shall not in any manner affect take away alter or diminish any right accrued or accruing to such officer at the time of his appointment to an office of Parliament or which may have been acquired by him during his continuance in such office.

Officers of the Parliament to insure before appointment.

9. No person nominated for appointment to an office of Parliament (other than persons who entered the public service before the passing of Act No. DCCX.) shall be appointed to such office until he have effected with some life insurance company carrying on business in Victoria an insurance on his life providing for the payment on his death if he die without attaining the age of retirement from the public service, or if he survive that age on his retirement from the public service, of a sum or sums of money equal in the aggregate to the maximum annual salary attached to such office.

No officer to be dismissed except under this Act.

No. 773 s. 76.

No. 160 s. 27.

10. No officer of the Parliament shall be dismissed from the public service or suffer any other penalty in respect thereof except for the causes and in the manner set forth in this Act; but nothing herein contained shall be taken to prevent the Governor in Council on the recommendation of the President the Speaker the Library Committee or the Building Committee (as the case may be) from reducing the number of offices of Parliament or from amalgamating any such offices or from dispensing with the services of any officers of the Parliament in consequence of any such reduction or amalgamation.

11. Whenever

11. Whenever in the opinion of the President the Speaker the Library Committee or the Building Committee the prompt despatch of business renders temporary assistance necessary the President the Speaker the Library Committee or the Building Committee (as the case may be) may employ such persons as they may consider suitable and necessary to perform such work.

Temporary employment.

12. The Governor in Council may from time to time on the recommendation of the President the Speaker the Library Committee or the Building Committee respectively and subject to the provisions hereinbefore contained make regulations concerning the duties to be performed by the various officers under their respective control, and the discipline to be observed in the performance of such duties, and concerning the leave of absence and furlough to be allowed to such officers; and by such regulations may provide for the punishment of officers offending against any of the same by fine reprimand or suspension from duty according to the nature of the offence. The Governor in Council may at any time on such recommendation repeal alter and amend such regulations. Copies of all regulations and a statement of every appointment or transfer to an office of Parliament or of alteration of classification made under this Act shall forthwith after the making thereof be from time to time laid before both Houses of Parliament; and a statement showing the names of all persons temporarily employed under the authority of this Act their remuneration and duties and the length of time for which they were so employed shall be laid before both Houses of Parliament in the month of November in each year, or if Parliament be not then sitting within fourteen days of the commencement of the next ensuing session thereof.

Regulations.
No. 773 s. 77.

Information as to regulations and appointments to be supplied to Parliament.

13. If any officer of the Parliament be guilty of any conduct which in the opinion of the President the Speaker the Library Committee or the Building Committee (as the case may be) renders such officer unfit to continue in the public service, the President the Speaker the Library Committee or the Building Committee (as the case may be) shall report the same to the Governor in Council and shall suspend such officer from duty.

Improper conduct of officer.
No. 773 s. 82.
No. 160 s. 32.

14. When any officer of the Parliament has under the last preceding section been reported to the Governor in Council, and such officer do not admit in writing the truth of the charges made against him, the Governor in Council may appoint three or more persons to inquire as to the truth of such charges. Such persons shall for such purpose have authority to hear receive and examine evidence upon oath, and shall after fully hearing the case report to the Governor in Council their opinion thereon.

Special Board to be appointed to hear charges against officer.
No. 160 s. 35.

If any such charge be proved the Governor in Council may according to the nature of the offence dismiss such officer from the public service or reduce him to a lower rank therein, or deprive him of any

any future annual increment he would otherwise have been entitled to receive or of any part thereof or of his leave of absence during such time as the Governor in Council thinks fit.

If such charges be not proved the suspension shall be immediately removed by the Governor in Council.

Forfeiture of office
in certain cases.

No. 773 s. 79.

No. 160 s. 30.

Reinstatement
in the absence of
fraud.

No. 773 s. 80.

No. 160 s. 31.

15. If any officer of the Parliament become insolvent or apply to take the benefit of any Act for the time being in force for the relief of insolvent debtors or by any deed or other writing compound with his creditors or make an assignment of his salary for their benefit, he shall be deemed to have forfeited his office and shall thereupon cease to perform his duties and receive his salary; but if he prove to the satisfaction of the President the Speaker the Library Committee or the Building Committee (as the case may be) that such embarrassment has not been caused or attended by any fraud extravagance or dishonorable conduct, the Governor in Council may on the recommendation of the President the Speaker the Library Committee or the Building Committee (as the case may be) reinstate such officer in his former position in the public service.

Services of
incapable officer
may be dispensed
with.

16. If any officer of the Parliament be at any time found to be unfit to discharge the duties of his office or to be inefficient in the prompt and effective discharge of such duties and such unfitness incapacity or inefficiency be likely to be of a permanent character the Governor in Council may dispense with the services of such officer.

Officers between
sixty and sixty-five
years of age
entitled or may
be called upon to
retire.

17. Every officer of the Parliament whether appointed before or after the passing of "*The Public Service Act 1883*" or of this Act, and whether he have attained the age of sixty years before or after the passing of this Act, shall be entitled if he desires so to do, having attained the age of sixty years, to retire from the public service; but any such officer may (unless called upon to retire as hereinafter provided) continue in the public service until he attains the age of sixty-five years. If any such officer continue in the public service after he have attained the age of sixty years he may at any time before he attain the age of sixty-five years be called upon by the Governor in Council, acting upon the recommendation of the President the Speaker the Library Committee or the Building Committee (as the case may be) to retire; and every such officer so called upon to retire shall retire immediately.

Officers on attaining
the age of sixty-
five to retire unless
called upon to
continue.

18. Every officer of the Parliament, whether appointed before or after the passing of "*The Public Service Act 1883*"—
If he have attained the age of sixty-five years before the passing of this Act shall retire from the public service on the first day of January One thousand eight hundred and eighty-nine, or

If

If he attain that age after the passing of this Act shall retire from the public service immediately on attaining that age— unless he is required notwithstanding his age to continue to perform his duty in the public service as hereinafter provided and is willing to do so.

19. The Governor in Council may notwithstanding that any officer of the Parliament has attained the age of sixty-five years (if such officer be able and willing to continue in the performance of the duties of his office or of any office in the public service to which he may be appointed) from time to time direct such officer to continue in the service for such fixed time not exceeding twelve months as the Governor in Council in each case directs or during pleasure; and in such latter case the Governor in Council may from time to time renew the time of such continued service for such fixed period as he thinks fit.

Officers of age of sixty-five may be continued in public service by Governor in Council.

20. Whenever the office of President or Speaker is vacant or the President or Speaker is absent from Victoria or in the interval of time between the close of one session and the appointment of the Library Committee or the Building Committee in the next following session (as the case may be) all officers of the Parliament under the control of such person or body shall respectively discharge such duties as may be required by the Standing Orders or by the regulations made under this Act or as may be required by the Chief Secretary.

Duties of officers of the Parliament on certain occasions.

21. If any vacancy occur in any office of the Council whilst the office of President is vacant or during the absence of the President from Victoria, or if any vacancy occur in any office of the Assembly whilst the office of Speaker is vacant or during the absence of the Speaker from Victoria, or if any vacancy occur in any office of the Library or of the *Victorian Parliamentary Debates* or if any vacancy occur in any office of the Gardens in the interval of time between the close of one session and the appointment of the Library Committee or the Building Committee in the next following session the Governor in Council may if he think fit temporarily appoint some person to such office.

Temporary appointments by Governor in Council.

The person so appointed shall be some person who is at the time of appointment an officer in the public service and who in the opinion of the Governor in Council is best qualified for the appointment and entitled thereto by seniority and merit combined, and in making such appointment preference shall be given (other qualifications being equal) to officers of the Parliament; but if in the opinion of the Governor in Council there is no officer in the public service available and fit for appointment to the vacant office, then the Governor in Council shall appoint such person as to him appears best qualified for appointment to such vacant office. Such person shall hold such office as though he had been permanently appointed until a permanent appointment is made. Upon the election or return to Victoria of the President or upon the election or return to Victoria of the Speaker or upon the appointment of the

What persons may be temporarily appointed.

Library

Library Committee or the Building Committee (as the case may be) he or it (as the case may be) may nominate the person so temporarily appointed, or some other person for permanent appointment to such office, in accordance with the provisions of this Act.

Fines to be stopped
from salary.
No. 773 s. 85.

22. All fines and pecuniary penalties imposed on any officer of the Parliament shall be deducted from such officer's salary in the same manner as penalties imposed under the authority of "*The Public Service Act 1883.*"

Governor in Council
to decide questions
as to rights &c. of
officers.

23. When any question arises respecting the rights or the obligations under this Act of any officer of the Parliament the Governor in Council may decide the same, and such decision shall be final.

MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.