

House of Assembly—No 138

As laid on the table and read a first time, 5 June 2024

South Australia

**Statutes Amendment (Parliament—Executive
Officer and Clerks) Bill 2024**

A BILL FOR

An Act to amend the *Parliament (Joint Services) Act 1985* and the *Remuneration Act 1990*.

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1 Transitional provisions

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Statutes Amendment (Parliament—Executive Officer and Clerks) Act 2024*.

Part 2—Amendment of *Parliament (Joint Services) Act 1985*

2—Amendment of section 4—Interpretation

(1) 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;

(2) Section 4(1), definition of *officer*—after "this Act" insert:

(other than Part 2 Division 1A)

3—Substitution of section 6

Section 6—delete the section and substitute:

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.
- (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 determined by the Committee.
- (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, subject to the terms and conditions of appointment, 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.
- (6) The Committee may appoint a person to act in the office of Executive Officer during a vacancy in the office or in the 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, on the Executive Officer's own initiative, make a report to the Committee on any aspect of the management or operation of the joint parliamentary service.

4—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

5—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)

6—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.

7—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.

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

All 3

8—Amendment of section 27—Officers may be regarded as members of the Public Service in certain situations

Section 27(2), definition of *officer*—after "includes" insert:

the Executive Officer for the joint parliamentary service,

Part 3—Amendment of *Remuneration Act 1990*

9—Amendment of section 13—Determination of remuneration of judges, magistrates and certain others

Section 13—after paragraph (s) insert:

(t) the Clerk and Deputy Clerk of the Legislative Council;

(u) the Clerk and Deputy Clerk of the House of Assembly.

Schedule 1—Transitional provisions

1—Transitional provisions

- (1) Until the Tribunal has made a determination under section 13 of the *Remuneration Act 1990* as amended by this Act, the Clerk and Deputy Clerk of the Legislative Council and the Clerk and Deputy Clerk of the House of Assembly are entitled to such remuneration as may have been determined in relation to them by the Speaker of the House of Assembly and the President of the Legislative Council immediately before the commencement of this Act.
- (2) Despite section 17 of the *Remuneration Act 1990*, the first determination made by the Tribunal in relation to the remuneration of the Clerk or Deputy Clerk of the Legislative Council or the Clerk or Deputy Clerk of the House of Assembly under section 13 of that Act as amended by this Act must not be taken to have operated from a date fixed by the Tribunal that is antecedent to the date of the determination.

5 (3) If, on the commencement of this Act, an Executive Officer for the joint parliamentary service has not yet been appointed in accordance with Part 2 Division 1A of the *Parliament (Joint Services) Act 1985* as inserted by this Act, the following provisions apply until the day on which an Executive Officer is appointed in accordance with that Division:

(a) secretarial services will continue to be provided to the Committee as follows:

10 (i) 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 will act as secretary to the Committee;

(ii) 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 will act as secretary to the Committee;

15 (b) for the purposes of section 7(2)(d) of the *Parliament (Joint Services) Act 1985*, the person acting as secretary to the Committee in accordance with paragraph (a) will be the chief officer in relation to the Joint Services Division;

(c) for the purposes of section 8(1) of the *Parliament (Joint Services) Act 1985*—

20 (i) a person who is a chief officer of a division of the joint parliamentary service in accordance with section 7(2)(a), (b) or (c) of that Act as in force immediately before the commencement of this Act will continue to be responsible to the Committee for the efficient management of their respective division of the joint parliamentary service; and

25 (ii) the person who is the chief officer in relation to the Joint Services Division in accordance with paragraph (b) will be responsible to the Committee for the efficient management of that Division;

(d) for the purposes of section 26 of the *Parliament (Joint Services) Act 1985*—

30 (i) the Leader of Hansard, the Parliamentary Librarian, the Catering Manager and the chief officer of the Joint Services Division in accordance with paragraph (b) will continue to be members of the advisory committee pursuant to subsection (1) of that section; and

(ii) 4 members of the advisory committee as constituted under subparagraph (i) will constitute a quorum of the committee pursuant to subsection (3) of that section.

35 (4) In this clause—

the Committee and *the joint parliamentary service* have the same respective meanings as in the *Parliament (Joint Services) Act 1985*;

remuneration and *the Tribunal* have the same respective meanings as in the *Remuneration Act 1990*.