



ANALYSIS

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1988, No. 29

An Act to amend the Parliamentary Service Act 1985

[30 March 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Parliamentary Service Amendment Act 1988, and shall be read together with and deemed part of the Parliamentary Service Act 1985 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1988.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “employee”, and substituting the following definition:

“‘Employee’, in relation to the Parliamentary Service, means any person employed therein (including an acting or a temporary or a casual employee):”.

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “officer”.

(3) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “State Services Commission”, and substituting the following definition:

“ ‘State Services Commission’ means the State Services Commission as constituted under section 3 of the State Sector Act 1988.”

3. Salary of Clerk of the House—Section 23 (3) of the principal Act is hereby amended by omitting the words “, by virtue of any determination under the State Services Conditions of Employment Act 1977,”.

4. Appointment of Deputy Clerk and others—Section 26 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) The Clerk of the House of Representatives shall, in making any appointment under subsection (2) of this section, have regard both to the appointment provisions of Part V of the State Sector Act 1988, and to any views expressed in the course of any consultation conducted pursuant to subsection (3) of this section in relation to that appointment.”

5. Appointment of principal officers of Parliamentary Service—The principal Act is hereby amended by repealing section 35, and substituting the following section:

“35. (1) The principal officers of the Parliamentary Service are—

“(a) The General Manager of the Parliamentary Service:

“(b) The Deputy General Manager of the Parliamentary Service:

“(c) The Parliamentary Librarian:

“(d) The Editor of Debates.

“(2) The General Manager of the Parliamentary Service shall be appointed by the Governor-General on the recommendation of a committee consisting of—

“(a) The Speaker of the House of Representatives, who shall chair the committee constituted under this subsection:

“(b) A member of the Parliamentary Service Commission appointed for the purpose by the Leader of the House of Representatives:

“(c) A member of the Parliamentary Service Commission appointed for the purpose by the Leader of the Opposition:

“(d) The Chief Commissioner of the State Services Commission:

“(e) Any person or persons (not exceeding 2 in number) who are selected by the committee members listed in

paragraphs (a) to (d) of this subsection to be on the committee for the appointment; but it shall not be necessary for there to be any person appointed under this paragraph in respect of any particular appointment.

“(3) The principal officers specified in paragraphs (b), (c), and (d) of subsection (1) of this section shall be appointed by the Governor-General on the recommendation of a committee comprising—

“(a) The Speaker of the House of Representatives, who shall be the chairman of the committee constituted under this subsection:

“(b) A member of the Parliamentary Service Commission appointed for the purpose by the Leader of the House of Representatives:

“(c) A member of the Parliamentary Service Commission appointed for the purpose by the Leader of the Opposition:

“(d) The Chief Commissioner of the State Services Commission:

“(e) The General Manager of the Parliamentary Service:

“(f) A person selected by the committee members listed in paragraphs (a) to (d) of this subsection to be on the committee for the appointment; but it shall not be necessary for there to be a person appointed under this paragraph in respect of any particular appointment.

“(4) The committee constituted under subsection (2) or subsection (3) of this section may examine applicants and seek advice from such sources as it considers relevant and necessary.

“(5) At any meeting of the committee constituted under subsection (2) or subsection (3) of this section,—

“(a) All matters shall be decided by a majority of the votes recorded thereon; and

“(b) The person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

“(6) The committee constituted under subsection (2) or subsection (3) of this section shall—

“(a) Have power from time to time to invite such other persons as it thinks fit to assist in its deliberations; and

“(b) Except as otherwise specified in this section, regulate its own procedure.”

6. Obligation to advertise vacancies—Section 36 of the principal Act is hereby amended by omitting the words “in the *Public Service Official Circular*”, and substituting the words “in such manner as the Commission thinks sufficient to enable suitably qualified persons to apply for the position”.

7. New sections inserted—The principal Act is hereby amended by inserting, after section 36, the following sections:

“36A. Conditions of employment of General Manager—(1) The General Manager shall be appointed for a term of not more than 5 years.

“(2) The General Manager shall be eligible for reappointment from time to time.

“(3) Except where specific conditions of employment for the General Manager are provided in this Act, the conditions of employment of the General Manager shall be determined in each case by agreement between the State Services Commission and the General Manager, but the State Services Commission shall obtain the agreement of the Parliamentary Service Commission to the conditions of employment before finalising those conditions of employment with the General Manager.

“36B. Removal of General Manager from office—The State Services Commission may, with the agreement of the Parliamentary Service Commission, for just cause or excuse, remove the General Manager from office.

“36C. Conditions of employment of other principal officers—(1) The principal officers specified in paragraphs (b), (c), and (d) of section 35 (1) of this Act shall be appointed for a term of not more than 5 years.

“(2) Every such principal officer shall be eligible for reappointment from time to time.

“(3) Except where specific conditions of employment for the principal officers specified in paragraphs (b), (c), and (d) of section 35 (1) of this Act are provided in this Act, the conditions of employment of each of those principal officers shall be determined in each case by agreement between the General Manager and each principal officer; but the General Manager shall obtain the agreement of the Parliamentary Service Commission to the conditions of employment before finalising the conditions of employment for any such principal officer.

“36D. Removal of other principal officers from office—The General Manager may, with the agreement of the

Parliamentary Service Commission, for just cause or excuse, remove any principal officer specified in paragraphs (b), (c), and (d) of section 35 (1) of this Act from office.”

8. Application of State Sector Act 1988—The principal Act is hereby amended by repealing section 39, and substituting the following section:

“39. (1) Subject to this Act, the provisions of Parts V, VI, and VIII of the State Sector Act 1988 shall apply in respect of employment within the Parliamentary Service as if—

“(a) The Parliamentary Service were a Department of the Public Service; and

“(b) All references to the chief executive were references to the General Manager of the Parliamentary Service.

“(2) Nothing in any other Part of the State Sector Act 1988 shall apply in respect of the Parliamentary Service or persons employed in the Parliamentary Service.

“(3) Wherever the State Services Commission is required to consult with a Department, the State Services Commission shall consult with the Parliamentary Service Commission.”

9. Repeals—Sections 30, 34 (3), 37, 38, 40 to 42, 43 (4), 46 to 48, 56 (5), 61, and 62 of the principal Act are hereby repealed.

This Act is administered in the Parliamentary Service.
