

## PARLIAMENTARY SERVICE BILL

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### EXPLANATORY NOTE

THIS Bill establishes a Parliamentary Service and a Parliamentary Service Commission.

In addition it abolishes the Legislative Department, incorporates the General Assembly Library into the Parliamentary Service, and makes provision incidental thereto.

*Clause 1* relates to the Short Title and commencement. The incorporation of the General Assembly Library into the Parliamentary Service is to take place on a date to be appointed by resolution of the House of Representatives. With this exception, the Bill is to come into force on 1 July 1985.

*Clause 2* defines terms used in the Bill.

#### *Parliamentary Service*

*Clause 3: Subclause (1)* establishes the Parliamentary Service.

*Subclause (2)* provides that the Parliamentary Service is not to be an instrument of the Executive Government of New Zealand.

*Clause 4* sets out the duties of the Parliamentary Service. The principal duties of the Parliamentary Service are to provide to the House of Representatives and to the members of the House of Representatives such administrative and support services as may be necessary or desirable.

#### *Parliamentary Service Commission*

*Clause 5* establishes the Parliamentary Service Commission, which is to be a body corporate.

*Clause 6* sets out the functions and powers of the Parliamentary Service Commission. Its general functions are—

- (a) To exercise budgetary control over the Parliamentary Service;
- (b) To determine the size and organisation of the Parliamentary Service and the services to be provided by the Parliamentary Service;
- (c) To supervise the administration of the services performed by the Parliamentary Service.

*Subclause (4)* provides that the Parliamentary Service Commission is to have no role in relation to—

- (a) Business transacted at meetings of the House of Representatives or meetings of Committees of the House of Representatives; or
- (b) Any other proceedings in Parliament.

*Clause 7* sets out the membership of the Parliamentary Service Commission. Except in the period between a dissolution of the General Assembly or an expiration of the House of Representatives and the first meeting of the House of Representatives after the general election of its members, the Parliamentary Service Commission is to consist of—

- (a) The Speaker of the House of Representatives, who is to be the Chairman of the Commission:
- (b) The Leader of the House of Representatives:
- (c) The Leader of the Opposition or a member of the House of Representatives nominated from time to time by the Leader of the Opposition:
- (d) Three other members of the House of Representatives, who are to be appointed from time to time by resolution of the House of Representatives.

*Clause 8* sets out the circumstances in which the members of the Parliamentary Service Commission who hold office by virtue of a nomination under *clause 7 (1) (c)* or by virtue of an appointment under *clause 7 (1) (d)* vacate office.

*Clause 9* provides for the appointment of deputies of members of the Parliamentary Service Commission.

*Clause 10* sets out the membership of the Parliamentary Service Commission in the period between a dissolution of the General Assembly or expiration of the House of Representatives and the first meeting of the House of Representatives after the general election of its members. During that period the Commission consists of—

- (a) The person holding the office of Speaker of the House of Representatives at the time of the dissolution or expiration or, if there was at that time a vacancy in the office of Speaker of the House of Representatives or if the person holding that office at that time dies, the person holding the office of Chairman of Committees at the time of the dissolution or expiration:
- (b) The Leader of the House of Representatives:
- (c) The Leader of the Opposition.

*Clause 11* relates to meetings of the Parliamentary Service Commission.

*Clause 12* specifies the quorum necessary for the transaction of business at meetings of the Parliamentary Service Commission. That quorum is to be 4 members except where the Commission consists of the persons specified in *clause 10*. In that case, the quorum is 2 members.

*Clause 13* empowers the Parliamentary Service Commission to appoint committees, whether members of the Commission or not.

That power includes the power to appoint a committee consisting in whole or in part of persons employed in the Parliamentary Service and having as its function or as one of its functions the function of consulting with, and giving advice to, the Parliamentary Service Commission on any matter affecting the staff of the Parliamentary Service.

*Clause 14* provides for the delegation of the powers of the Parliamentary Service Commission.

*Clause 15* provides that, subject to the provisions of the Act, the Parliamentary Service Commission may regulate its procedure and exercise its functions in such manner as it thinks fit.

*Clause 16* empowers Government Departments and Government agencies to provide services or supplies to the Parliamentary Service Commission or to the members of the House of Representatives.

*Clause 17* empowers the Parliamentary Service Commission to employ experts.

*Clause 18* provides that, as soon as practicable after the end of each year ending with 31 March, the Parliamentary Service Commission shall prepare and lay before the House of Representatives a report of its operations during that year.

*Clerk of the House of Representatives*

*Clause 19* provides for the appointment, as an officer of the House of Representatives, of a Clerk of the House of Representatives.

*Subclause (2)* provides that the Clerk of the House of Representatives is to be appointed by the Governor-General on the recommendation of the Speaker of the House of Representatives.

*Subclause (3)* provides that no person shall be appointed or reappointed as Clerk of the House of Representatives after that person has attained the age of 65 years.

Nothing in the State Services Act 1962 is to apply to the Clerk of the House of Representatives.

*Clause 20: Subclause (1)* sets out the functions of the Clerk of the House of Representatives. They are—

- (a) To note all proceedings of the House of Representatives;
- (b) To carry out such duties and exercise such powers as may be conferred on the Clerk of the House of Representatives bylaw or by the Standing Orders and practices of the House of Representatives.

*Subclause (2)* provides that in carrying out the functions specified in *subclause (1)*, the Clerk of the House of Representatives is to be assisted (particularly in relation to the duties required to be performed at the Table of the House of Representatives) by a Deputy Clerk of the House of Representatives and by such other Clerks as are necessary.

*Subclauses (3) to (5)* provide for the control of the Clerk of the House of Representatives when he is carrying out the duties and exercising the powers conferred by the Standing Orders and practices of the House of Representatives. In carrying out those duties and exercising those powers, the Clerk is to be under the control of the Speaker of the House of Representatives. *Subclauses (4) and (5)* make special provision for the case where there is no Speaker or the General Assembly has been dissolved or the House of Representatives has expired.

*Clause 21* provides that the person holding the office of Clerk of the House of Representatives is not to be capable of being a member of Parliament and may not, without the approval of the House of Representatives in each particular case, hold any office of trust or profit, other than that person's office as Clerk of the House of Representatives, or engage in any occupation for reward outside the office of Clerk of the House of Representatives.

*Clause 22* deals with the salary and other conditions of employment of the Clerk of the House of Representatives. The salary of the Clerk of the House of Representatives is to be determined by the Higher Salaries Commission.

*Clause 23* provides that the Clerk of the House of Representatives is to hold office during good behaviour.

The Clerk may be removed or suspended from office by the Governor-General upon an address from the House of Representatives, for disability, bankruptcy, neglect of duty, or misconduct.

At any time when the House of Representatives is not in session, the Clerk of the House of Representatives may be suspended from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General; but any such suspension shall not continue in force beyond 2 months after the beginning of the next ensuing session of the House of Representatives.

*Clause 24* provides for the delegation of the powers of the Clerk of the House of Representatives.

*General Manager of the Parliamentary Service*

*Clause 25* provides that there shall from time to time be appointed under *clause 27*, as an employee of the Parliamentary Service, a General Manager of the Parliamentary Service.

*Clause 26* provides that, in addition to any other functions or duties conferred or imposed by any other Act or by any other provision of the Bill, the General Manager of the Parliamentary Service shall be responsible to the Parliamentary Service Commission for the efficient and economical administration of the Parliamentary Service.

*Clause 27* sets out the manner in which the General Manager of the Parliamentary Service is to be appointed. It is based on the procedure applicable to the appointment of permanent heads under the State Services Act 1962.

*Clause 28* provides that no appointment shall be made to the office of General Manager of the Parliamentary Service unless the vacancy has been notified in the *Public Service Official Circular*.

*Clause 29* provides that no appeal is to lie against the promotion or appointment of any officer of the Public Service or of the Parliamentary Service to the office of General Manager of the Parliamentary Service.

*Clause 30: Subclause (1)* provides that the salary of the General Manager of the Parliamentary Service is to be determined by the Higher Salaries Commission.

*Subclause (2)* provides that nothing in Parts II to VIII of the State Services Conditions of Employment Act 1977 shall apply in respect of the position of General Manager of the Parliamentary Service.

*Clause 31* provides for the delegation of the powers of the General Manager of the Parliamentary Service.

*General Provisions Relating to Officers and Employees of Parliamentary Service*

*Clause 32: Subclause (1)* provides that the other employees of the Parliamentary Service are to be appointed under the State Services Act 1962.

*Subclause (2)* provides that those other employees are to include—

- (a) A Deputy Clerk of the the House of Representatives and such other Clerks as are required for the purposes of *clause 20 (2)*;
- (b) A Serjeant-at-Arms;
- (c) A Chief Librarian of the General Assembly Library;
- (d) An Editor of Debates.

*Subclause (3)* provides that any officer of the Public Service may be appointed to any vacancy in the Parliamentary Service as if that officer were an officer of the Parliamentary Service.

*Clause 33* deals with the application of the State Services Act 1962. Subject to certain modifications, the provisions of Parts III to V of the State Services Act 1962 are to apply in respect of appointments to and employment within the Parliamentary Service as if—

- (a) The Parliamentary Service were a Department of the Public Service; and
- (b) All references to the permanent head were references to the General Manager of the Parliamentary Service.

One modification is that effected by *subclause (3)*. That subclause provides that the State Services Commission is not to exercise, in respect of the Parliamentary Service or any officer of the Parliamentary Service, any of the powers conferred on the State Services Commission by section 36 of the State Services Act 1962 (which relates to redundancy) without first consulting with the Parliamentary Service Commission.

*Clause 34*: This clause confers rights of appeal in respect of the promotion of any officer in the Parliamentary Service and in respect of the appointment of any person to any position in the Parliamentary Service. These rights of appeal are the same as those conferred under the State Services Act 1962 except that they are conferred both on officers of the Parliamentary Service and on officers of the Public Service. On an appeal the Appeal Board is to have regard to all the matters to which the State Services Commission is directed to have regard. As indicated in relation to *clause 29*, there is no appeal against the promotion or appointment of any officer of the Public Service or of the Parliamentary Service to the office of General Manager of the Parliamentary Service.

*Clause 35* requires the State Services Commission to consult with the Speaker of the House of Representatives before it appoints the Deputy Clerk of the House of Representatives or any other Clerk at the Table. Provision is made for the case where the General Assembly has been dissolved or the House of Representatives has expired.

*Clause 36* requires consultation by the State Services Commission in respect of the filling of certain offices within the Parliamentary Service. These offices are those of—

- (a) Serjeant-at-Arms;
- (b) Chief Librarian of the General Assembly Library;
- (c) Editor of Debates;
- (d) Manager of Bellamy's.

The State Services Commission is required to consult with the Parliamentary Service Commission and to have regard to any views expressed by the Parliamentary Service Commission.

*Clause 37*, which sets out the duty of the State Services Commission to act independently, is based on the proviso to section 10 (1) of the State Services Act 1962.

*Clause 38* deals with the salaries and conditions of employment of employees of the Parliamentary Service. They are to be determined either under the State Services Act 1962 (as applied by *clause 33 (1)*) or by determinations made under the State Services Conditions of Employment Act 1977 (as applied by *clause 40*). When the Act comes into force, existing determinations are to continue in force until superseded.

*Clause 39* provides that, notwithstanding *subclauses (1) and (2) of clause 38*, persons may, in such circumstances as the Parliamentary Service Commission may determine, after consultation with the State Services Commission, be engaged under individual contracts of service for such terms, and on such terms and conditions of service, as the State Services Commission, after consultation with the Parliamentary Service Commission, decides.

*Clause 40* deals with the application of the State Services Conditions of Employment Act 1977. That Act is applied with modifications.

*Subclause (2)* provides that for the purposes of that Act—

- (a) The Government Service Tribunal is to have jurisdiction in relation to the employees of the Parliamentary Service;
- (b) The State Services Commission is to be the employing authority;
- (c) The term “service organisation” means, in relation to the Parliamentary Service, the New Zealand Public Service Association (Incorporated).

*Subclause (3)* requires the State Services Commission to consult with the Parliamentary Service Commission before it issues a determination under the State Services Conditions of Employment Act 1977 in respect of any employees of class or classes of employees employed in the Parliamentary Service.

*Clause 41* provides that, for the purposes of the Government Superannuation Fund Act 1956, service as an employee of the Parliamentary Service is to be deemed to be Government service.

*Clause 42* provides that any employee of any branch of the State services may be seconded to the Parliamentary Service on such terms and conditions as are agreed between the branch of the State services and the Parliamentary Service Commission.

*Clause 43* provides that nothing in the Industrial Relations Act 1973 is to apply to the Parliamentary Service or to the employees of the Parliamentary Service.

#### *General Assembly Library*

*Clause 44* provides that the General Assembly Library shall form part of the Parliamentary Service. This clause and *clauses 45 and 46* are to come into force on a date to be appointed by resolution of the House of Representatives.

*Clause 45* sets out the functions of the General Assembly Library. The general function of the General Assembly Library is to provide to—

- (a) The members of the House of Representatives; and
- (b) The officers of Parliament; and
- (c) The staff of the Parliamentary Service or of any office of Parliament; and
- (d) The employees of the State services employed within Parliament Buildings (including the Executive Wing); and
- (e) Such other persons as are approved from time to time by the Parliamentary Service Commission,—

such library, information, research, and reference services as are required by the Parliamentary Service Commission.

*Clause 46: Subclause (1)* provides that the chief officer of the General Assembly Library is to be an officer of the Parliamentary Service to be called the Chief Librarian of the General Assembly Library.

*Subclause (2)* provides that the Chief Librarian is to be responsible to the General Manager of the Parliamentary Service.

#### *Hansard*

*Clause 47: Subclause (1)* provides that an official report (to be known as *Hansard*) shall be made of such portions of the proceedings of the House of Representatives and of its Committees as may be determined by the House of Representatives.

*Subclause (2)* provides that the report shall be made in such form and subject to such rules as may from time to time be approved by the House of Representatives itself or by the Speaker of the House of Representatives.

*Clause 48: Subclause (1)* provides that the reporting of the proceedings of the House of Representatives shall be carried out under the direction of an officer of the Parliamentary Service to be called the Editor of Debates.

*Subclause (2)* provides that, subject to any rule, direction, or practice of the House of Representatives or the Speaker which requires the Editor of Debates to bring any matter to the attention of the Speaker, the Editor of Debates shall be responsible to the General Manager of the Parliamentary Service.

#### *Miscellaneous Provisions*

*Clause 49* provides that all fees, salaries, allowances, and other expenditure payable or incurred under or in the administration of the Act are to be payable out of money to be appropriated by Parliament for the purpose.

*Clause 50: Subclause (1)* provides that the Audit Office is to be the auditor of all money and stores of the Parliamentary Service Commission and of all books and accounts and transactions relating thereto.

*Subclause (2)* provides that the Public Finance Act 1977 is to apply in respect of the Parliamentary Service Commission as if it were a Government agency within the meaning of that Act.

*Clause 51* sets out the functions of the State Services Commission in relation to the efficiency and economy of the Parliamentary Service. These functions are akin to those that the State Services Commission has in respect of each Government Department.

*Clause 52* abolishes the Legislative Department, and makes provision incidental thereto.

#### *Transitional Provisions*

*Clause 53: Subclause (1)* provides for the continuation in office of the person holding office immediately before 1 July 1985 as the Clerk of the House of Representatives.

*Subclause (2)* provides for the continuation in office of every person (other than the Clerk of the House of Representatives) who, immediately before 1 July 1985, was employed in the Legislative Department.

*Clause 54: Subclause (1)* provides that any person employed in the Legislative Department will become an officer of the Parliamentary Service unless, immediately before 1 July 1985, that person—

- (a) Is employed in the Legislative Department on a temporary, casual, sessional, relieving, or part-time basis; or
- (b) Is a person whose appointment as an employee of the Legislative Department has not been confirmed; or

(c) Is a person employed by the Legislative Department under an individual contract of service for a fixed term.

An officer of the Parliamentary Service will have the same rights of appeal as an officer of the Public Service.

*Subclause (2)* provides that, subject to *subclause (1)*, any person employed by the Legislative Department (not being a person who, immediately before 1 July 1985, is a person employed in the Legislative Department under an individual contract of service for a fixed term) shall become, on 1 July 1985, an employee of the Parliamentary Service.

*Clause 55* preserves the existing right of persons employed in the Legislative Department immediately before 1 July 1985 to be appointed to the Public Service.

*Clause 56* provides for the appointment to the Public Service or the Parliamentary Service of any person who, immediately before 1 July 1985, has then been employed by the Legislative Department for an immediately preceding period of not less than 12 months and who, immediately before that date, is employed in the Legislative Department under an individual contract of service for a fixed term. Any such person will have, until the expiration or determination of the contract, the right to be appointed to any vacancy in the Parliamentary Service or the Public Service as an officer of the Parliamentary Service. Any such person will also have the same rights of appeal as an officer of the Parliamentary Service.

*Clause 57* preserves the existing right of persons employed in the Legislative Department, immediately before 1 July 1985, under individual contracts of service for a fixed term to be appointed to the Public Service.

*Clause 58* provides for officers and employees of the General Assembly Library to become officers and employees of the Parliamentary Service on the appointed date.

#### *Amendments to Other Acts*

*Clause 59* repeals subsection (4) of section 6 of the Statutes Drafting and Compilation Act 1920, and substitutes a new subsection. Under the old subsection the staff of the Parliamentary Counsel Office other than the principal officers are appointed by the Speaker of the House of Representatives upon the recommendation of the Prime Minister. Under the new subsection the staff of the Parliamentary Counsel Office other than the principal officers are to be appointed by the Chief Parliamentary Counsel; but the number of those staff is not to exceed a number determined from time to time by the Attorney-General.

*Clause 60* effects a consequential amendment to the Government Superannuation Fund Act 1956.

*Clause 61* effects amendments to the State Services Act 1962. Most of these amendments are of a consequential nature, but *subclauses (3) to (6)* confer on officers of the Parliamentary Service the right to be appointed to any vacancy in the Public Service as if they were officers of the Public Service. This includes the right to enjoy the same rights of appeal as if they were officers of the Public Service.

*Clause 62* amends the Ombudsmen Act 1975. *Subclause (1)* relates to financial matters. It provides that the Audit Office is to be the auditor of all money and stores of the Ombudsmen and of all books and accounts and transactions relating



thereto. In addition it provides that the Public Finance Act 1977 is to apply in respect of the Ombudsmen as if they were a Government agency within the meaning of that Act.

The amendments effected by *subclauses (2) and (3)* are consequential on the abolition of the Legislative Department and the establishment of the Parliamentary Service Commission.

*Clause 63* amends the Wanganui Computer Centre Act 1976. The clause inserts a new section into that Act.

*Subsection (1)* of the new section provides that the Audit Office is to be the auditor of all money and stores of the Wanganui Computer Centre Privacy Commissioner and of all books and accounts and transactions relating thereto.

*Subsection (2)* of the new section provides that the Public Finance Act 1977 is to apply in respect of the Wanganui Computer Centre Privacy Commissioner as if that Commissioner were a Government agency within the meaning of that Act.

*Clause 64* effects a consequential amendment to the Higher Salaries Commission Act 1977.

*Clause 65* effects a consequential amendment to the State Services Conditions of Employment Act 1977.

*Clause 66* amends the Official Information Act 1982. *Subclause (1)* amends the definition of the term "Department". Under that definition, as enacted in 1982, neither the Legislative Department nor the Parliamentary Counsel Office is a "Department" within the meaning of the Act. These exclusions are to cease. The Parliamentary Service Commission is to be an "organisation" within the meaning of the Official Information Act 1982 and the Parliamentary Counsel Office is to be a "Department" within the meaning of that Act.

*Subclause (2)* repeals paragraph (d) of the definition of the term "official information". That paragraph provides that, in relation to information held by the General Assembly Library, only information held in relation to—

- (a) The administrative affairs of that Library or of the National Library of New Zealand; or
- (b) The functions of the General Assembly Library in relation to copies of books delivered to the Chief Librarian of that Library under section 64 of the Copyright Act 1962,—

is official information within the meaning of that Act.

*Subclauses (3) and (4)* effect further amendments to the definition of the term "official information". The effect of the amendments is to make it clear that the term "official information" is not to include the Journals and Records of the House of Representatives or any papers or accounts presented to or held by the House of Representatives or any evidence given or reports made to, or minutes or records of proceedings of, a Committee of the House of Representatives.

#### *Consequential Amendments to National Library Act 1965*

*Clause 67* provides that *clauses 67 to 77* are to be read together with and deemed part of the National Library Act 1965. These clauses are to come into force on a date to be appointed by resolution of the House of Representatives. It is intended that after the Bill has been considered in the Committee of the Whole, *clauses 67 to 77* should be separated from the Bill so that they can be enacted as a separate amending Act.

*Clauses 68 to 72* effect amendments that are consequential on the incorporation of the General Assembly Library into the Parliamentary Service.

*Clause 73* reconstitutes the Trustees of the National Library. Under section 9 (1) (b) of the National Library Act 1965, as enacted in 1965, two of those Trustees are members of the House of Representatives elected by the Library Committee of the House of Representatives. Under section 9 (1) (b), as enacted by this clause, two members of the House of Representatives will continue to be Trustees of the National Library but those two members will be appointed by the Parliamentary Service Commission.

The Trustees, as reconstituted, will not include the Clerk of the House of Representatives but they will include the General Manager of the Parliamentary Service.

*Clauses 74 to 77* effect consequential amendments.

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Hon. Geoffrey Palmer

## PARLIAMENTARY SERVICE

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## A BILL INTITULED

**An Act to establish a Parliamentary Service and a Parliamentary Service Commission, to abolish the Legislative Department, to incorporate the General Assembly Library into the Parliamentary Service, and to provide for matters incidental thereto** 5

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Parliamentary Service Act 1985.

(2) Except as provided in **section 67 (2)** of this Act and in **subsection (3)** of this section, this Act shall come into force on  
5 the **1st day of July 1985**.

(3) **Sections 44 to 46** of this Act shall come into force on the date appointed for the commencement of **sections 67 to 77** of this Act.

**2. Interpretation**—In this Act, unless the context otherwise  
10 requires,—

“Employee”, in relation to the Parliamentary Service, means a person employed therein, whether on the permanent staff (including any person employed on probation) or temporarily or as a wage worker; but  
15 does not include a person engaged under a contract of service entered into under **section 39** of this Act:

“Officer”, in relation to the Parliamentary Service, means an employee of the Parliamentary Service other than a person employed on probation or a temporary  
20 salaried employee or a wage worker or a person engaged under a contract of service entered into under **section 39** of this Act:

“Parliamentary Service Commission” or “Commission” means the Parliamentary Service Commission established by **section 5** of this Act:  
25

“State services” means all instruments of the Crown in respect of the Government of New Zealand, whether Departments, corporations, agencies, or other instruments; but does not include the Governor-  
30 General, members of the Executive Council, Ministers of the Crown, or members of Parliament:

“State Services Commission” means the State Services Commission as constituted under section 3 of the State Services Act 1962.

35 *Parliamentary Service*

**3. Parliamentary Service**—(1) There is hereby established a service to be called the Parliamentary Service.

(2) The Parliamentary Service is not an instrument of the Executive Government of New Zealand.

**4. Duties of Parliamentary Service**—(1) The principal duties of the Parliamentary Service shall be to provide to the House of Representatives and to members of the House of Representatives such administrative and support services as may be necessary or desirable. 5

(2) The Parliamentary Service may, with the approval of the Parliamentary Service Commission, provide administrative and support services for—

- (a) Any instrument of the Crown in respect of the Government of New Zealand, whether a Department, a corporation, an agency, or other instrument: 10
  - (b) Any visitor to New Zealand who is a member or an officer of a legislature of another country or of an international parliamentary organisation.
- (3) The Parliamentary Service shall have such other duties as are conferred or imposed on it by or under this Act or any other enactment. 15

(4) Nothing in this section limits the provision to the House of Representatives and to members of the House of Representatives of administrative and support services by any instrument of the Crown in respect of the Government of New Zealand, whether a Department, a corporation, an agency, or other instrument. 20

*Parliamentary Service Commission*

**5. Parliamentary Service Commission**—(1) There is hereby established a commission to be called the Parliamentary Service Commission. 25

(2) The Parliamentary Service Commission shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do and suffer. 30

**6. Functions and powers of Parliamentary Service Commission**—(1) The general functions of the Parliamentary Service Commission shall be— 35

- (a) To exercise budgetary control over the Parliamentary Service:
- (b) To determine the size and organisation of the Parliamentary Service and the services to be provided by the Parliamentary Service: 40

(c) To supervise the administration of the services performed by the Parliamentary Service.

(2) The Parliamentary Service Commission shall have such other functions as are conferred or imposed on it by or under this Act or any other enactment.

(3) The Parliamentary Service Commission shall have such powers as are conferred on it by or under this Act or any other enactment and such other powers as may be reasonably necessary to enable it to carry out its functions.

(4) Notwithstanding anything in **subsections (1) to (3)** of this section, the Parliamentary Service Commission shall have no role in relation to—

(a) Business transacted at meetings of the House of Representatives or meetings of Committees of the House of Representatives; or

(b) Any other proceedings in Parliament.

**7. Membership of Parliamentary Service Commission—**

(1) Subject to **section 10** of this Act, the Parliamentary Service Commission shall consist of—

(a) The Speaker of the House of Representatives, who shall be the Chairman of the Commission:

(b) The Leader of the House of Representatives:

(c) The Leader of the Opposition or a member of the House of Representatives nominated from time to time by the Leader of the Opposition:

(d) Three other members of the House of Representatives, who shall be appointed from time to time by resolution of the House of Representatives.

(2) Past service is no bar to nomination or appointment as a member of the Parliamentary Service Commission.

(3) The powers of the Parliamentary Service Commission shall not be affected by any vacancy in its membership.

**8. Vacation of office by nominated or appointed members—**

(1) A member of the Parliamentary Service Commission who holds office by virtue of a nomination under **section 7 (1) (c)** of this Act shall vacate office as a member of the Commission—

(a) If the Leader of the Opposition revokes the nomination of that member or nominates, in the stead of that member, another member of the House of Representatives:

(b) If the General Assembly is dissolved or the House of Representatives expires:

- (c) If, before the General Assembly is dissolved or the House of Representatives expires, that member ceases to be a member of the House of Representatives.
- (2) A member of the Parliamentary Service Commission who holds office under **section 7 (1) (d)** of this Act shall vacate office as a member of the Commission— 5
- (a) If the House of Representatives rescinds the resolution by which the member was appointed or resolves to appoint to the Commission, in the stead of that member, another member of the House of Representatives: 10
- (b) If the General Assembly is dissolved or the House of Representatives expires:
- (c) If, before the General Assembly is dissolved or the House of Representatives expires, that member ceases to be a member of the House of Representatives. 15
- (3) A member of the Parliamentary Service Commission who holds office by virtue of a nomination under **section 7 (1) (c)** of this Act or by virtue of an appointment under **section 7 (1) (d)** of this Act may, by writing addressed to the Chairman of the Commission, at any time resign the office. 20

**9. Deputies**—(1) Where the Speaker of the House of Representatives is incapable of acting by reason of illness, absence, or other sufficient cause or where there is a vacancy in the office of Speaker of the House of Representatives, any member of the House of Representatives appointed by resolution of the House of Representatives to be Acting Speaker shall have and may exercise all the powers, functions, and duties of the Chairman of the Parliamentary Service Commission. 25 30

(2) Any person who is a member of the Parliamentary Service Commission may from time to time by writing under the hand of that person appoint another member of the House of Representatives to attend meetings of the Parliamentary Service Commission as the deputy of that person and may, from time to time and in like manner, cancel any such appointment. 35

(3) Where any person attends any meeting of the Parliamentary Service Commission in the capacity of a deputy appointed under **subsection (2)** of this section by the Speaker or Acting Speaker of the House of Representatives, that person shall act as the chairman of that meeting. 40



(4) No acts done by the Parliamentary Service Commission while an Acting Speaker of the House of Representatives is acting for or in the place of the Speaker of the House of Representatives shall in any proceedings be questioned on the  
5 ground that the occasion for the Acting Speaker to act for or in the place of the Speaker had not arisen or had ceased.

(5) No appointment under **subsection (2)** of this section and no act done by a member of the House of Representatives appointed under that subsection in that member's capacity as  
10 a deputy so appointed, and no act done by the Parliamentary Service Commission while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for the deputy's so acting had not arisen or had ceased.

15 (6) The powers conferred by this section may not be exercised, and no deputy shall hold office, at any time while the Parliamentary Service Commission is constituted under **section 10** of this Act.

**10. Membership of Parliamentary Service Commission after dissolution of General Assembly or expiration of the House of Representatives**—(1) On a dissolution of the General  
20 Assembly or expiration of the House of Representatives, the Parliamentary Service Commission shall, until the first meeting of the House of Representatives after the general election of its members, consist of—

25 (a) The person holding the office of Speaker of the House of Representatives at the time of the dissolution or expiration, or, if there was at that time a vacancy in the office of Speaker of the House of Representatives or if the person holding that office at that time dies,  
30 the person holding the office of Chairman of Committees at the time of the dissolution or expiration:

(b) The Leader of the House of Representatives:

35 (c) The Leader of the Opposition.

(2) The Chairman of the Parliamentary Service Commission shall be the person holding office as a member of the Commission under **subsection (1) (a)** of this section.

**11. Meetings**—(1) Meetings of the Parliamentary Service  
40 Commission shall be held at such times and places as the Commission or its Chairman from time to time appoints.

(2) The Chairman, or any 3 members, may at any time call a special meeting. Where the membership of the Commission is determined by **section 10** of this Act, any member of the Commission may at any time call a special meeting.

(3) At all meetings of the Parliamentary Service Commission the Chairman, if present, shall preside. If the Chairman is absent and none of the members present is a person already authorised by or under this Act to act as Chairman, the members present shall appoint one of their number to be chairman of that meeting.

(4) All questions arising at any meeting of the Parliamentary Service Commission shall be decided by a majority of the valid votes recorded thereon.

(5) At any meeting of the Parliamentary Service Commission the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

**12. Quorum**—(1) Subject to **subsection (2)** of this section, at all meetings of the Parliamentary Service Commission 4 members shall form a quorum.

(2) At all meetings of the Parliamentary Service Commission that are held while the Commission consists of the persons specified in **section 10** of this Act, 2 members shall form a quorum.

**13. Committees**—(1) The Parliamentary Service Commission may from time to time appoint competent persons, whether members of the Commission or not, to be a committee or committees to assist the Commission on such matters within the scope of its functions as are referred to them by the Commission.

(2) The power conferred by **subsection (1)** of this section includes the power to appoint a committee consisting in whole or in part of persons employed in the Parliamentary Service and having as its function or as one of its functions the function of consulting with, and giving advice to, the Parliamentary Service Commission on any matter affecting the staff of the Parliamentary Service.

(3) Subject to the provisions of this Act and to any general or special directions of the Parliamentary Service Commission, any committee appointed under this section may regulate its procedure in such manner as it thinks fit.

**14. Delegation of powers**—(1) The Parliamentary Service Commission may from time to time, either generally or particularly, delegate any of its powers to any of its members or to any other person or persons.

5 (2) In any case where the Commission has, pursuant to **subsection (1)** of this section, delegated any of its powers to any person, that person may, with the prior approval in writing of the Commission, delegate such of those powers as the Commission approves to any other person or to the holder  
10 for the time being of any specified office in the Parliamentary Service.

(3) Subject to any general or special directions given by the Commission, the person to whom any powers are so delegated may exercise those powers in the same manner and with the  
15 same effect as if they had been conferred on that person directly by this Act and not by delegation.

(4) Every member of the Commission and every other person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to  
20 be acting in accordance with the terms of the delegation.

(5) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or of specified classes of offices.

25 (6) Every such delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power or function by the Commission.

(7) Any such delegation shall, until it is revoked, continue in force according to its tenor, notwithstanding any changes in  
30 the membership of the Commission.

**15. Procedure of Parliamentary Service Commission**— Subject to the provisions of this Act, the Parliamentary Service Commission may regulate its procedure and exercise its functions in such manner as it thinks fit.

35 **16. Power of Government Departments and Government agencies to provide services or supplies for Parliamentary Service Commission and members of House of Representatives**—Any Government Department or Government agency may from time to time, at the request of  
40 the Parliamentary Service Commission, enter into contracts or arrangements for the execution or provision by the Department or agency for the Parliamentary Service Commission or for members of the House of Representatives of any work or

service, or for the supply to the Parliamentary Service Commission or members of the House of Representatives of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed upon.

**17. Employment of experts**—The Parliamentary Service Commission may commission any person, who in its opinion possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to make such inquiries or to conduct such research or to make such reports as may be necessary for the efficient carrying out of any of its functions. 5 10

**18. Annual report**—As soon as practicable after the end of each year ending with the 31st day of March, the Parliamentary Service Commission shall prepare and lay before the House of Representatives a report of its operations during that year. 15

*Clerk of the House of Representatives*

**19. Clerk of the House of Representatives**—(1) There shall from time to time be appointed, as an officer of the House of Representatives, a Clerk of the House of Representatives. 20

(2) The Clerk of the House of Representatives shall be appointed by the Governor-General on the recommendation of the Speaker of the House of Representatives.

(3) No person shall be appointed or reappointed as Clerk of the House of Representatives after that person has attained the age of 65 years. 25

(4) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 by reason of that person's appointment as Clerk of the House of Representatives. 30

(5) Nothing in the State Services Act 1962 shall apply to the Clerk of the House of Representatives.

**20. Functions of Clerk of the House of Representatives**—(1) The functions of the Clerk of the House of Representatives shall be— 35

(a) To note all proceedings of the House of Representatives:

(b) To carry out such duties and exercise such powers as may be conferred on the Clerk of the House of Representatives by law or by the Standing Orders and practices of the House of Representatives. 40

(2) In carrying out the functions specified in **subsection (1)** of this section, the Clerk of the House of Representatives shall be assisted (particularly in relation to the duties required to be performed at the Table of the House of Representatives) 5 by a Deputy Clerk of the House of Representatives and by such other Clerks as are necessary.

(3) Subject to **subsections (4) and (5)** of this section, the Clerk of the House of Representatives shall, in carrying out the duties and exercising the powers conferred on the Clerk of the House 10 of Representatives by the Standing Orders and practices of the House of Representatives, be under the control of the Speaker of the House of Representatives.

(4) If during any period (other than the period between a dissolution of the General Assembly or an expiration of the 15 House of Representatives and the first meeting of the House of Representatives after the general election of its members) there is no Speaker of the House of Representatives, the Clerk of the House of Representatives shall, during that period, be, in relation to the carrying out of the duties and the exercising 20 of the powers referred to in **subsection (3)** of this section, under the control of—

(a) Any Acting Speaker appointed by resolution of the House of Representatives; or

(b) If **paragraph (a)** of this subsection does not apply, the 25 Chairman of Committees.

(5) On the dissolution of the General Assembly or the expiration of the House of Representatives, the Clerk of the House of Representatives shall, until the first meeting of the House of Representatives after the general election of its 30 members, be, in relation to the carrying out of the duties and the exercising of the powers referred to in **subsection (3)** of this section, under the control of—

(a) The person holding the office of Speaker of the House of Representatives at the time of the dissolution or 35 expiration; or

(b) If, at the time of the dissolution or expiration, there is no Speaker of the House of Representatives, the person holding the office of Chairman of Committees at the time of the dissolution or expiration; or

(c) If, after the dissolution or expiration, the person holding 40 the office of Speaker of the House of Representatives at the time of the dissolution or expiration dies, the person holding the office of Chairman of Committees at the time of the dissolution or expiration.

**21. Clerk of the House of Representatives to hold no other office**—The person holding the office of Clerk of the House of Representatives shall not be capable of being a member of Parliament, and shall not, without the approval of the Speaker of the House of Representatives in each particular case, hold any office of trust or profit, other than that person's office as Clerk of the House of Representatives, or engage in any occupation for reward outside the office of Clerk of the House of Representatives. 5

**22. Salary and other conditions of employment of Clerk of the House of Representatives**—(1) There shall be paid to the Clerk of the House of Representatives a salary at such a rate as the Higher Salaries Commission from time to time determines. 10

(2) There shall be paid to the Clerk of the House of Representatives such travelling and other allowances and expenses as are from time to time approved by the Parliamentary Service Commission. 15

(3) The entitlement of the Clerk of the House of Representatives to holidays and annual and special leave shall be the same as that applying, by virtue of any determination made under the State Services Conditions of Employment Act 1977, to the Clerks at the Table appointed under **section 32 (2) (a)** of this Act. 20

(4) For the purposes of the Government Superannuation Fund Act 1956 service as the Clerk of the House of Representatives shall be deemed to be Government service. 25

(5) Where any person who is appointed to the office of Clerk of the House of Representatives is, at the date of that person's appointment, an officer of the State services, the period of that person's service as Clerk of the House of Representatives shall be deemed to be continuous service in that branch of the State services in which that person was employed at that date for the purposes of— 30

(a) The Government Superannuation Fund Act 1956: 35

(b) Appointment to any position in the State services on the termination of that person's service as Clerk of the House of Representatives:

(c) Entitlement to leave of absence.

**23. Tenure of office of Clerk of the House of Representatives**—(1) Subject to subsections (2) to (4) of this section, the Clerk of the House of Representatives shall hold office during good behaviour.

5 (2) The Clerk of the House of Representatives may at any time resign the office by writing addressed to the Speaker of the House of Representatives, or to the Governor-General if there is no Speaker or the Speaker is absent from New Zealand, and shall so resign the office on attaining the age of 65 years.

10 (3) The Clerk of the House of Representatives may at any time be removed or suspended from office by the Governor-General, upon an address from the House of Representatives, for disability, bankruptcy, neglect of duty, or misconduct.

15 (4) At any time when the House of Representatives is not in session, the Clerk of the House of Representatives may be suspended from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General; but any such suspension shall not continue in force beyond 2 months after the beginning  
20 of the next ensuing session of the House of Representatives.

**24. Delegation of powers of Clerk of the House of Representatives**—(1) On the occurrence from any cause of a vacancy in the office of Clerk of the House of Representatives (whether by reason of death, resignation, or otherwise), and  
25 in the case of absence from duty of the Clerk of the House of Representatives (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Clerk of the House of Representatives or any other person for the time being performing, pursuant to the Standing Orders of the  
30 House of Representatives or by direction of the Speaker of the House of Representatives, the duties of the Clerk shall have and may exercise all the functions, duties, and powers of the Clerk of the House of Representatives.

(2) The fact that the Deputy Clerk or any other person  
35 exercises any function, duty, or power of the Clerk of the House of Representatives shall, in the absence of proof to the contrary, be conclusive evidence of the authority of the Deputy Clerk or other person to do so.

*General Manager of the Parliamentary Service*

**25. General Manager of the Parliamentary Service—** There shall from time to time be appointed under **section 27** of this Act, as an employee of the Parliamentary Service, a General Manager of the Parliamentary Service.

5

**26. Functions of General Manager of the Parliamentary Service—**In addition to any other functions or duties conferred or imposed by any other Act or by any other provision of this Act, the General Manager of the Parliamentary Service shall be responsible to the Parliamentary Service Commission for the efficient and economical administration of the Parliamentary Service.

10

**27. Appointment of General Manager of the Parliamentary Service—**(1) The General Manager of the Parliamentary Service shall be appointed by the Governor-General on the recommendation of a committee consisting of—

15

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

(b) One other member of the Parliamentary Service Commission nominated for the purpose by the Parliamentary Service Commission:

20

(c) The Chairman of the State Services Commission:

(d) Two permanent heads appointed by the Prime Minister from the panel of permanent heads referred to in section 29 (1) (c) of the State Services Act 1962.

25

(2) Where any member of the panel of 12 permanent heads referred to in section 29 (1) (c) of the State Services Act 1962—

(a) Is an applicant for the position of General Manager of the Parliamentary Service; or

30

(b) Being one of the panel, has ceased to be a permanent head,—

that member of that panel shall not be eligible for appointment in accordance with **subsection (1) (d)** of this section.

(3) The committee constituted under **subsection (1)** of this section may examine applicants and seek advice from such sources as it considers relevant and necessary.

35

(4) At any meeting of the committee constituted under **subsection (1)** of this section, all matters shall be decided by a majority of the votes recorded thereon:

40

Provided that any matter which may be decided by the committee may be decided by means of a minute signed by all members of the committee.



(5) The committee constituted under **subsection (1)** 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:
- 5 (b) Except as otherwise specified in this section, regulate its own procedure.

**28. Obligation to advertise vacancy in office of General Manager of the Parliamentary Service**—No appointment shall be made to the office of General Manager of the  
10 Parliamentary Service unless the vacancy has been notified in the *Public Service Official Circular*.

**29. Prohibition on appeals in respect of appointment of General Manager of the Parliamentary Service**—Notwithstanding anything in section 64 (1) of the State Services  
15 Act 1962, no appeal by any officer of the Public Service or of the Parliamentary Service shall lie against the promotion or appointment of any officer of the Public Service or of the Parliamentary Service to the office of General Manager of the Parliamentary Service.

**30. Salary of General Manager of the Parliamentary Service**—(1) There shall be paid to the General Manager of the Parliamentary Service a salary at such rate as the Higher Salaries Commission from time to time determines.

25 (2) Nothing in Parts II to VIII of the State Services Conditions of Employment Act 1977 shall apply in respect of the position of General Manager of the Parliamentary Service.

**31. Delegation of powers by General Manager of the Parliamentary Service**—(1) The General Manager of the Parliamentary Service may from time to time, by writing signed  
30 by the General Manager of the Parliamentary Service, either generally or particularly, delegate to such person or persons employed in the Parliamentary Service as the General Manager of the Parliamentary Service thinks fit all or any of the powers exercisable by the General Manager of the Parliamentary  
35 Service under any enactment including any powers delegated to the General Manager of the Parliamentary Service under any enactment, but not including this present power of delegation:

Provided that the General Manager shall not delegate any power delegated to the General Manager of the Parliamentary Service by the Parliamentary Service Commission without the written consent of the Parliamentary Service Commission, or any power delegated to the General Manager of the Parliamentary Service under the State Services Act 1962 without the written consent of the State Services Commission. 5

(2) Subject to any general or special directions given or conditions attached by the General Manager of the Parliamentary Service, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on the General Manager of the Parliamentary Service directly by this section and not by delegation. 10

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary. 15

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices. 20

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the General Manager of the Parliamentary Service. 25

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the General Manager of the Parliamentary Service by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that General Manager of the Parliamentary Service. 30

*General Provisions Relating to Officers and Employees of  
Parliamentary Service*

**32. Appointment of other employees of Parliamentary Service**—(1) In addition to the General Manager of the Parliamentary Service, there may from time to time be appointed under the State Services Act 1962 such other employees of the Parliamentary Service as are necessary for the efficient and economical carrying on of its functions. 35

(2) The employees appointed under **subsection (1)** of this section shall include—

- (a) A Deputy Clerk of the House of Representatives and the other Clerks required for the purposes of **section 20 (2)** of this Act;
  - (b) A Serjeant-at-Arms;
  - (c) A Chief Librarian of the General Assembly Library;
  - (d) An Editor of Debates.
- (3) Any officer of the Public Service may be appointed to any vacancy in the Parliamentary Service as if that officer were an officer of the Parliamentary Service.

**33. Application of State Services Act 1962**—(1) Subject to this Act, the provisions of Parts III to V of the State Services Act 1962 shall apply in respect of appointments to and employment within the Parliamentary Service as if—

- (a) The Parliamentary Service were a Department of the Public Service; and
  - (b) All references to the permanent head were references to the General Manager of the Parliamentary Service.
- (2) Nothing in sections 22 to 25 or in section 29 of the State Services Act 1962 applies in respect of the Parliamentary Service or persons employed in the Parliamentary Service.
- (3) The State Services Commission shall not exercise, in respect of the Parliamentary Service or any officer of the Parliamentary Service, any of the powers conferred on the State Services Commission by section 36 of the State Services Act 1962 without first consulting with the Parliamentary Service Commission.

**34. Rights of appeal**—(1) Subject to **section 29** of this Act, every officer of the Parliamentary Service shall have in respect of the promotion of any officer in the Parliamentary Service and in respect of the appointment of any person to any position in the Parliamentary Service the same right of appeal under section 64 (1) of the State Services Act 1962 as that officer would have if—

- (a) That officer were an officer of the Public Service; and
- (b) The promotion were of an officer in the Public Service or the appointment were to a position in the Public Service.

(2) Subject to **section 29** of this Act, every officer of the Public Service shall have in respect of the promotion of any officer in the Parliamentary Service and in respect of the appointment of any person to any position in the Parliamentary Service the same right of appeal under section 64 (1) of the State Services Act 1962 as that officer would have if the promotion were of an officer in the Public Service or the appointment were to a position in the Public Service. 5

(3) On any appeal against the promotion or appointment of any person to or in any office specified in **section 35** or **section 36** of this Act, the Appeal Board shall have regard to all the matters to which the State Services Commission is directed to have regard under this Act. 10

(4) Nothing in **subsection (1)** or **subsection (2)** of this section limits any right conferred, by any other provision of this Act or by any provision of the State Services Act 1962, on an officer of the Parliamentary Service to appeal under section 64 of the State Services Act 1962. 15

**35. Consultation in respect of appointment of Clerks at the Table**—Before the State Services Commission appoints a person to the position of Deputy Clerk of the House of Representatives or to any other position referred to in **section 32 (2) (a)** of this Act, it— 20

(a) Shall first consult with—

(i) The Speaker of the House of Representatives; or 25

(ii) In the period between a dissolution of the General Assembly or on expiration of the House of Representatives and the first meeting of the House of Representatives after the general election of its members, the person who, at the time of the dissolution or expiration, held the office of Speaker of the House of Representatives; and 30

(b) Shall have regard to any views expressed by the Speaker of the House of Representatives or by the person who, at the time of the dissolution or expiration, held the office of Speaker of the House of Representatives. 35

**36. Consultation in respect of certain other appointments**—(1) This section applies in respect of the following offices within the Parliamentary Service, namely,— 40

(a) Serjeant-at-Arms;

(b) Chief Librarian of the General Assembly Library;

(c) Editor of Debates;

(d) Manager of Bellamy's.

(2) Where there is a vacancy in any of the offices to which this section applies, the State Services Commission shall, before filling that vacancy, consult with the Parliamentary Service Commission and have regard to any views expressed by the  
5 Parliamentary Service Commission.

**37. Duty of State Services Commission to act independently**—(1) In matters relating to decisions on individual officers or employees (whether matters relating to the appointment, promotion, demotion, transfer, disciplining,  
10 or the cessation of the employment, of any officer or employee of the Parliamentary Service, or other matters) the State Services Commission shall not be responsible to the Minister of State Services or to the Parliamentary Service Commission but shall act independently.

15 (2) Nothing in this section limits the provisions of **sections 33 (3), 35, and 36** of this Act.

**38. Salaries and conditions of employment**—(1) Employees of the Parliamentary Service shall be paid such remuneration and allowances and shall be employed on such  
20 terms and conditions of service as may from time to time be prescribed pursuant to **section 33 (1)** or **section 40** of this Act.

(2) Notwithstanding anything in any other enactment, instruments (as defined in the Wage Adjustment Regulations 1974) in force immediately before the **1st day of July 1985**  
25 covering remuneration and allowances and terms and conditions of service of persons employed in the Legislative Department shall, without further authority than this subsection, continue in force and have effect after the **1st day of July 1985**, until superseded by instruments made after that  
30 date.

(3) Notwithstanding **subsections (1) and (2)** of this section, nothing in this section or in **section 33 (1)** or **section 40** of this Act applies in respect of the salary of the General Manager of the Parliamentary Service.

35 **39. Individual contracts of service**—Notwithstanding **subsections (1) and (2)** of **section 38** of this Act, persons may, in such circumstances as the Parliamentary Service Commission may determine, after consultation with the State Services Commission, be engaged under individual contracts of service  
40 for such terms, and on such terms and conditions of service, as the State Services Commission, after consultation with the Parliamentary Service Commission, may decide.

**40. Application of State Services Conditions of Employment Act 1977**—(1) The State Services Conditions of Employment Act 1977 shall, with any necessary modifications and subject to this section, apply to employees in the Parliamentary Service in the same manner as they apply to employees in the State services. 5

(2) For the purposes of the application of the State Services Conditions of Employment Act 1977,—

(a) The Government Service Tribunal shall have jurisdiction in relation to the employees of the Parliamentary Service: 10

(b) The State Services Commission shall be the employing authority:

(c) The term “service organisation” means, in relation to the Parliamentary Service, the New Zealand Public Service Association (Incorporated). 15

(3) Before the State Services Commission issues a determination under the State Services Conditions of Employment Act 1977 in respect of any employees or class or classes of employees employed in the Parliamentary Service, it shall, in addition to the obligations placed on it by that Act, consult with the Parliamentary Service Commission. 20

(4) Except as otherwise provided under this Act, this section shall not apply to persons engaged under **section 39** of this Act or in respect of the salary of the General Manager of the Parliamentary Service. 25

**41. Superannuation**—For the purposes of the Government Superannuation Fund Act 1956 service as an employee of the Parliamentary Service shall be deemed to be Government service. 30

**42. Secondment**—Any employee of any branch of the State services may be seconded to the Parliamentary Service on such terms and conditions as are agreed between the branch of the State services and the Parliamentary Service Commission.

**43. Industrial Relations Act 1973 not to apply**—Nothing in the Industrial Relations Act 1973 shall apply to the Parliamentary Service or the employees of the Parliamentary Service. 35

*General Assembly Library*

**44. General Assembly Library**—The General Assembly Library shall form part of the Parliamentary Service.

**45. Functions of General Assembly Library**—(1) The  
5 general function of the General Assembly Library shall be to provide to—

- (a) The members of the House of Representatives; and
  - (b) The officers of Parliament; and
  - 10 (c) The staff of the Parliamentary Service or of any office of Parliament; and
  - (d) The employees of the State services employed within Parliament Buildings (including the Executive Wing); and
  - 15 (e) Such other persons as are approved from time to time by the Parliamentary Service Commission,—
- such library, information, research, and reference services as are required by the Parliamentary Service Commission.

(2) The General Assembly Library shall have such other  
20 functions, powers, and duties as are conferred or imposed on it by or under this Act or any other enactment.

**46. Chief Librarian of the General Assembly Library**—

- (1) The chief officer of the General Assembly Library shall be an officer of the Parliamentary Service to be called the Chief Librarian of the General Assembly Library.
- 25 (2) The holder of the position of Chief Librarian of the General Assembly Library shall be responsible to the General Manager of the Parliamentary Service.

*Hansard*

**47. Hansard**—(1) An official report (to be known as *Hansard*)  
30 shall be made of such portions of the proceedings of the House of Representatives and its Committees as may be determined by the House of Representatives.

(2) The report shall be made in such form and subject to such rules as may be from time to time approved by the House  
35 of Representatives itself or by the Speaker of the House of Representatives.

**48. Editor of Debates**—(1) The reporting of the proceedings of the House of Representatives shall be carried out under the direction of an officer of the Parliamentary Service to be called  
40 the Editor of Debates.

(2) Subject to any rule, direction, or practice of the House of Representatives or the Speaker which requires the Editor of Debates to bring any matter to the attention of the Speaker, the Editor of Debates shall be responsible to the General Manager of the Parliamentary Service.

5

*Miscellaneous Provisions*

**49. Money to be appropriated by Parliament for purposes of this Act**—All fees, salaries, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

10

**50. Audit**—(1) The Audit Office shall be the auditor of all money and stores of the Parliamentary Service Commission and of all books and accounts and transactions relating thereto.

(2) The Public Finance Act 1977 shall apply in respect of the Parliamentary Service Commission as if it were a Government agency within the meaning of that Act.

15

**51. Functions of State Services Commission in relation to efficiency and economy of Parliamentary Service**—

(1) The State Services Commission shall be responsible for reviewing the efficiency and economy of the Parliamentary Service, including the discharge by the General Manager of the Parliamentary Service of the responsibilities placed on the General Manager of the Parliamentary Service by this Act or the Parliamentary Service Commission.

20  
25

(2) The State Services Commission shall, when directed by the Minister of State Services at the request of the Parliamentary Service Commission, associate itself with the General Manager of the Parliamentary Service in the investigation of its organisation, methods, or procedures:

30

Provided that, when reporting to the Minister of State Services the State Services Commission shall ensure that a copy of its report is sent to the Parliamentary Service Commission.

(3) The State Services Commission shall, when requested by the Parliamentary Service Commission or the General Manager of the Parliamentary Service,—

35

(a) Provide management consultation services, including advice as to efficient work and control methods and techniques, data processing equipment, and problems of organisation:

40

(b) Furnish advice on and assist with the training of staff.



(4) Nothing in **subsection (2) or subsection (3)** of this section limits the provisions of **subsection (1)** of this section.

(5) Section 11 of the State Services Act 1962 shall not apply in respect of the Parliamentary Service.

5 **52. Abolition of Legislative Department**—(1) The Legislative Department is hereby abolished.

(2) Unless the context otherwise requires, every reference in any enactment not specified in **sections 59 to 77** of this Act or in any regulation, rule, order, agreement, deed, instrument,  
10 application, notice, licence, or other document whatsoever in force at the commencement of the **1st day of July 1985** to the Legislative Department shall, on and after the **1st day of July 1985**, be read as a reference to the Parliamentary Service.

(3) The administrative and support services provided  
15 pursuant to **section 4 (1)** of this Act by the Parliamentary Service shall include, unless the Parliamentary Service Commission otherwise determines, those being provided to the House of Representatives and to members of the House of  
20 Representatives by the Legislative Department immediately before the commencement of this Act.

*Transitional Provisions*

**53. Persons employed in Legislative Department to become persons employed in Parliamentary Service**—

(1) The person holding office immediately before the **1st day of**  
25 **July 1985** as the Clerk of the House of Representatives shall be deemed to have been appointed to that office under **section 19** of this Act and the salary and allowances of that person shall, until amended or superseded, continue to be payable at the rates applicable immediately before that date.

(2) Subject to this Act, every person (other than the Clerk of  
30 the House of Representatives) who immediately before the **1st day of July 1985** was employed in the Legislative Department shall become, on the **1st day of July 1985**, without further appointment than this section, a person employed in the  
35 Parliamentary Service on and subject to the same terms and conditions of employment (including those applicable to salaries and allowances) as applied to that person immediately before the **1st day of July 1985**.

**54. Status in Parliamentary Service of persons employed in Legislative Department**—(1) Any person to whom **section 53 (2)** of this Act applies shall become, on the **1st day of July 1985**, an officer of the Parliamentary Service unless, immediately before that date, that person— 5

- (a) Was employed in the Legislative Department on a temporary, casual, sessional, relieving, or part-time basis; or
- (b) Was a person whose appointment as an employee of the Legislative Department had not been confirmed; or 10
- (c) Was a person employed by the Legislative Department under an individual contract of service for a fixed term.

(2) Subject to **subsection (1)** of this section, any person to whom **section 53 (2)** of this Act applies (not being a person who, immediately before the **1st day of July 1985**, was a person employed in the Legislative Department under an individual contract of service for a fixed term) shall become, on the **1st day of July 1985**, an employee of the Parliamentary Service. 15

**55. Appointment to Public Service of persons employed in Legislative Department who become employees of Parliamentary Service**—Any person who, by virtue of **section 54 (2)** of this Act, becomes an employee of the Parliamentary Service may, so long as that person continues to be an employee of the Parliamentary Service be appointed to any vacancy in the Public Service as if— 20 25

- (a) Section 31 of the State Services Act 1962 (as it stood immediately before the **1st day of July 1985**) were still in force; and
- (b) That person were still employed in the Legislative Department; and 30
- (c) Employment in the Legislative Department included employment in the Parliamentary Service.

**56. Appointment to Public Service or Parliamentary Service of persons employed for not less than 12 months in Legislative Department under individual contracts of service for a fixed term**—(1) Where any person, being a person to whom **section 53 (2)** of this Act applies, is a person who, immediately before the **1st day of July 1985**, has then been employed by the Legislative Department for an immediately preceding period of not less than 12 months and who, 35 40

immediately before that date, is employed in the Legislative Department under an individual contract of service for a fixed term, that person—

- 5 (a) Shall, until the expiration of that term or that person's death or that person's resignation or the determination of that contract, whichever occurs first, be deemed to be a person engaged under an individual contract of service under **section 39** of this Act; and
- 10 (b) May, so long as that person is, by **paragraph (a)** of this subsection, deemed to be engaged under an individual contract of service, be appointed, at any time before the expiration of that term, to any vacancy in the Parliamentary Service or the Public
- 15 Service as if that person were an officer of the Parliamentary Service.

(2) Section 27 (1) of the State Services Act 1962 shall not apply in respect of the appointment to the Public Service of any person to whom **subsection (1) (b)** of this section applies.

- 20 (3) Where any person to whom **subsection (1) (b)** of this section applies is appointed to any office or position specified in the Third Schedule to the State Services Act 1962, section 64 (2) of that Act shall apply as if that person were an officer immediately before that appointment.

- 25 (4) For the purpose of determining the rights of appeal of a person to whom **subsection (1) (b)** of this section applies, section 64 of the State Services Act 1962 shall apply as if the Parliamentary Service were part of the Public Service and as if every person to whom **subsection (1) (b)** of this section applies
- 30 were an officer of the Public Service.

**57. Appointment to Public Service of persons employed in Legislative Department under individual contracts of service for a fixed term—**(1) Where any person, being a person to whom **section 53 (2)** of this Act applies, is a person

35 who, immediately before the **1st day of July 1985**, was a person employed in the Legislative Department under an individual contract of service for a fixed term, that person—

- 40 (a) Shall, until the expiration of that term or that person's death or that person's resignation or the determination of that contract, whichever occurs first, be deemed to be a person engaged under an individual contract of service under **section 39** of this Act; and

- (b) May, so long as that person is engaged, or is deemed to be engaged, under an individual contract of service under **section 39** of this Act, be appointed to any vacancy in the Public Service as if—
- (i) Section 31 of the State Services Act 1962 (as it stood immediately before the **1st day of July 1985**) were still in force; and
  - (ii) That person were still employed by the Legislative Department; and
  - (iii) Employment in the Legislative Department included engagement in the Parliamentary Service.
- (2) Nothing in this section limits **section 56** of this Act.

**58. Officers and employees of General Assembly Library**—Subject to this Act, every person who immediately before the date appointed for the commencement of **sections 67 to 77** of this Act is an officer or employee of the Public Service employed in the General Assembly Library shall on that date become, without further appointment than this section, an officer or employee of the Parliamentary Service on and subject to the same terms and conditions of employment (including those applicable to salaries and allowances) as applied to that officer or employee immediately before that date.

*Amendments to Other Acts*

**59. Statutes Drafting and Compilation Act 1920**—Section 6 of the Statutes Drafting and Compilation Act 1920 (as amended by section 2 (2) (a) of the Statutes Drafting and Compilation Amendment Act 1973) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) The staff of the Parliamentary Counsel Office other than the principal officers shall be appointed by the Chief Parliamentary Counsel; but the number of those staff shall not exceed a number determined from time to time by the Attorney-General.”

**60. Government Superannuation Fund Act 1956—**

Section 27 of the Government Superannuation Fund Act 1956 is hereby amended by repealing paragraph (d), and substituting the following paragraph:

- 5     “(d) Where the interval occurs between sessions of Parliament in the case of an employee of the Parliamentary Service who is employed for sessional work only and has not retired from the Parliamentary Service:”.

10   **61. State Services Act 1962—**(1) Section 2 of the State Services Act 1962 is hereby amended by omitting from the definition of the term “Public Service” the words “Legislative Department”, and substituting the words “Parliamentary Service”.

15   (2) Section 24 of the State Services Act 1962 is hereby amended by omitting the words “Legislative Department”, and substituting the words “Parliamentary Service”.

(3) Section 31 of the State Services Act 1962 is hereby amended by inserting, after subsection (1), and the following  
20 subsection:

“**(1A)** Any officer of the Parliamentary Service may be appointed to any vacancy in the Public Service as if that officer of the Parliamentary Service were an officer of the Public Service.”

25   (4) Section 31 (2) (b) and section 31 (3) (c) of the State Services Act 1962 are hereby repealed.

(5) Section 31 of the State Services Act 1962 is hereby amended by inserting in subsection (4), and also in subsection (6), after the expression “subsection (1)”, the expression “or  
30 **subsection (1A)**”.

(6) Section 64 of the State Services Act 1962 is hereby amended by adding the following subsection:

“**(18)** For the purpose of determining the rights of appeal of an officer of the Parliamentary Service, this section shall apply  
35 as if the Parliamentary Service were part of the Public Service and as if every officer of the Parliamentary Service were an officer of the Public Service.”

(7) The First Schedule to the State Services Act 1962 is hereby amended by omitting the words “Legislative Department”.

**62. Ombudsmen Act 1975**—(1) The Ombudsmen Act 1975 is hereby amended by inserting, after section 31, the following section:

“31A. **Audit**—(1) The Audit Office shall be the auditor of all money and stores of the Ombudsmen and of all books and accounts and transactions relating thereto. 5

“(2) The Public Finance Act 1977 shall apply in respect of the Ombudsmen as if they were a Government agency within the meaning of that Act.”

(2) The Ombudsmen Act 1975 is hereby amended by 10 omitting from Part I of the First Schedule the item relating to the Legislative Department.

(3) The Ombudsmen Act 1975 is hereby further amended by inserting in Part II of the First Schedule, after the item relating to the Pacific Islands Polynesian Education Foundation 15 Board, the following item:

“The Parliamentary Service Commission.”

**63. Wanganui Computer Centre Act 1976**—The Wanganui Computer Centre Act 1976 is hereby amended by inserting, after section 31, the following section: 20

“31A. **Audit**—(1) The Audit Office shall be the auditor of all money and stores of the Wanganui Computer Centre Privacy Commissioner and of all books and accounts and transactions relating thereto.

“(2) The Public Finance Act 1977 shall apply in respect of 25 the Wanganui Computer Centre Privacy Commissioner as if the Commissioner were a Government agency within the meaning of that Act.”

**64. Higher Salaries Commission Act 1977**—The Higher Salaries Commission Act 1977 is hereby amended by inserting 30 in the Fourth Schedule (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980), after the item relating to the members and associate members of the Commerce Commission, the following items:

“The Clerk of the House of Representatives. 35

“The General Manager of the Parliamentary Service.”

**65. State Services Conditions of Employment Act 1977**—Section 2 (1) of the State Services Conditions of Employment Act 1977 is hereby amended by omitting from paragraph (g) of the definition of the term “employing authority” the words 40 “the Legislative Department and”.

**66. Official Information Act 1982**—(1) Section 2 (1) of the Official Information Act 1982 is hereby amended by omitting from the definition of the term “Department” the words “(other than the Legislative Department and the Parliamentary Counsel Office)”.  
5

(2) Section 2 (1) of the Official Information Act 1982 is hereby amended by repealing paragraph (d) of the definition of the term “official information”.

(3) Section 2 (1) of the Official Information Act 1982 is hereby  
10 amended by adding to paragraph (h) of the definition of the term “official information” the expression “; and”.

(4) Section 2 (1) of the Official Information Act 1982 is hereby amended by adding to the definition of the term “official information” the following paragraph:

15 “(i) Does not include the journals and records of the House of Representatives or any papers or accounts presented to or held by the House of Representatives or any evidence given or reports made to, or minutes or records of proceedings of, a Committee of the  
20 House of Representatives:”.

*Consequential Amendments to National Library Act 1965*

**67. Sections to be read with National Library Act 1965**—  
(1) This section and the **next 10 succeeding** sections shall be read together with and deemed part of the National Library Act  
25 1965\* (in those sections referred to as the principal Act).

(2) This section and the **next 10 succeeding** sections shall come into force on a date to be appointed by resolution of the House of Representatives.

(3) The resolution passed for the purposes of **subsection (2)** of  
30 this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

\*R.S. Vol. 11, p. 225

**68. Title amended**—The Title to the principal Act is hereby amended by omitting the words “the General Assembly Library”.

35 **69. Establishment of National Library of New Zealand**—  
Section 3 (2) of the principal Act is hereby repealed.

**70. Officers to act under direction of National Librarian**—The principal Act is hereby amended by repealing section 5, and substituting the following section:

“5. (1) There shall be appointed from time to time, under the State Services Act 1962, a Chief Librarian of the Alexander Turnbull Library, a Deputy National Librarian, a Director of the Extension Division of the National Library, and such other officers and employees as may be necessary to assist in providing the services specified in section 6 of this Act. 5

“(2) The persons so appointed shall act under the direction of the National Librarian in the exercise and performance of the functions, duties, and powers conferred or imposed on them by this Act. 10

“(3) No person shall hold substantively more than one of the following offices, namely, National Librarian, Chief Librarian of the Alexander Turnbull Library, Deputy National Librarian, and Director of the Extension Division of the National Library.” 15

**71. Functions and powers of National Librarian**—Section 6 (2) (b) of the principal Act is hereby repealed. 20

**72. Delegation of powers by National Librarian**—Section 7 (1) of the principal Act is hereby amended by omitting the words “(including the Chief Librarian of the General Assembly Library notwithstanding that he may also be an officer of Parliament)”. 25

**73. Constitution of the Trustees**—(1) The principal Act is hereby amended by repealing section 9 (as amended by section 2 (1) of the National Library Amendment Act 1976), and substituting the following section:

“9. (1) The Trustees of the National Library shall consist of the following trustees: 30

“(a) Six trustees to be appointed by the Governor-General on the recommendation of the Minister, of whom one shall be so appointed as Chairman:

“(b) Two members of the House of Representatives to be appointed by the Parliamentary Service Commission: 35

“(c) The Director-General of Education:

“(d) The Secretary for Internal Affairs:

“(e) The General Manager of the Parliamentary Service: 40

“(f) The Director-General of the Department of Scientific and Industrial Research.



“(2) Each trustee appointed under **subsection (1) (b)** of this section shall, unless that trustee sooner vacates office under section 10 (1) of this Act, vacate office on the earlier of—

5 “(a) Polling day for the general election that follows the trustee’s appointment:

“(b) The day on which the trustee’s seat as a member of Parliament becomes vacant under section 32 of the Electoral Act 1956;—

10 but shall, if re-elected as a member of the House of Representatives be eligible for reappointment from time to time.

“(3) The trustees appointed under **subsection (1) (a)** of this section shall be persons who, in the opinion of the Minister, are possessed of some special knowledge or qualifications that 15 will be of advantage to the Trustees in the performance of their functions.

“(4) In respect of the appointment of 4 of the trustees appointed under **subsection (1) (a)** of this section, the Minister, before making a recommendation to the Governor-General, 20 shall have regard to any representations made to the Minister by the Royal Society of New Zealand, the University Grants Committee, the New Zealand Library Association, the Friends of the Turnbull Library, and any other body concerned with the provision of library facilities for scholarship and research.

25 “(5) Each of the trustees appointed under **subsection (1) (a)** of this section shall be appointed for a term not exceeding 5 years, and, subject to **subsection (6)** of this section, shall be eligible for reappointment from time to time.

“(6) Upon the completion by any person of 10 consecutive 30 years’ service as a trustee appointed under **subsection (1) (a)** of this section, that person shall cease to be eligible for reappointment until after the lapse of one year during which that person did not hold office as such a trustee:

35 “Provided that any person who has completed not more than 10 consecutive years’ service as a trustee appointed under **subsection (1) (a)** of this section (otherwise than as Chairman) may be appointed as Chairman of the Trustees for a further term not exceeding 5 years immediately following the date of the expiry of that person’s term of office as an appointed 40 trustee.

“(7) Notwithstanding anything to the contrary in this Act, every person appointed as a trustee under **subsection (1) (a)** of this section shall, unless that person sooner vacates office under section 10 of this Act, continue in office until the successor of 45 that person comes into office.

“(8) No person shall, by reason only of being a trustee appointed or holding office under this section or a member of any committee appointed by the Trustees, be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956.” 5

(2) Section 2 (1) of the National Library Amendment Act 1976 is hereby consequentially repealed.

**74. Extraordinary vacancies**—Section 10 of the principal Act is hereby amended by omitting from subsection (1), and also from subsection (2), the words “appointed trustee”, and substituting in each case the words “trustee appointed under section 9 (1) (a) of this Act”.

**75. Meetings of Trustees**—Section 12 (7) of the principal Act is hereby amended by omitting the words “Clerk of the House of Representatives”, and substituting the words “General Manager of the Parliamentary Service”.

**76. Functions and powers of Trustees**—Section 13 (1) (b) (i) of the principal Act is hereby repealed.

**77. Regulations**—Section 31 (c) of the principal Act is hereby repealed.