

[AS REPORTED FROM THE STANDING ORDERS COMMITTEE]

House of Representatives, 20 August 1985.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 10 September 1985.

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

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.

Struck Out

(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 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.

New

(2) This Act shall come into force on the **1st day of ((September) October 1985**.

2. Interpretation—In this Act, unless the context otherwise 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 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 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:

“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-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.

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.

5

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.

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(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:

15

(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.

20

(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.

25

Parliamentary Service Commission

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

30

(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.

35

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

40

- (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:
- 5 (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
- 10 this Act or any other enactment.

New

(2A) The Parliamentary Service Commission shall have power to make such grants as it considers necessary or expedient for the purposes of this Act.

- 15 (3) The Parliamentary Service Commission shall have such other 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
- 20 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
- 25 (b) Any other proceedings in Parliament.

Struck Out

7. Membership of Parliamentary Service Commission—

- (1) Subject to **section 10** of this Act, the Parliamentary Service Commission shall consist of—
- 30 (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
- 35 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
- 40 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.

Struck Out

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— 5

(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: 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

(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—

(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: 20

(b) If the General Assembly is dissolved or the House of Representatives expires: 25

(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.

(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. 30

New

7. Membership of Parliamentary Service Commission— 35
(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:

New

- (b) The Leader of the House of Representatives or a member of the House of Representatives nominated from time to time by the Leader of the House of Representatives:
- 5 (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:
- 10 (d) Four other members of the House of Representatives to be appointed from time to time by resolution of the House of Representatives, of whom at least 2 shall be members of the Opposition.
- (2) Any person who holds office as a Minister of the Crown or as a Parliamentary Under-Secretary shall not be appointed
- 15 under **subsection (1) (d)** of this section as a member of the Parliamentary Service Commission.
- (3) Past service is no bar to nomination or appointment as a member of the Parliamentary Service Commission.
- (4) The powers of the Parliamentary Service Commission shall
- 20 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) (b) or section 7 (1) (c)** of this Act shall vacate office as

25 a member of the Commission—

- (a) If the person by whom that member was nominated revokes the nomination of that member or nominates, in the stead of that member, another member of the House of Representatives:
- 30 (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.
- 35 (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—
- (a) If the House of Representatives rescinds the resolution by which the member was appointed or resolves to
- 40 appoint to the Commission, in the stead of that member, another member of the House of Representatives:

New

- (b) If the member is appointed as a Minister of the Crown or as a Parliamentary Under-Secretary:
- (c) If the General Assembly is dissolved or the House of Representatives expires: 5
- (d) 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.
- (3) A member of the Parliamentary Service Commission who holds office by virtue of a nomination under **section 7 (1) (b)** or **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. 10

9. Deputies—(1) Where the Speaker of the House of Representatives is incapable of acting by reason of illness, 15 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 20 duties of the Chairman of the Parliamentary Service Commission.

(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 25 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.

(3) Where any person attends any meeting of the Parliamentary Service Commission in the capacity of a deputy 30 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.

(4) No acts done by the Parliamentary Service Commission while an Acting Speaker of the House of Representatives is 35 acting for or in the place of the Speaker of the House of Representatives shall in any proceedings be questioned on the 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 40 no act done by a member of the House of Representatives appointed under that subsection in that member's capacity as 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 45 occasion for the deputy's so acting had not arisen or had ceased.

5 **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
Assembly or expiration of the House of Representatives, the
Parliamentary Service Commission shall, until the first meeting
10 of the House of Representatives after the general election of
its members, consist of—

20 *Struck Out*

New

Struck Out

30 *New*

(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 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. 5

(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. 10

(4) All questions arising at any meeting of the Parliamentary Service Commission shall be decided by a majority of the valid votes recorded thereon. 15

(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. 20

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. 25

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. 30

(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. 35 40

(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

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. 5

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. 10 15

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. 20

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.

(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. 25

(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. 30

(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.

(5) Nothing in the State Services Act 1962 shall apply to the Clerk of the House of Representatives. 35

20. Functions of Clerk of the House of Representatives—

- (1) The functions of the Clerk of the House of Representatives shall be—
 - (a) To note all proceedings of the House of Representatives;
 - 5 (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.
- (2) In carrying out the functions specified in **subsection (1)** of
10 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) by a Deputy Clerk of the House of Representatives and by such other Clerks as are necessary.
- 15 (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 of Representatives by the Standing Orders and practices of the House of Representatives, be under the control of the Speaker
20 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 House of Representatives and the first meeting of the House of Representatives after the general election of its members)
25 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 of the powers referred to in **subsection (3)** of this section, under the control of—
 - 30 (a) Any Acting Speaker appointed by resolution of the House of Representatives; or
 - (b) If **paragraph (a)** of this subsection does not apply, the Chairman of Committees.
- (5) On the dissolution of the General Assembly or the
35 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 members, be, in relation to the carrying out of the duties and the exercising of the powers referred to in **subsection (3)** of this
40 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 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 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.

New

20A. Supervision of other persons—The Clerk of the House of Representatives shall supervise the work of the following persons:

- (a) The Deputy Clerk of the House of Representatives:
- (b) The Clerks required for the purposes of **section 20 (2)** of this Act:
- (c) The employees of the Parliamentary Service who act as secretaries of select committees or as advisory staff to select committees,—

which persons shall be under the control of the Clerk of the House of Representatives.

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.

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.

(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.

- 5 (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**
10 **(2) (a)) section 24A** of this Act.

Struck Out

(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.

- 15 (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
20 services in which that person was employed at that date for the purposes of—

- (a) The Government Superannuation Fund Act 1956:
(b) Appointment to any position in the State services on the
25 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
30 office during good behaviour.

- (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,
35 and shall so resign the office on attaining the age of 65 years.

(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.

(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 of the next ensuing session of the House of Representatives. 5

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 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 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. 10 15 20

(2) The fact that the Deputy Clerk or any other person 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. 25

New

Other Officers of the House of Representatives

24A. Appointment of Deputy Clerk of the House of Representatives, other Clerks at the Table, and Serjeant-at-Arms—(1) There shall from time to time be appointed, as officers of the House of Representatives,— 30

(a) A Deputy Clerk of the House of Representatives and such other Clerks as are required, in the opinion of the Speaker of the House of Representatives, for the purposes of **section 20 (2)** of this Act: 35

(b) A Serjeant-at-Arms.

(2) The officers specified in **subsection (1)** of this section shall be appointed by the Clerk of the House of Representatives.

New

(3) The Clerk of the House of Representatives shall, before making any appointment under **subsection (2)** of this section, consult with both the Speaker of the House of Representatives
 5 and the other members of the Parliamentary Service Commission.

(4) The Clerk of the House of Representatives shall, in making any appointment under **subsection (2)** of this section, have regard both to the provisions of subsections (4) and (5) of section 28
 10 of the State Services Act 1962 and to any views expressed in the course of any consultation conducted pursuant to **subsection (3)** of this section in relation to that appointment.

*Government Service of Clerk and Other Officers of
 House of Representatives*

15 **24B. Government service**—(1) For the purposes of the Government Superannuation Fund Act 1956, service as the Clerk of the House of Representatives or as an officer of the House of Representatives appointed under **section 24A** of this Act shall be deemed to be Government service.

20 (2) Where any person who is appointed to the office of Clerk of the House of Representatives or as an officer specified in **section 24A (1)** of this Act 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 or
 25 as an officer appointed under **section 24A** of this Act 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—

(a) The Government Superannuation Fund Act 1956:

30 (b) Appointment to any position in the State services on the termination of that person's service as Clerk of the House of Representatives or as an officer appointed under **section 24A** of this Act:

(c) Entitlement to leave of absence.

35 (3) 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 the Clerk of the House of Representatives or as an officer of the House of Representatives appointed under **section 24A** of this Act.

General Manager of the Parliamentary Service

25. General Manager of the Parliamentary Service—There shall from time to time be appointed under (**section 27**) **section 31D** 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

Struck Out

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: 20

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

(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. 35

(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.

(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

Struck Out

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 (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:

10 (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 Parliamentary Service unless the vacancy has been notified in
15 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 Act 1962, no appeal by any officer of the Public Service or of
20 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.

(2) Nothing in Parts II to VIII of the State Services Conditions of Employment Act 1977 shall apply in respect of the position
30 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 by the General Manager of the Parliamentary Service, either
35 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 Service under any enactment including any powers delegated
40 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

New

Deputy General Manager of Parliamentary Service

31A. Deputy General Manager of Parliamentary Service—There shall from time to time be appointed under **section 31D** of this Act, as an employee of the Parliamentary Service, a Deputy General Manager of the Parliamentary Service. 35

*New***31B. Functions of Deputy General Manager of Parliamentary Service—**

(1) Subject to the control of the General Manager of the Parliamentary Service, the Deputy
5 General Manager of the Parliamentary Service shall perform such general official duties (including the exercise of functions, duties, and powers of the General Manager of the Parliamentary Service) as are for the time being assigned to the Deputy General Manager of the Parliamentary Service by
10 the General Manager of the Parliamentary Service.

(2) On the occurrence from any cause of a vacancy in the office of General Manager of the Parliamentary Service (whether by reason of death, resignation, or otherwise) and in the case of absence from duty of the General Manager of the
15 Parliamentary Service (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy General Manager of the Parliamentary Service shall have and may exercise all the functions, duties, and powers of the General Manager of the Parliamentary Service.

(3) The fact that the Deputy General Manager of the Parliamentary Service exercises any function, duty, or power of the General Manager of the Parliamentary Service shall be
20 conclusive evidence of the authority of the Deputy General Manager of the Parliamentary Service to do so.

25 *Acting General Manager of Parliamentary Service*

31C. Acting General Manager of Parliamentary Service—*Struck Out*

(1) On the occurrence from any cause of both a vacancy in the office of General Manager of the Parliamentary Service and a
30 vacancy in the office of Deputy General Manager of the Parliamentary Service (whether by reason of death, resignation, or otherwise) and in the case of the absence from duty of both the General Manager of the Parliamentary Service and the Deputy General Manager of the Parliamentary Service (from
35 whatever cause arising), and from time to time while both vacancies exist or while the holders of both offices are absent from duty, the functions, duties, and powers of the General Manager of the Parliamentary Service may be exercised and performed by any other person, being an employee of the

New

Struck Out

Parliamentary Service or of the Public Service, for the time being directed by the Chairman of the Parliamentary Service Commission to exercise and perform them, whether the direction has been given before the vacancies occur or before the absence from duty of the holders of both offices occurs or while the vacancies or either of them continue or while the absence from duty of the holders of both offices or either of them continues. 5 10

New

(1) Where—

- (a) The office of General Manager of the Parliamentary Service and the office of Deputy General Manager of the Parliamentary Service are both vacant (whether by reason of death, resignation, or otherwise); or 15
- (b) The General Manager of the Parliamentary Service and the Deputy General Manager of the Parliamentary Service are (from whatever cause arising) both absent from duty; or 20
- (c) One of the offices specified in **paragraph (a)** of this subsection is vacant (whether by reason of death, resignation, or otherwise) and the holder of the other of the offices so specified is (from whatever cause arising) absent from duty,— 25

the functions, duties, and powers of the General Manager of the Parliamentary Service may be exercised and performed by any other person, being an employee of the Parliamentary Service or of the Public Service, for the time being directed by the Chairman of the Parliamentary Service Commission to exercise and perform them, whether the direction has been given before any absence or vacancy occurs or while it continues. 30

New

- (2) No such direction and no acts done by any employee of the Parliamentary Service or of the Public Service acting pursuant to any such direction shall in any proceedings be
5 questioned on the ground that the occasion for the direction had not arisen or had ceased, or on the ground that the employee of the Parliamentary Service or of the Public Service had not been appointed to any position to which the direction relates.
- 10 (3) Nothing in section 33 of the State Services Act 1962 shall apply in respect of a vacancy in the office of General Manager of the Parliamentary Service or a vacancy in the office of Deputy General Manager of the Parliamentary Service or in the case of the absence from duty of either or both of the
15 holders of those offices.

*Provisions Relating to Appointment of Principal Officers of
Parliamentary Service*

- 31D. Appointment of principal officers of Parliamentary Service**—(1) The principal officers of the Parliamentary Service
20 are—
- (a) The General Manager of the Parliamentary Service;
 - (b) The Deputy General Manager of the Parliamentary Service;
 - (c) The Chief Librarian of the General Assembly Library;
 - 25 (d) The Editor of Debates.
- (2) Each principal officer of the Parliamentary Service shall be appointed by the Governor-General on the recommendation of a committee consisting of—
- 30 (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;
 - 35 (c) A member of the Parliamentary Service Commission appointed for the purpose by the Leader of the Opposition;

New

-
- (d) The Chairman of the State Services Commission:
- (e) 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. 5
- (3) 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
- (b) Being one of the panel, has ceased to be a permanent 10 head,—
- that member of that panel shall not be eligible for appointment in accordance with **subsection (2) (e)** of this section.
- (4) The committee constituted under **subsection (2)** of this section may examine applicants and seek advice from such 15 sources as it considers relevant and necessary.
- (5) At any meeting of the committee constituted under **subsection (2)** of this section,—
- (a) All matters shall be decided by a majority of the votes recorded thereon; and 20
- (b) The chairman 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)** of this section shall— 25
- (a) Have power from time to time to invite such other persons as it thinks fit to assist in its deliberations:
- (b) Except as otherwise specified in this section, regulate its own procedure.

31E. Obligation to advertise vacancies—No person shall 30 be appointed as a principal officer of the Parliamentary Service unless the vacancy has been notified in the *Public Service Official Circular*.

31F. Prohibition on appeals in respect of appointment of principal officers—Notwithstanding anything in section 35 64 (1) of the State Services 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 or in any office specified in **section 31D (1)** of this Act. 40

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

Struck Out

- 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.
- (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.

New

- 32. Appointment of other employees of Parliamentary Service**—(1) In addition to the officers specified in **section 31D (1)** of this Act, 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.
- (2) 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) section 31F** 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) section 31F** 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 **((under))** 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.

Struck Out

(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.

(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.

Struck Out

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—

(a) Shall first consult with—

- (i) The Speaker of the House of Representatives; or
 - (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
- (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.

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

- (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 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, 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.

New

(1A) Notwithstanding anything in **subsection (1)** of this section, where any member of the House of Representatives wishes to make representations on any matter which affects any officer or employee of the Parliamentary Service and which could involve a decision of the kind referred to in **subsection (1)** of this section, that member may make those representations through the Speaker of the House of Representatives, who may convey those representations to the General Manager of the Parliamentary Service or to the State Services Commission and may consult with the General Manager of the Parliamentary Service or with the State Services Commission about the subject-matter of those representations.

(2) Nothing in this section limits the provisions of (**sections 33 (3), 35, and 36**) **section 33 (3)** 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 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) ((September)) October 1985** 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) ((September)) October 1985**, until superseded by instruments made after that 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.

Struck Out

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 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.

New

39. Individual contracts of service—(1) The Parliamentary Service Commission may engage persons under individual contracts of service.

5 (2) The power conferred by **subsection (1)** of this section shall be exercised by the Parliamentary Service Commission only in circumstances determined by it after consultation with the State Services Commission.

10 (3) Persons engaged under **subsection (1)** of this section shall be engaged for such terms, and on such terms and conditions of service, as the Parliamentary Service Commission, after consultation with the State Services Commission, decides.

(4) This section shall have effect notwithstanding anything in **subsections (1) and (2) of section 38** of this Act.

Struck Out

15

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
20 Parliamentary Service in the same manner as they apply to employees in the State services.

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

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

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

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

(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
35 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.

40 (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.

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.

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. 5

New

Industrial Matters

42A. 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 and to officers of the House of Representatives appointed pursuant to **section 24A** of this Act in the same manner as it applies to employees in the State services. 10 15

(2) For the purposes of the application of the State Services Conditions of Employment Act 1977,— 20

- (a) The Government Service Tribunal shall have jurisdiction in relation to the employees in the Parliamentary Service and to officers of the House of Representatives appointed pursuant to **section 24A** of this Act:
- (b) The State Services Commission shall be the employing authority: 25
- (c) The organisation recognised, at the commencement of this Act, as the service organisation in relation to the Parliamentary Service and to officers of the House of Representatives appointed pursuant to **section 24A** of this Act is the New Zealand Public Service Association (Incorporated). 30

(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 or in respect of any officers appointed pursuant to **section 24A** of this Act, it shall, in addition to the obligations placed on it by that Act, consult with the Parliamentary Service Commission. 35 40

(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.

Struck Out

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.

New

43. Industrial Relations Act 1973 not to apply—Nothing in the Industrial Relations Act 1973 shall apply to the Parliamentary Service or to employees in the Parliamentary Service or to the Clerk of the House of Representatives or to officers of the House of Representatives appointed pursuant to **section 24A** of this Act.

43A. Regulations under State Services Act 1962 not to apply—Regulations made under the State Services Act 1962 shall not apply in respect of the Parliamentary Service or employees in the Parliamentary Service or the Clerk of the House of Representatives or officers of the House of Representatives appointed pursuant to **section 24A** of this Act.

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 general function of the General Assembly Library shall be to provide to—

(a) The members of the House of Representatives; and

New

(ab) The officers 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.

(2) The General Assembly Library shall have such other 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.

(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*) 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 of Representatives itself or by the Speaker of the House of Representatives.

Struck Out

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 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.

New

48. Editor of Debates—(1) There shall be an officer of the Parliamentary Service to be called the Editor of Debates who shall, under the direction of the Speaker on all matters other than those referred to in **subsection (2)** of this section, be responsible for the reporting of the proceedings of the House of Representatives.

(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 in respect of all administrative matters.

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
5 of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

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.
10 (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.

51. Functions of State Services Commission in relation to efficiency and economy of Parliamentary Service—
15 (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
20 the Parliamentary Service Commission.
(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*
25 *organisation, methods, or procedures)* the organisation, methods, or procedures of the Parliamentary Service.

Struck Out

Provided that, when reporting to the Minister of State Services the State Services Commission shall ensure that a copy
30 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:

(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.

New

5

51A. Rules—(1) The Parliamentary Service Commission may from time to time, after consultation with the State Services Commission, make rules for all or any of the following purposes:

- (a) Regulating the conduct of employees in the Parliamentary Service and of officers of the House of Representatives appointed pursuant to **section 24A** of this Act; and prescribing the obligations and rights of such employees and officers in relation to the performance of official duties: 10
 - (b) Prescribing rules covering private employment of, and private practice by, employees in the Parliamentary Service and officers of the House of Representatives appointed pursuant to **section 24A** of this Act, and retention of fees or payments for services rendered within the course of an employee's or officer's normal duties: 15
 - (c) Prescribing, in relation to employees in the Parliamentary Service and in relation to officers of the House of Representatives appointed pursuant to **section 24A** of this Act, retirement policy and the conditions of retirement; and prescribing terms for granting resigning leave, retiring leave, grants in lieu of retiring leave, and compassionate grants to dependants of employees and officers in the event of the death of an employee or officer: 25
 - (d) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof. 30
- (2) The Parliamentary Service Commission may at any time in like manner revoke or vary any rules made under **subsection (1)** of this section. 35
- (3) All rules made under this section shall be printed and published in accordance with the Regulations Act 1936. 40

52. Abolition of Legislative Department—(1) The Legislative Department is hereby abolished. 40

Struck Out

- (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, application, notice, licence, or other document whatsoever in force at the commencement of the **1st day of (July) September 1985** to the Legislative Department shall, on and after the **1st day of (July) September 1985**, be read as a reference to the Parliamentary Service.

New

- (2) Unless the context otherwise requires, every reference in any enactment (other than the National Library Act 1965 or an enactment specified in **sections 59 to 66** of this Act) or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever in force at the commencement of the **1st day of October 1985** to the Legislative Department shall, on and after the **1st day of October 1985**, be read as a reference to the Parliamentary Service.
- (3) The administrative and support services provided 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 Representatives by the Legislative Department immediately before the commencement of this Act.

New

- (4) Notwithstanding anything in **subsection (3)** of this section, the services being provided to the House of Representatives immediately before the commencement of this Act by the Clerk of the House of Representatives, the Deputy Clerk of the House of Representatives, any other Clerk who assists the Clerk of the House of Representatives (particularly in relation to the duties required to be performed at the Table of the House of Representatives), or the Serjeant-at-Arms shall not be included in the administrative and support services provided pursuant to **section 4 (1)** 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 (July) ((September) October 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.

New

(1A) Every person holding office immediately before the **1st day of October 1985** as—

- (a) The Deputy Clerk of the House of Representatives; or
 - (b) A Clerk who assists the Clerk of the House of Representatives (particularly in relation to the duties required to be performed at the Table of the House of Representatives); or
 - (c) The Serjeant-at-Arms,—
- shall be deemed to have been appointed to that office under **section 24A** 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 the House of Representatives)* a person to whom **subsection (1) or subsection (1A)** of this section applies) who immediately before the **1st day of (July) ((September) October 1985** was employed in the Legislative Department shall become, on the **1st day of (July) ((September) October 1985**, without further appointment than this section, a person employed in 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 person immediately before the **1st day of (July) ((September) October 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) ((September) October 1985**, an officer of the Parliamentary Service unless, immediately before that date, that person—

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

5 (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)~~ ~~((September))~~ October 1985, was a person employed in the Legislative Department
 10 under an individual contract of service for a fixed term) shall become, on the 1st day of ~~(July)~~ ~~((September))~~ October 1985, an employee of the Parliamentary Service.

55. Appointment to Public Service of persons employed in Legislative Department who become employees of Parliamentary Service—Any person who, by virtue of section
 15 **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 (a) Section 31 of the State Services Act 1962 (as it stood immediately before the 1st day of ~~(July)~~ ~~((September))~~ October 1985) were still in force; and
 (b) That ~~person~~ were still employed in the Legislative Department; and
 25 (c) Employment in the Legislative Department included employment in the Parliamentary Service.

Struck Out

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
 30 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
 35 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, that person—

Struck Out

- (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 5
- (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 Service as if that person were an officer of the Parliamentary Service. 10
- (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. 15
- (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. 20
- (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 were an officer of the Public Service. 25

New

- 56. Appointment to Public Service or Parliamentary Service of persons employed in Legislative Department under individual contracts of service for a fixed term—** 30
- (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 ((September) October 1985**, was employed in the Legislative Department under an individual contract of service for a fixed term, that person— 35

New

- (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, 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 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.
- (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.
- (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 were an officer of the Public Service.

Struck Out

- 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 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—

Struck Out

- (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 5
- (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— 10
- (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 15
- (iii) Employment in the Legislative Department included engagement in the Parliamentary Service.
- (2) Nothing in this section limits **section 56** of this Act. 20

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)* **1st day of ((September) October 1985)** was 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. 25 30

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: 35

“(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
5 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:

10 “(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:”.

15 **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”.

20 (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
25 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.”

30 *New*

(3A) Section 31 (2) of the State Services Act 1962 is hereby amended by repealing paragraph (b), and substituting the following paragraph:

35 “(b) In an office specified in **section 24A (1)** of the Parliamentary Service Act 1985; or”.

(3B) Section 31 (3) of the State Services Act 1962 is hereby amended by repealing paragraph (c), and substituting the following paragraph:

40 “(c) In an office specified in **section 24A (1)** of the Parliamentary Service Act 1985; or”.

(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 subsection (1A)". 5

(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 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." 10

(7) The First Schedule to the State Services Act 1962 is hereby amended by omitting the words "Legislative Department". 15

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. 20

Struck Out

"(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." 25

New

"(2) The provisions of the Public Finance Act 1977 shall apply to the money and stores of the Ombudsmen as if they were public money and public stores within the meaning of that Act." 30

(2) The Ombudsmen Act 1975 is hereby amended by 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 Board, the following item: 35

"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:

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

Struck Out

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

New

- “(2) The provisions of the Public Finance Act 1977 shall apply
15 to the money and stores of the Wanganui Computer Centre Privacy Commissioner as if they were public money and public stores within the meaning of that Act.”

- 64. Higher Salaries Commission Act 1977**—The Higher Salaries Commission Act 1977 is hereby amended by inserting
20 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.
25 “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)
30 of the definition of the term “employing authority” the words “the Legislative Department and”.

Struck Out

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

Struck Out

(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 amended by adding to paragraph (h) of the definition of the term "official information" the expression "; and". 5

(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: 10

"(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 House of Representatives:". 15

New

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 "the Legislative Department and". 20

(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 amended by inserting in paragraph (a) of the definition of the term "organisation", after the words "Ombudsmen Act 1975", the words "(other than the Parliamentary Service Commission)". 25

[Clauses 67 to 77 have now become a separate Bill intituled the National Library Amendment Bill.]