

# **Parliamentary Service Bill**

Government Bill

As reported from the Government Administration  
Committee

## **Commentary**

### **Recommendation**

The Government Administration Committee has examined the Parliamentary Service Bill (the bill) and recommends that it be passed with the amendments shown.

### **Introduction**

The bill aims to establish more appropriate governance and accountability arrangements for the Parliamentary Service Commission (the Commission) and the Parliamentary Service (the Service). The bill will replace the Parliamentary Service Act 1985 to take account of major changes in the intervening period such as:

- comprehensive public sector management reform that has clarified and strengthened responsibility and accountability, accompanied by more prescriptive requirements for effective and efficient performance and enhanced accountability for publicly funded activities
- legislative change that has impacted on the functions of the Commission, in particular the Public Finance Act 1989, which designated the Speaker as the Responsible Minister for Vote Parliamentary Service, and deemed the Service to be a Government department for reporting purposes

- MMP, which has impacted on the parliamentary system and its administration in that the focus of the Commission has had to adjust from the bipartisan First-Past-the-Post system to a multi-party MMP one.

The bill reflects the findings of a review team, commissioned by the Commission in October 1998, to undertake a reconsideration of its role and functions.<sup>1</sup> While the review team advised that the issue of accountability underpinned the proposals for change, it also actively sought to reinforce the constitutional principle of the independence of Parliament from the Executive inherent in the original reforms brought in by the Parliamentary Service Act 1985.

This commentary sets out the major issues we addressed and the details of our consideration.

### **Status of the Commission viewed as a major constitutional change**

Clause 12 of the bill establishes a new Commission. Unlike the existing Commission, established by the Parliamentary Service Act 1985, the new Commission will not be a body corporate, nor will it have administrative functions. Instead it becomes a policy and advisory body to the Speaker. The new Commission will, however, remain a statutory body, providing a link between the Public Finance Act 1989 responsibilities of the Speaker, and the ongoing interests of the members of Parliament in resource allocation.

Several of the submissions received were of the view this redefining of the role of the Commission represented a major constitutional change that would see a securing of power by the Executive's advisers over Parliament's management. Further, such a change would seal in the power of the bureaucrats to the detriment of ordinary members having anything to do with directly managing their House. We gave due consideration to this claim but are convinced that the bill does not jeopardise the constitutional principle of the independence of Parliament from the Executive. Rather the bill seeks to reinforce it by providing an appropriate response to the changing needs of Parliament and its members.

<sup>1</sup> Report of the review team, *A Review of the Parliamentary Service Act to the Parliamentary Service Commission*, February 1999 refers. Members of the review team were Hon Stan Rodger (Chairperson), Rex McArley and Adrienne von Tunzelmann.

### **Bill proposes a more robust governance structure**

Under the current Parliamentary Service Act 1985, governance of the Service is divided between the Responsible Minister (the Speaker) and the Commission (with the Speaker as chairperson). We are aware that this situation is at variance with good governance structures that require clear single lines of accountability. The enactment of the Public Finance Act 1989 saw formal accountability arrangements between the Responsible Minister (the purchaser) and the head of the Service, providing an agency for the provision of the specified outputs prescribed. Of perhaps the most significance was that the Public Finance Act 1989 specified the Speaker as the Responsible Minister for Vote Parliamentary Service.

Prior to the enactment of the Public Finance Act 1989 appropriations were made on the basis of a single sum of money tied into the expenditure on certain input costs such as personnel, operating and capital costs. Consistent with this approach was formal staff ceiling controls on agencies as well as centralised pay fixing and determination. The powers and functions of the Commission provided for in clause 6 of the Parliamentary Service Act 1985 reflected this approach.

The enactment of the Public Finance Act 1989 meant appropriations were changed to an output basis. Appropriations are now categorised into output classes and other expenses incurred by the Crown. The General Manager of the Service became directly responsible (and accountable) to the Responsible Minister for the output class areas via the annual purchase agreement between the two. The other expense items cover areas of expenditure not directly incurred by the Service relating to items like party and members support appropriations (by party), members travelling and communications. These funding entitlements are subject to the policies and formula decided by the Commission and incorporated into the "Handbook of Members Services". This will not change under the bill.

Clause 13 of the bill expresses the powers and functions of the Commission in terms of advising the Speaker on the nature of services to be provided and recommending to the Speaker the adoption of criteria governing funding entitlements. We understand this simply reflects the fact that it is the Speaker who is ultimately accountable, as the Responsible Minister, for deciding the services

to be provided to members and for determining the criteria governing funding entitlements. We note that this has been the legal position since the passage of the Public Finance Act 1989.

We understand, however, that there will be no substantive change to the role of the Commission. The Commission will continue to meet on a monthly basis to consider various issues. The annual purchase agreement will continue to be submitted to the Commission for consideration before sign off. Policy issues will continue to be raised for consideration and determination by the Commission. Regular expenditure reporting to the Commission against all appropriations will continue and reports on any aspects of the Service's administration will continue to be requested by the Commission.

We support the direction the bill has taken in establishing the new Commission as a policy and advisory body. The establishment of a more robust governance structure that provides for clear single lines of accountabilities between Parliament, the Speaker as the Responsible Minister, and the General Manager of the Service will see more effective public administration applied in the context of Parliament itself. Such a system, we agree, best suits the institutional environment of Parliament.

### **The responsiveness of Speaker to Commission**

In taking this course of redefining the role of the Commission the Speaker is vested with full legal control as the Responsible Minister for Vote Parliamentary Service. This structure parallels the public sector accountability framework.

Given that the Speaker is the chairperson of the Commission all decisions reached invariably involve him or her. The decision-making process established by the bill empowers the Speaker to arbitrarily decide whether to act or not to act upon a decision made by the Commission. For example, if the Commission made a decision that was contrary to the Public Finance Act 1989, such as increasing members entitlements to a level which results in over-expenditure, then as the Responsible Minister the Speaker could justifiably decline to implement that decision. Alternatively, should the Commission be unable to reach a decision on a matter where some action was required then the Speaker could decide to proceed. These situations, we understand are possible under the existing legislative framework.

We understand, also, that the Service's ability to make changes in resource allocations is determined by the appropriations made each year. The Service cannot arbitrarily decide to change members' entitlements.

We are aware of the unique position held by the Speaker, as both the servant of the whole House and the Minister responsible for the Service. There are strong conventions and Standing Orders that define most of the Speaker's roles and responsibilities. While these would ensure that the Speaker would be able to carry out these responsibilities without unnecessary or undesirable challenge from members we would like to see clause 13 of the bill amended to strengthen the functions of the Commission.

We recommend that clauses 7 and 19 of the bill are amended to reflect that the Speaker is required to take into account the advice or recommendations arising from the functions of the Commission, as prescribed by clause 13(1)(a) to (d). We also recommend that clause 13(2) be amended to give the Commission the power to require, as opposed to just requesting, either the Speaker or the General Manager of the Service to report on, or inquire into, any matters of administration of the bill, or the exercise or performance of any function, duty or power of the bill.

These amendments, we agree, will enhance the responsiveness of the Speaker to the Commission facilitating its ability to function effectively as an advisory and policy body.

### **Change recommended to membership of Commission**

We agree that the present membership of the Commission reflects the two-party emphasis of the First-Past-the-Post electoral system. While clause 14 of the bill provides for the membership of the Commission to be more representative we do not believe it goes far enough in ensuring the Commission is truly representative of our multi-party MMP Parliament. The Commission, as prescribed by the bill, will consist of:

- the Speaker
- the Leader of the House (or his or her nominated member)
- the Leader of the Opposition (or his or her nominated member)
- a number of members appointed by the House of Representatives. (One member will be appointed for each party that is

represented in the House by more than five members. An additional member would be appointed for any party represented in the House by 30 or more members, none of whom held the position of Speaker, Leader of the House, or Leader of the Opposition. A further member would be appointed if there were one or more parties represented in the House by five members or fewer).

A submission was received from Hon Peter Dunne, Leader of the United New Zealand Party who expressed the view that all political parties that cross either the threshold for representation in Parliament should be entitled to a member on the Commission. Further, that it is unfair to expect parties that may have considerable differences between them, but who fall below the five member requirement, to nominate one member to represent all of them.

We agree that this change to the membership of the new Commission will better reflect party composition in the House of Representatives. We recommend that clause 14 be amended to:

- remove the provisions of an additional member for one or more parties represented by five members or fewer
- provide for one member of each recognised party that is represented in the House by one or more members.

Responsiveness to the MMP environment will, we believe, be improved by this restructuring of the membership of the Commission.

### **Bill clarifies responsibility of General Manager to Speaker**

Clause 5 provides for the continuation of the Service, which was established by clause 3 of the Parliamentary Service Act 1985. Under the 1985 Act the Service is declared not to be an instrument of the Executive Government and the bill continues this position.

While the role of the Service continues, essentially unchanged, the administrative head (the General Manager) is now clearly responsible to the Speaker for the efficient, effective, and economical management of the activities of the Service.

Clause 10 sets out the duties of the General Manager. The General Manager is responsible to the Speaker for carrying out the duties and functions of the Service, for tendering advice to the Speaker and to the Commission, for the general conduct of the Service and for the efficient, effective, and economical management of the activities of

the Service. We understand that these responsibilities of the General Manager correspond to the matters for which a chief executive of a government department is responsible to his or her Minister. The bill will formalise the appropriate lines of accountability.

### **Bill provides for an independent triennial review of funding resources**

We understand that the emphasis on the potential constraint public perceptions may place on Parliament's ability to ensure proper levels of resourcing prompted the need for some means for externally assessing members' legitimate resource requirements. The review team suggested an independent triennial review.

Clause 19 of the bill subsequently prescribes that there will be a three-yearly review by an independently appointed body whose task is to recommend the resources benchmarked for the funding of members' support. The review would be in the nature of an expert investigation, not a public inquiry. The review committee's report would be recommendatory, to assist in the budget process. The review committee's terms of reference, charging it with producing a cost-effective, soundly based assessment of resource needs, is set out in clause 20 of the bill. These encompass all aspects of the physical resources necessary for members to carry out their functions effectively. The review committee will not deal with expenses paid to members. Those, along with salaries and benefits, are to be determined solely by the Higher Salaries Commission. The need for fiscal responsibility is included in these criteria.

The bill proposes that the review committee will comprise up to three persons and be appointed by the Speaker after consulting with the Commission. Clause 19(2) specifies that no person appointed to the review committee may be a member of Parliament or an officer or employee of the Service. Instead the persons selected would be appointed for the confidence they commanded among members and the public, and for their ability to contribute experienced judgement and technical expertise, for example, skills in information technology and its use in successful organisations. We envisage former members of Parliament being included in this process.

The bill provides that the review body would report to the Speaker who would have the authority to disclose its conclusions to the Government and make the report public by presenting it to the House. Before submitting the report, the review body must consult

with the Commission and seek its views on matters to be included in the review report and on any preliminary assessments or recommendations that are proposed to be included in the report. The Speaker would retain full responsibility for allocating funding within Parliament in the normal budget round, subject of course to procedures to ensure fair allocations among parties and members.

We believe that by combining the clear responsibility of the Speaker for Vote Parliamentary Service with a periodic external benchmark setting review, the necessary independence will be achieved while retaining the close identification of resource needs with those who hold the information on operational and strategic needs.

### **Parliamentary Corporation established as a statutory entity**

Clause 26 establishes a corporation called the Parliamentary Corporation (the Corporation) as a statutory entity. The bill proposes that membership of the Corporation comprise the Speaker and the General Manager of the Service. The Corporation will exercise the powers of a legal person in respect of interests in land and other contractual matters.

Clause 27 provides for the functions of the Corporation. These are to facilitate transactions relevant to the duties of the Service and to acquire, hold, and dispose of interests in land and other assets for parliamentary purposes.

We understand that arrangements for entering into contracts and agreements are currently quite varied. Currently the General Manager enters into contracts and agreements as head of the Service where those contracts or agreements relate to the provision of services covered by the output class appropriations for which the General Manager is accountable.

Where contracts relate to land and buildings owned by the Crown, contracts are entered into on behalf of the Crown. This applies to capital works for Parliament House, the Library Building and the Beehive.

Under the bill all these matters, we understand would be in the name of the Corporation. A decision, however, to lease the likes of Bowen House would, we understand, be raised as a policy issue for consideration by the Commission because it would be covered by clause 13 of the bill - the nature of the services to be provided.

In the same way if changes to service or contracting arrangements might affect the nature of the services to be provided then they would be covered by clause 13(1)(a) of the bill and therefore required to be raised with the Commission.

### **Concern about the wide powers available to the Corporation**

Some submitters expressed concern about the purpose of the Corporation and the apparently wide powers available to it. The exercise of those powers, however, can be related back to two fundamental constraining provisions. Firstly, clause 26 of the bill which sets out the functions of the Corporation as being to:

- facilitate transactions relevant to the duties of the Service
- acquire, hold, and dispose of interests in land and other assets for parliamentary purposes.

Secondly, that exercise of these powers is totally dependent on the appropriation processes. Unless funding has been appropriated for the particular purpose, the Corporation would be unable to exercise its powers.

We understand the Corporation is simply a legal vehicle for contracting and dealing with land and assets.

We believe a change in the membership of the Corporation would provide a direct linkage with the Commission and allay the concerns expressed in various submissions about the excessive powers of the Corporation. We recommend that clause 28 be amended to extend the membership of the Corporation by an additional two members of the Commission, nominated by the Commission. Consequential to this change in membership is the need to also amend Schedule 4 to allow for any resolutions made by the Corporation to be by way of a majority rather than by a unanimous vote currently prescribed by the bill. We believe it also necessary to include in the bill that the Corporation needs a quorum, inclusive of the Speaker and the General Manager, of three members for it to meet.

### **Limiting exemptions of parliamentary service bodies from the principles of the Privacy Act 1993**

A submission was received from the Privacy Commissioner who took the opportunity to offer recommendations for statutory amendments to restrict and limit existing exemptions from the application of the information privacy principles currently enjoyed by both the

Commission and the Service. The recommendations proposed by the Privacy Commissioner were those already proposed in the 1998 formal review of the Privacy Act 1993,<sup>2</sup> and were intended for inclusion in the general amendment to the Privacy Act 1993. The Privacy Commissioner suggested that the bill was a more appropriate legislative vehicle to address the issues rather than waiting for the general amendment to the Privacy Act 1993 to be made.

The recommendations of the Privacy Commissioner were based on limiting the exemptions from the principles, which underpin the Privacy Act 1993, for both the Commission and the Service. These issues would be addressed better when a general amendment to the Privacy Act 1993 is being considered.

We also note that the bill maintains the status quo by not applying the Official Information Act 1982 to the Speaker or the Service, even in a limited manner. Further, the Commission, which has been subject to the Ombudsmen Act 1975 since its creation, is now to be totally exempted from the application of that Act because it will cease to have any administrative functions. On the other hand the Service will be subject to the Ombudsmen Act 1975 for the first time.

We agree with the direction the bill proposes for the handling of both official and private information.

### **Standing Order 33 superseded by statute**

Clause 25 declares that the control and administration of the parliamentary precincts is vested in the Speaker on behalf of the House. The clause goes on to make it clear that the Speaker may exercise the powers of an occupier under the Trespass Act 1980.

When enacted, we understand, clause 25 will supersede Standing Order 33 (on which the clause is based) and the Speaker's position as an occupier will be based on statute rather than the Standing Orders. This, according to a submission received from the Clerk of the House of Representatives, is a more appropriate position.

In these circumstances we recommend that Standing Order 33 be revoked when the bill comes into effect. This should be done by the House by way of a Government notice of motion timed to coincide with the commencement date of the bill.

<sup>2</sup> Privacy Commissioner, *Necessary and Desirable: Privacy Act 1993 Review*, November 1998.

### **Changes to the management of the Parliamentary Library**

The bill sees responsibility for the Parliamentary Library being formally vested in the General Manager of the Service rather than the Commission. Such a change is, we understand, consistent with the appropriate accountability of the Parliamentary Library. A submission was received which expressed concern about this change. The submitter considered it represented a sweeping and fundamental change that would impede the professional judgement and independence of those employed in the Library.

While we note the concerns raised, we support the direction the bill takes in establishing more appropriate lines of accountability. To allow the Parliamentary Library to be exempt from this change could effectively undermine the whole governance structure proposed by the bill. We remain confident that the integrity and high professional standards presently set by the Parliamentary Library will not change with the enactment of this bill.

### **Bulk funding members budgets**

We note that the review team supported the idea of bulk funding by endorsing the principle that wherever discretion is involved in a spending decision, decision-making is best placed in the hands of those who have the immediate information about resource needs and about the consequences of their actions. The bill does not go so far as to prescribe bulk funding as the means by which parliamentary parties or individual members are funded. A submission was received from the Hon Peter Dunne, Leader of the United New Zealand Party, who expressed disappointment that the bill made no provision for bulk funding, on even an optional basis. In United New Zealand's view, bulk funding would make members' funding more transparent and the members themselves more accountable for the expenditure they incur. We note that this is a policy issue for the Commission, rather than something requiring legislation.

### **Conclusion**

The primary focus of the bill is to clarify and improve the governance structure in terms of effective public administration applied in the context of Parliament itself and the need to design a system to suit the institutional environment of Parliament. The bill does not represent a radical shift from how existing arrangements operate in practice.

We agree that the bill, with the proposed amendments, provides an appropriate response to the changing needs of Parliament and its members. In particular, recognition is given to the importance of a system that produces proper resourcing of members of Parliament in their full-time and increasingly demanding professional roles and providing information to Parliament and the public that ensures transparency in the way public money is spent. We encourage the House to enact the legislation prior to the commencement of the new financial year.

## **Appendix**

### **Committee process**

The Parliamentary Service Bill was referred to the Government Administration Committee in the previous Parliament on 21 September 1999. The closing date for submissions was 1 November 1999. No submissions were received at this time. The intervening General Election stalled the process and it was not until the new committee was formed that the bill regained its momentum. On 24 February 2000 the newly formed committee agreed that a more targeted approach be taken to seek submissions on the bill. The committee invited individuals and organisations that may have had an interest in the bill to make a submission. The closing date for this second round of submissions was 14 April 2000. We received and considered eight submissions from interested individuals and organisations. We heard five submissions orally. Hearing of evidence took one hour and 42 minutes and consideration took three hours and 54 minutes.

We received advice from the Parliamentary Service.

### **Committee membership**

Dianne Yates (Chairperson), Grant Gillon (Deputy Chairperson), Arthur Anae, Tim Barnett, Hon David Carter, Luamanuvao Winnie Laban, Lindsay Tisch, Anne Tolley

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**Key to symbols used in reprinted bill**  
**As reported from a select committee**

**Struck out (unanimous)**

Subject to this Act,

Text struck out unanimously

**New (unanimous)**

Subject to this Act,

Text inserted unanimously

*(Subject to this Act,)*

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Note: This bill has been reformatted in accordance with the resolution of the House of 22 December 1999.

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*Hon Dr Michael Cullen*

# Parliamentary Service Bill

## Government Bill

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Parliamentary Service Act **1999**.

**1A Commencement**

This Act comes into force on (**1 December 1999**) 1 July 2000. 5

**Part 1**  
**Preliminary provisions**

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Bowen House lease** or **the lease** means all agreements, 10  
authorities, and instruments under which, immediately before  
the commencement of this Act, the Parliamentary Service  
Commission held interests, licences, or rights in or in respect  
of—

- (a) the building known as Bowen House situated on the 15  
corner of Lambton Quay and Bowen Street in Wellin-  
ton; or
- (b) any land adjoining that building

**department** has the same meaning as in section 2 of the State 20  
Sector Act 1988

**Deputy Speaker** means—

- (a) the Deputy Speaker of the House of Representatives; or  
(b) in relation to the period commencing immediately after 25  
the dissolution or expiry of a Parliament and ending  
with the first meeting of the House of Representatives  
after the general election, the person who held the office  
of Deputy Speaker at the time of the dissolution or  
expiry of the Parliament

**General Manager** means the General Manager of the Parliamentary Service

**Leader of the House** means the Leader of the House of Representatives

**Parliamentary Corporation** or **Corporation** means the body corporate established by **section 26** 5

**parliamentary precincts** means all of the following:

- (a) the land described in **Schedule 3**;
- (b) land and premises that are subject to the Bowen House lease: 10
- (c) any other land or premises added to the parliamentary precincts by a resolution of the House of Representatives under **section 24**

**Parliamentary Service** or **Service** means the Parliamentary Service continued by **section 5** 15

**Parliamentary Service Commission** or **Commission** means the Parliamentary Service Commission established by **section 12**

**Struck out (unanimous)**

**Party** means a political party for the time being recognised for parliamentary purposes under the Standing Orders of the House of Representatives 20

**Public Service** has the same meaning as in section 2 of the State Sector Act 1988

**New (unanimous)**

**recognised party** means a political party for the time being recognised for parliamentary purposes under the Standing Orders of the House of Representatives 25

**review committee** means a committee that is for the time being established under **section 19** 30

**Speaker** means—

- (a) the Speaker of the House of Representatives; or
- (b) in relation to the period commencing immediately after the close of any polling day at a general election and

ending with the first meeting of the House of Representatives after the general election, the person who held the office of Speaker of the House of Representatives on that day

**support services** includes the provision of accommodation. 5

### 3 **Purposes of this Act**

The purposes of this Act are as follows:

- (a) to establish mechanisms for providing services and funding entitlements for parliamentary purposes: 10
- (b) to provide for the governance arrangements of the Parliamentary Service, in particular, by making the General Manager of the Parliamentary Service responsible to the Speaker: 10
- (c) to reconstitute the Parliamentary Service Commission as a policy body: 15
- (d) to provide for regular, independent reviews of the amounts of money appropriated for services and funding entitlements for parliamentary purposes: 15
- (e) to provide for the ownership and control of land and other assets held for parliamentary purposes. 20

### 4 **Act to bind the Crown**

This Act binds the Crown.

## **Part 2**

### **Delivery of services and funding entitlements for House of Representatives and its members** 25

#### *Parliamentary Service*

### 5 **Parliamentary Service**

- (1) There continues to be a service called the Parliamentary Service.
- (2) The Parliamentary Service is not an instrument of the executive government. 30
- (3) The Parliamentary Service is the same service as that established by section 3 of the Parliamentary Service Act 1985.

Compare: 1985 No 128 s 3

**6 Principal duties of Parliamentary Service**

The principal duties of the Parliamentary Service are—

- (a) to provide administrative and support services to the House of Representatives and to members of Parliament; and
- (b) to administer, in accordance with directions given by the Speaker, the payment of funding entitlements for parliamentary purposes.

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Compare: 1985 No 128 s 4(1)

**7 Services provided in accordance with Speaker's directions**

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- (1) The Speaker must, in each financial year, give the Parliamentary Service written directions as to both—
  - (a) the nature of the services to be provided, under **section 6(a)**, in the next financial year; and
  - (b) the objectives to be achieved by the Service by providing those services.
- (2) The Service must act in accordance with those directions.

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**New (unanimous)**

- (3) Whenever the Speaker proposes to give directions under **subsection (1) or section 6**, the Speaker must take into account any relevant advice and any relevant recommendation given or made by the Parliamentary Service Commission under **section 13(1)(a) or (b)**.

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**8 Other functions of Parliamentary Service**

- (1) The Parliamentary Service may, with the approval of the Speaker, provide administrative and support services for the following persons and agencies:
  - (a) any officer of the House of Representatives;
  - (b) any officer of Parliament;
  - (c) any office of Parliament;
  - (d) any department or other instrument of the Crown.
- (2) The Service has any other function, power, and duty that is conferred or imposed on it by or under an enactment.
- (3) This Act does not limit the provision to the House of Representatives or to members of Parliament of administrative and

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support services by any other department or other instrument of the Crown.

Compare: 1985 No 128 s 4

*General Manager of Parliamentary Service*

**9 General Manager of Parliamentary Service**

The General Manager is the administrative head of the Parliamentary Service. 5

Compare: 1985 No 128 s 28

**10 Principal responsibilities of General Manager**

The General Manager is responsible to the Speaker for each of the following matters:

- (a) the carrying out of the duties and functions of the Parliamentary Service: 10
- (b) the tendering of advice to the Speaker and to the Parliamentary Service Commission:
- (c) the general conduct of the Service:
- (d) the efficient, effective, and economical management of the activities of the Service. 15

Compare: 1988 No 20 s 32

*Further provisions relating to Parliamentary Service*

**11 Further provisions relating to Parliamentary Service**

**Schedule 1** applies in relation to the Parliamentary Service.

**Part 3**

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**Policy relating to parliamentary resources and services**

*Parliamentary Service Commission*

**12 Parliamentary Service Commission**

There is a commission called the Parliamentary Service Commission. 25

Compare: 1985 No 128 s 5

**13 Functions of Parliamentary Service Commission**

(1) The Parliamentary Service Commission has the following functions:

- (a) to advise the Speaker on the following matters: 30

- (i) the nature of the services to be provided to the House of Representatives and to members of Parliament:
  - (ii) the objectives to be achieved by providing those services: 5
- (b) to recommend to the Speaker the adoption of criteria governing funding entitlements for parliamentary purposes:
- (c) to recommend to the Speaker persons who are suitable to be members of a review committee: 10
- (d) to consider and comment on draft reports prepared by review committees.
- (2) The Commission may at any time (*request*) require the Speaker or the General Manager to report on, or inquire into, matters relating to the administration of this Act or the exercise or performance of any function, duty, or power under this Act. 15
- (3) The Commission has any other function or power conferred on it by or under any enactment.
- (4) The Commission does not have a role in relation to— 20
  - (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.

Compare: 1985 No 128 s 6(2), (4), (5)

- 14 Membership of Commission during term of Parliament** 25
- (1) During the term of each Parliament, the Parliamentary Service Commission consists of the following:
    - (a) the Speaker:
    - (b) the Leader of the House or a member of Parliament nominated from time to time by the Leader of the House: 30
    - (c) the Leader of the Opposition or a member of Parliament nominated from time to time by the Leader of the Opposition:
    - (d) such number of members of Parliament as are appointed from time to time by resolution of the House of Representatives, that number to be determined in accordance with **subsection (2)**. 35

- (2) The number of members to be appointed under **subsection (1)(d)** is to be determined as follows:

**Struck out (unanimous)**

- |  |  |    |
|--|--|----|
|  | <p>(a) one member for each party that is represented in the House of Representatives by more than 5 members; and</p>                                       | 5  |
|  | <p>(b) an additional member for each party—</p>  |    |
|  | <p style="padding-left: 20px;">(i) that is represented in the House of Representatives by 30 or more members; and</p>                                      |    |
|  | <p style="padding-left: 20px;">(ii) that does not include among its members the Speaker, the Leader of the House, or the Leader of the Opposition; and</p> | 10 |
|  | <p>(c) an additional member, if there are 1 or more parties that are represented in the House of Representatives by 5 members or fewer.</p>                |    |

**New (unanimous)**

- |  |   |    |
|--|---|----|
|  | <p>(a) one member for each recognised party that is represented in the House of Representatives by 1 or more members; and</p>                     | 15 |
|  | <p>(b) an additional member for each recognised party that—</p>   |    |
|  | <p style="padding-left: 20px;">(i) is represented in the House of Representatives by 30 or more members; and</p>                                  | 20 |
|  | <p style="padding-left: 20px;">(ii) does not include among its members the Speaker, the Leader of the House, or the Leader of the Opposition.</p> |    |

- (3) No person who holds office as a Minister of the Crown or as a Parliamentary Under-Secretary may be appointed under **subsection (1)(d)** as a member of the Commission. 25

**Struck out (unanimous)**

- |  |   |    |
|--|---|----|
|  | <p>(4) No person may be appointed,—</p>   |    |
|  | <p style="padding-left: 20px;">(a) by virtue of <b>subsection (2)(a) or (b)</b>, unless the person is a member of the party in respect of which the appointment is made; or</p> | 30 |

**Struck out (unanimous)**

- (b) by virtue of **subsection (2)(c)**, unless the person is a member of the party or, as the case may be, a member of 1 of the parties in respect of which the appointment is made.

**New (unanimous)**

5

- (4) No person may be appointed under **subsection (1)(d)** unless the person is a member of the recognised party in respect of which the appointment is made.

- (5) Past service on the Commission is no bar to nomination or appointment as a member of the Commission.

10

- (6) To avoid any doubt, every member of Parliament who acts as a member of the Commission is, in so acting, acting in his or her official capacity as a member of Parliament.

Compare: 1985 No 128 s 7; 1996 No 46 s 7(4)

**15 Chairperson of Commission**

- (1) The Speaker is the chairperson of the Parliamentary Service Commission.

15

- (2) When there is a vacancy in the office of Speaker, or when the Speaker is (for whatever reason) absent from duty, the Deputy Speaker is the chairperson of the Commission.

**16 Vacation of office by nominated or appointed members**

20

- (1) A member of the Parliamentary Service Commission who holds office because of a nomination under **section 14(1)(b) or (c)** ceases to be a member of the Commission if 1 of the following events occurs:

- (a) the person by whom that member was nominated revokes the nomination of that member or nominates, instead of that member, another member of Parliament: 25
- (b) Parliament is dissolved or expires:
- (c) the member ceases to be a member of Parliament before Parliament is dissolved or expires. 30

- (2) A member of the Commission who holds office under **section 14(1)(d)** ceases to be a member of the Commission if 1 of the following events occurs:
- (a) the House of Representatives rescinds the resolution by which the member was appointed or resolves to appoint to the Commission, instead of that member, another member of Parliament: 5
  - (b) the member is appointed as a Minister of the Crown or as a Parliamentary Under-Secretary:
  - (c) Parliament is dissolved or expires: 10
  - (d) the member ceases to be a member of Parliament before Parliament is dissolved or expires.
- (3) A member of the Commission who holds office because of a nomination or an appointment may, by written notice to the chairperson of the Commission, resign the office at any time. 15

Compare: 1985 No 128 s 8

## 17 Membership of Parliamentary Service Commission between Parliaments

- (1) Throughout each period commencing immediately after the dissolution or expiry of a Parliament and ending with the first meeting of the House of Representatives after the general election of its members, the Parliamentary Service Commission consists of the following:
- (a) the Speaker:
  - (b) the Leader of the House or a person nominated from time to time by the Leader of the House: 25
  - (c) the Leader of the Opposition or a person nominated from time to time by the Leader of the Opposition.
- (2) No person may be nominated under **subsection (1)(b) or(c)** unless the person is a member of Parliament or was, at the dissolution or expiry of the Parliament, a member of Parliament. 30
- (3) The Speaker continues to be the chairperson of the Commission throughout the period specified in **subsection (1)**.

Compare: 1985 No 128 s 10

## 18 Further provisions relating to Commission

**Schedule 2** applies in relation to the Parliamentary Service Commission. 35

*Review committee*

- 19 Establishment of committee to review appropriations**
- (1) The Speaker may from time to time, and must at least once during the term of each Parliament, establish a review committee of up to 3 persons to review the amounts of money appropriated by Parliament for the following purposes: 5
- (a) administrative and support services provided to the House of Representatives and to members of Parliament:
  - (b) funding entitlements for parliamentary purposes. 10
- (2) No person appointed to the review committee may be a member of Parliament or an officer or employee of the Parliamentary Service.

**Struck out (unanimous)**

- (3) Before appointing a person to the review committee, the Speaker must consult with the Parliamentary Service Commission about the proposed appointment. 15

**New (unanimous)**

- (3) Before appointing a person to the review committee, the Speaker must— 20
- (a) consult with the Parliamentary Service Commission about the proposed appointment; and
  - (b) take into account any relevant recommendation made by the Commission under **section 13(1)(c)**.
- (4) The Speaker may appoint persons to the review committee on any terms and conditions, including terms and conditions as to remuneration and travelling allowances, that the Speaker considers appropriate. 25

**20 Work of review committee**

- (1) In carrying out its work, the review committee must consider each of the following matters: 30
- (a) the nature, quantity, and quality of administrative services and support services required for the effective operation of the House of Representatives:

- (b) the nature, quantity, and quality of administrative services and support services that members of Parliament require for the effective performance of their functions:
  - (c) the funding that recognised parties and members of Parliament require for the effective performance of their respective functions: 5
  - (d) the scope for efficiency gains in the delivery of administrative services and support services to the House of Representatives and to members of Parliament:
  - (e) investments that may be necessary or desirable in order to further the aims of high quality representation by members of Parliament and high quality legislation: 10
  - (f) the need for fiscal responsibility.
- (2) The review committee may, subject to any written direction by the Speaker, regulate its own procedure. 15

## 21 Report by committee

- (1) The review committee must—
- (a) set out in a report the details of its review and the conclusions reached and recommendations formulated as a result of the review; and 20
  - (b) submit the report to the Speaker within 3 months after the date on which the review committee is established, or within any further time the Speaker allows.
- (2) Before submitting its report to the Speaker, the review committee must consult with the Parliamentary Service Commission by seeking— 25
- (a) the views of the Commission on the matters to be included in the review committee's report; and
  - (b) the comments of the Commission on any preliminary assessments or recommendations that the review committee proposes to include in the report. 30
- (3) The Speaker must present the report to the House of Representatives not later than 6 sitting days after the date on which the review committee submits its report to the Speaker.

**Part 4**  
**Land and other assets held for  
parliamentary purposes**

*Parliamentary precincts*

- 22 Parliament grounds** 5
- The land described in **Schedule 3** is declared—
- (a) to be vested in fee simple in Her Majesty the Queen for parliamentary purposes; and
- (b) to be held under the Public Works Act 1981 as if the whole of that land had been set apart for those purposes under that Act. 10
- 23 Leased premises in Bowen House**
- (1) On the commencement of this Act, the interests, licences, and rights of the Parliamentary Service Commission under the Bowen House lease cease to be vested in the Parliamentary Service Commission, and vest instead in the Parliamentary Corporation. 15
- (2) No person is entitled to terminate, alter, or otherwise affect in any way the interests, licences, and rights vested in the Parliamentary Corporation by **subsection (1)**, simply because of the vesting under that subsection. 20
- (3) The General Manager must keep a copy of the lease at the General Manager's office.
- (4) As long as any land or premises that are subject to the lease continue to be part of the parliamentary precincts, any person may send to the General Manager a written application to inspect the lease; and in that case the General Manager must give the applicant a reasonable opportunity to inspect the lease during ordinary business hours at the General Manager's office. 25 30
- 24 House of Representatives may add land to parliamentary precincts**
- (1) The House of Representatives may from time to time, by resolution,—
- (a) add any land or premises to the parliamentary precincts; 35  
or

- (b) exclude from the parliamentary precincts any land or premises that are part of the parliamentary precincts by virtue of this Act.
- (2) The House of Representatives may at any time revoke, vary, or modify a resolution under **subsection (1)**. 5
- (3) No land or premises may be added under this section to the parliamentary precincts unless the Crown or the Parliamentary Corporation holds, on the date on which the resolution takes effect, an interest in the land or premises.
- (4) Any resolution made under **subsection (1)** must be printed and published in accordance with the Acts and Regulations Publication Act 1989, but is not a regulation for the purposes of the Regulations (Disallowance) Act 1989. 10

## 25 Parliamentary precincts under control of Speaker

- (1) The control and administration of the whole of the parliamentary precincts is vested in the Speaker on behalf of the House of Representatives, whether Parliament is in session or not. 15
- (2) The Speaker and every person authorised by the Speaker for the purpose has and may exercise, in respect of every part of the parliamentary precincts, all the powers of an occupier under the Trespass Act 1980. 20

### *Parliamentary Corporation*

## 26 Parliamentary Corporation

- (1) There is a corporation called the Parliamentary Corporation.
- (2) The Parliamentary Corporation is a body corporate with perpetual succession and a common seal, and has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity. 25

### **New (unanimous)**

30

- (3) The Parliamentary Corporation may exercise its powers only for the purpose of performing its functions
- (4) **Subsection (2)** is subject to **section 29A**.

**27 Functions of Parliamentary Corporation**

The Parliamentary Corporation has the following functions:

- (a) to facilitate transactions relevant to the duties of the Parliamentary Service:
- (b) to acquire, hold, and dispose of interests in land and other assets for parliamentary purposes. 5

**Struck out (unanimous)****28 Membership of Parliamentary Corporation**

The Parliamentary Corporation consists of the Speaker and the General Manager. 10

**New (unanimous)****28 Membership of Parliamentary Corporation**

- (1) The Parliamentary Corporation consists of the following:
  - (a) the Speaker:
  - (b) the General Manager: 15
  - (c) two members of the Parliamentary Service Commission (other than the Speaker) appointed by the Commission.
- (2) A member of the Corporation who holds office under **subsection (1)(c)** ceases to be a member if 1 of the following events occurs: 20
  - (a) the Parliamentary Service Commission revokes the appointment of the member or appoints, instead of that member, another person: 25
  - (b) the member ceases to be a member of the Parliamentary Service Commission. 25
- (3) Despite **subsection (2)(b)**, a member of the Corporation who holds office under **subsection (1)(c)** immediately before the dissolution or expiry of Parliament continues to hold office until the first meeting of the House of Representatives after the general election of its members. 30
- (4) A member of the Corporation who holds office under **subsection (1)(c)** may, by written notice to the chairperson of the Corporation, resign the office at any time.

## 29 *(Powers)* Specific powers of Parliamentary Corporation

### Struck out (unanimous)

- (1) The Parliamentary Corporation has all the powers that are necessary or expedient to enable it to carry out its functions.
- (2) *(Without limiting the generality of **subsection (1)**)* For the purpose of performing its functions, the Parliamentary Corporation may do any or all of the following:
- (a) enter into deeds, contracts, or arrangements—
    - (i) to purchase, take on lease, sub-lease, license, or sub-license any land or buildings or parts of buildings, or to acquire any other interest in land, whether or not subject to a mortgage, charge, lease, easement, or restrictive covenant or other encumbrance: 10
    - (ii) to sell, transfer, assign, or otherwise dispose of any lease, or other interest in land or buildings or parts of buildings, whether or not subject to a mortgage, charge, lease, easement, or restrictive covenant or other encumbrance: 15
    - (iii) to erect, alter, rebuild, or add to any building: 20
    - (iv) to develop or improve any land:
    - (v) to instal partitioning in any building or part of a building:
    - (vi) to fit out any building or part of a building:
  - (b) grant leases, tenancies, sub-leases, licences, or sub-licences over land or buildings or parts of buildings held by the Parliamentary Corporation, and create easements and restrictive covenants over such land or buildings, and accept surrenders or partial surrenders of interests granted by the Corporation: 25 30
  - (c) incur other obligations relevant to the duties and functions of the Parliamentary Service.

### Struck out (unanimous)

- (3) The Parliamentary Corporation has no power to borrow money. 35

**New (unanimous)**

- (3) This section does not limit the generality of **section 26**.

Compare: 1985 No 128 s 6A

**New (unanimous)****29A No borrowing power**

The Parliamentary Corporation has no power to borrow money. 5

**30 Further provisions relating to Parliamentary Corporation**

**Schedule 4** applies in relation to the Parliamentary Corporation. 10

**Part 5****Miscellaneous provisions***Exercise of Speaker's powers***31 Deputy Speaker may act as Speaker**

When there is a vacancy in the office of Speaker or when the Speaker is (for whatever reason) absent from duty, the functions, duties, and powers of the Speaker under this Act or the Public Finance Act 1989 are to be exercised or performed by the Deputy Speaker. 15

**32 Delegation of powers by Speaker**

- (1) The Speaker may delegate to a specified person any function, duty, or power (other than this power of delegation) that the Speaker has under this Act. 20
- (2) A delegation must be in writing and signed by the Speaker.
- (3) A delegate must exercise or perform functions, duties, or powers— 25
- (a) in accordance with any condition attaching to the delegation and any general or special direction given by the Speaker; but

- (b) otherwise in the same manner and with the same effect as if they had been conferred or imposed on the delegate directly by this Act.
- (4) Every person purporting to act under a delegation is, in the absence of proof to the contrary, to be regarded as acting in accordance with the terms of the delegation. 5

### **33 Status of delegations**

- (1) The Speaker is not prevented from exercising or performing any function, duty, or power delegated under **section 32**.
- (2) The Speaker may revoke a delegation at any time by written notice to the delegate. 10
- (3) A delegation continues in force according to its tenor until it is revoked.
- (4) If the person who made the delegation ceases to hold office as Speaker, the delegation continues to have effect as if made,— 15
- (a) until the election of the next Speaker, by the Deputy Speaker; and
- (b) after that election, by the next Speaker.

#### *Amendments to other Acts*

- 34 Amendment to Ombudsmen Act 1975** 20  
Part II of the First Schedule of the Ombudsmen Act 1975 is amended by omitting the item “The Parliamentary Service Commission.”, and substituting the item “The Parliamentary Service.”
- 35 Amendment to Higher Salaries Commission Act 1977** 25  
The Fourth Schedule of the Higher Salaries Commission Act 1977 is amended by inserting, after the item relating to the Clerk of the House of Representatives and the Deputy Clerk of the House of Representatives, the item “General Manager of the Parliamentary Service.” 30
- 36 Amendment to Official Information Act 1982**  
Section 2(1) of the Official Information Act 1982 is amended by omitting from paragraph (a) of the definition of the term “organisation” the words “(other than the Parliamentary Service Commission)”, and substituting the words “(other than the Parliamentary Service)”. 35

**37 Amendment to Public Finance Act 1989**

Section 82(3) of the Public Finance Act 1989 is amended by omitting the expression “9(2)(i)”, and substituting the expression “9(2A)(f)”.

*Repeals*

5

**38 Repeals**

- (1) The enactments specified in **Schedule 5** are repealed.
  - (2) Without limiting the provisions of the (*Acts Interpretation Act 1924*) Interpretation Act 1999, it is declared that the repeal of the Parliamentary Service Amendment Act 1991 does not 10 affect the rights that any person has by virtue of section 9 of that Act.
-

## Schedule 1

### Provisions applying in respect of Parliamentary Service

#### *General Manager and Acting General Manager*

- 1 Appointment of General Manager** 5
- (1) The General Manager of the Parliamentary Service is appointed by the Governor-General on the recommendation of a committee consisting of—
- (a) the Speaker, who chairs the committee constituted under this clause: 10
  - (b) a member of the Parliamentary Service Commission appointed for the purpose by the Leader of the House:
  - (c) a member of the Parliamentary Service Commission appointed for the purpose by the Leader of the Opposition: 15
  - (d) the State Services Commissioner:
  - (e) not more than 2 additional members appointed by the members specified in **paragraphs (a) to (d)**, if those members decide, in a particular case, that the exercise of the power conferred by this paragraph is appropriate. 20
- (2) The committee may examine applicants and seek advice from any sources it considers relevant.
- (3) At every meeting of the committee,—
- (a) each matter must be decided by a majority of the votes recorded on it; and 25
  - (b) the person presiding has a deliberative vote and, if the votes are equal, also has a casting vote.
- (4) The committee—
- (a) may from time to time invite any person it thinks fit to assist it in its deliberations; and 30
  - (b) may, except as otherwise specified in this clause, regulate its own procedure.

Compare: 1985 No 128 s 35(2)–(6)

- 2 Obligation to advertise vacancies** 35
- No person may be appointed as the General Manager of the Parliamentary Service unless the vacancy has been notified in a manner that the Speaker thinks sufficient to enable suitably qualified persons to apply for the position.

Compare: 1985 No 128 s 36

### 3 Remuneration and conditions of employment

- (1) The remuneration of the General Manager is determined from time to time by the Higher Salaries Commission under the Higher Salaries Commission Act 1977.
- (2) The terms and conditions of employment of the General Manager (other than remuneration) are determined from time to time by the State Services Commissioner with the agreement of the Speaker. 5

Compare: 1988 No 126 s 8

### 4 Term of office

- (1) The General Manager is appointed for a term of 5 years; but is eligible for reappointment from time to time. 10
- (2) When the term for which a person has been appointed as General Manager expires, that person, unless sooner vacating or removed from office under **clause 5**, continues to hold office until— 15
- (a) that person is reappointed; or
- (b) a successor to that person is appointed.

Compare: 1988 No 126 s 10

### 5 Removal of General Manager from office

The State Services Commissioner may, with the agreement of the Speaker, for just cause or excuse, remove the General Manager from office. 20

Compare: 1985 No 128 s 36B

### 6 Acting General Manager of the Parliamentary Service

- (1) When there is a vacancy in the position of General Manager or when the General Manager is (for whatever reason) absent from duty, the functions, duties, and powers of the General Manager must be exercised or performed by a person whom the Speaker directs to exercise those functions, duties, and powers. 25
- (2) A person whom the Speaker directs must be an employee of the Parliamentary Service or an employee of a department. 30
- (3) The Speaker may give a direction before the occurrence of any vacancy or absence referred to in *(that subclause)* **subclause (1)** or while the vacancy or absence continues.

- (4) No direction and no act done by a person acting under a direction given under this clause may, in a proceeding, be questioned on the ground that the occasion for the direction had not arisen or had ceased or on the ground that the person had not been appointed to a position to which the direction relates. 5

Compare: 1985 No 128 s 34

### *Employment in Parliamentary Service*

#### **7 Application of State Sector Act 1988**

- (1) The provisions of Parts V, VI, and VIII of the State Sector Act 1988 apply in respect of employment within the Parliamentary Service as if— 10
- (a) the Service were a department; and
  - (b) all references to the chief executive were references to the General Manager.
- (2) Nothing in any other Part of the State Sector Act 1988 applies in respect of the Service or persons employed in the Service. 15
- (3) **Subclause (2)** is subject to **clause 15**.

Compare: 1985 No 128 s 39

#### **8 Delegation of powers by General Manager**

- (1) The General Manager may delegate to a specified employee, or to employees of a specified class, of the Parliamentary Service any function, duty, or power (other than this power of delegation) that the General Manager can exercise— 20
- (a) under an enactment; or
  - (b) under a delegation made under an enactment.
- (2) A delegation must be in writing and signed by the General Manager. 25
- (3) A delegate must exercise or perform the functions, duties, or powers delegated—
- (a) in accordance with any condition attaching to the delegation and any general or special direction given by the General Manager; but 30
  - (b) otherwise in the same manner and with the same effect as if they had been conferred or imposed on the delegate directly by this Act.

- (4) Every person appearing to act under a delegation is, in the absence of proof to the contrary, to be regarded as acting in accordance with the terms of the delegation.

Compare: 1985 No 128 s 31(1)–(4)

## **9 Status of delegations**

- (1) The General Manager is not prevented from exercising or performing any function, duty, or power delegated under **clause 8**. 5
- (2) The General Manager may revoke a delegation at any time by written notice to the delegate.
- (3) A delegation continues in force according to its tenor until it is revoked. 10
- (4) If the person who made the delegation ceases to hold office as General Manager, the delegation continues to have effect as if made,—
- (a) until the appointment of the next General Manager, by the person acting as General Manager; and 15
- (b) after that appointment, by the next General Manager.

Compare: 1985 No 128 s 31(5), (6)

## **10 Superannuation**

For the purposes of the Government Superannuation Fund Act 1956, service as an employee of the Parliamentary Service is government service. 20

Compare: 1985 No 128 s 44

## *Parliamentary Library*

### **11 Parliamentary Library**

The Parliamentary Library forms part of the Parliamentary Service. 25

Compare: 1985 No 128 s 49

### **12 Functions of Parliamentary Library**

- (1) The general function of the Parliamentary Library is to provide to the persons specified in **subclause (2)** the library, information, research, and reference services required by the General Manager. 30

- (2) The Parliamentary Library must provide the services referred to in **subclause (1)** to the following persons:
- (a) members of Parliament:
  - (b) officers of the House of Representatives:
  - (c) officers of Parliament: 5
  - (d) staff of the Parliamentary Service or of any office of Parliament:
  - (e) persons employed within Parliament Buildings (including the Executive Wing):
  - (f) any other person or class of person approved from time to time by the Speaker. 10

Compare: 1985 No 128 s 50

### 13 Parliamentary Librarian

- (1) The head of the Parliamentary Library (called the Parliamentary Librarian) is an employee of the Parliamentary Service.
- (2) Before appointing a person to the position of Parliamentary Librarian, the General Manager must consult with any committee, established under **clause 8 of Schedule 2**, that is responsible for providing advice on the Parliamentary Library. 15
- (3) The holder of the position of Parliamentary Librarian is responsible to the General Manager. 20

Compare: 1985 No 128 s 51

### *Audits and reviews of Parliamentary Service*

#### 14 Audit

- (1) The Audit Office is the auditor of all money and stores of the Parliamentary Service and of all books and accounts and transactions relating to the money and stores of the Service. 25
- (2) The Public Finance Act 1977 applies in respect of the Service as if it were a Government agency within the meaning of that Act.

Compare: 1985 No 128 s 55

#### 15 Functions of State Services Commissioner in relation to Parliamentary Service 30

- (1) The State Services Commissioner may from time to time, at the request of the Speaker, exercise in respect of the Parliamentary Service any of the functions conferred on the State

Services (*Commission*) Commissioner by section 6 of the State Sector Act 1988.

- (2) For the purposes of this clause, section 6 of the State Sector Act 1988 applies, with all necessary modifications, as if—
- (a) the Service were a department; and 5
  - (b) the General Manager of the Service were the chief executive of that department.

Compare: 1988 No 126 s. 17

*Assets of Parliamentary Corporation notionally owned by  
Parliamentary Service*

- 16 Assets of Parliamentary Corporation owned by  
Parliamentary Service for certain purposes** 10
- All assets and liabilities of the Parliamentary Corporation must be treated as the assets and liabilities of the Parliamentary Service for each of the following purposes:
- (a) the audit of the Service: 15
  - (b) all estimates and supplementary estimates of the Service required to be prepared under the Public Finance Act 1989:
  - (c) all financial reports of the Service required to be prepared under the Public Finance Act 1989: 20
  - (d) any other matter done under, or in connection with, the Public Finance Act 1989.
-

s 18

## Schedule 2

### Provisions applying in respect of Parliamentary Service Commission

#### *Meetings of Commission*

- 1 Calling of meetings** 5
- (1) Meetings of the Parliamentary Service Commission are held at times and places appointed from time to time by the Commission or its chairperson.
- (2) The chairperson, or any 3 members, may at any time call a special meeting. When the membership of the Commission consists of the persons specified in **section 17**, 1 member of the Commission may call a special meeting at any time. 10
- Compare: 1985 No 128 s 11(1), (2)
- 2 Person presiding**
- (1) At all meetings of the Parliamentary Service Commission, the chairperson, if present, presides. 15
- (2) If the chairperson is absent from a meeting and there is no deputy appointed under **clause 7** attending for the chairperson, the members present must appoint 1 of their number to be the chairperson of that meeting.
- Compare: 1985 No 128 s 11(3)
- 3 Quorum** 20
- (1) At all meetings of the Parliamentary Service Commission held during the term of a Parliament, the number of members required for a quorum is determined by the (*number of parties*) number of recognised parties represented in the House of Representatives, as follows: 25
- (a) if there is an even number of such parties, the quorum is half that number plus 1:
- (b) if there is an odd number of such parties, the quorum is half that number, rounded up to the nearest whole number. 30
- (2) The quorum determined in accordance with **subclause (1)** must include at least 1 member who is a member of (*a party*) a recognised party in Opposition.

- (3) At all meetings of the Commission that are held while the Commission consists of the persons specified in **section 17**, 2 members form a quorum.

#### **4 Decisions**

- (1) Each question arising at any meeting of the Parliamentary Service Commission is decided by a majority of the valid votes recorded on the question. 5

- (2) The manner of voting at meetings of the Commission must be in accordance with **clause 5 or clause 6**, as the case may require.

Compare: 1985 No 128 s 11(4)

#### **5 Voting at meetings held during term of Parliament** 10

- (1) This clause applies to every meeting of the Parliamentary Service Commission that is held during the term of a Parliament.

- (2) When a question is voted on at a meeting, all votes are cast on behalf of recognised parties. 15

- (3) A member of the Commission who votes at a meeting on behalf of *(a party)* a recognised party casts as many votes as there are members of the House of Representatives who belong to that party.

- (4) A member of the Commission may vote at a meeting only if the member is authorised by *(a party)* a recognised party, either generally or for the particular meeting, to vote on behalf of that party. 20

- (5) The fact that a member of the Commission votes at a meeting on behalf of *(a party)* a recognised party is, unless the contrary is shown, sufficient evidence of that member's authority to vote on behalf of that party at that meeting. 25

#### **6 Voting at meetings held between Parliaments**

At a meeting held while the Parliamentary Service Commission consists of the persons specified in **section 17**, each of those persons has 1 vote, and, if the votes are equal, the chairperson or other person presiding also has a casting vote. 30

Compare: 1985 No 128 s 11(5)

**7 Deputies**

- (1) A member of the Parliamentary Service Commission may, by notice in writing, appoint a member of Parliament to attend 1 or more meetings of the Commission as the deputy of that member. 5
- (2) No person who holds office as a Minister of the Crown or as a Parliamentary Under-Secretary may be appointed as the deputy of a member of the Commission who holds office under **section 14(1)(d)**.
- (3) The appointment of a deputy ceases if— 10
- (a) the person who appointed the deputy, by written notice, revokes the appointment; or
  - (b) the person who appointed the deputy ceases to be a member of the Commission.

**Struck out (unanimous)** 15

- (4) A deputy who attends a meeting for a member may vote on behalf of that member, and has and may exercise all the rights, privileges, and duties of that member.

**New (unanimous)**

- (4) For the purposes of a meeting that a deputy attends in the place of a member, the deputy— 20
- (a) has and may exercise all the rights, privileges, and duties of that member; and
  - (b) is to be regarded as a member of the Commission.

- (5) The powers conferred by this clause may not be exercised at any time while the Commission consists of the persons specified in **section 17**. 25

Compare: 1985 No 128 s 9(1), (2), (2A)

*Committees and reports***8 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 30

the Commission on any matter within the scope of its functions.

- (2) Subject to the provisions of this Act and to any general or special directions of the Commission, any committee appointed under this clause may regulate its procedure in any manner it thinks fit. 5

Compare: 1985 No 128 s 13

## **9 Employment of experts**

- (1) The Speaker may commission 1 or more experts to make any inquiries or conduct any research or prepare any reports that may be necessary for the efficient performance of the Parliamentary Service Commission's functions. 10

- (2) The Speaker must consult with the Commission before doing so.

Compare: 1985 No 128 s 17

## **10 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 any manner it thinks fit. 15

Compare: 1985 No 128 s 15

## **11 Annual report**

As soon as practicable after the end of each year ending with 30 June, the Parliamentary Service Commission must prepare and present to the House of Representatives a report on its activities during that year. 20

Compare: 1985 No 128 s 18

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s 22

**Schedule 3**  
**Description of land vested in Her Majesty the Queen**  
**for parliamentary purposes**

All that parcel of land containing 4.5592 hectares, more or less, being Section 1, S.O. Plan 38114 and shown on S.O. Plan 38114 5  
as—

| Area | Former Description                                       |
|------|--|
| A    | 423 m <sup>2</sup> Part Section 505, Town of Wellington  |
| B    | 19 m <sup>2</sup> Part Section 505, Town of Wellington   |
| C    | 2651 m <sup>2</sup> Part Section 526, Town of Wellington |
| D    | 3616 m <sup>2</sup> Part Section 527, Town of Wellington |
| E    | 60 m <sup>2</sup> Part Section 528, Town of Wellington   |
| F    | 79 m <sup>2</sup> Closed road                            |
| G    | 737 m <sup>2</sup> Part Section 1, S.O. Plan 20883       |
| H    | 1209 m <sup>2</sup> Part Section 2, S.O. Plan 20883      |
| I    | 244 m <sup>2</sup> Part Section 3, S.O. Plan 20883       |
| J    | 613 m <sup>2</sup> Section 1, S.O. Plan 20910            |
| K    | 1.1072 ha Section 1210, Town of Wellington               |
| L    | 2.2793 ha Section 1211, Town of Wellington               |
| M    | 13 m <sup>2</sup> Section 1, S.O. Plan 28137             |
| N    | 30 m <sup>2</sup> Section 2, S.O. Plan 28137             |
| O    | 2033 m <sup>2</sup> Part Section 2, S.O. Plan 36836      |

**Schedule 4**  
**Provisions applying in respect of**  
**Parliamentary Corporation**

s 30

**1 Chairperson of Corporation**

- (1) The Speaker is the chairperson of the Corporation. 5
- (2) When there is a vacancy in the office of Speaker, or when the Speaker is (for whatever reason) absent from duty, the Deputy Speaker is the chairperson of the Corporation.

**2 Chief executive and Secretary**

- (1) The General Manager is the chief executive of the Corporation. 10
- (2) The chief executive may appoint an employee of the Parliamentary Service to be the Secretary of the Corporation.

**Struck out (unanimous)****3 Meetings**

- (1) Meetings of the Corporation are held at times and places appointed by the Corporation or by the Speaker. 15
- (2) Every meeting of the Corporation requires the presence of—
- (a) the Speaker or a member of Parliament who is authorised by a delegation, given under **section 32**, to exercise the Speaker's functions, duties, and powers at the meeting; and 20
- (b) the General Manager or an employee of the Parliamentary Service who is authorised by a delegation, given under **clause 8 of Schedule 1**, to exercise the General Manager's functions, duties, and powers at the meeting. 25

**4 Resolutions to be unanimous**

Every resolution of the Corporation must be unanimous.

**New (unanimous)**

**3 Meetings**

- (1) Meetings of the Corporation are held at times and places appointed by the Corporation or by the chairperson of the corporation. 5
- (2) Every meeting of the Corporation requires the presence of—
- (a) the chairperson or a deputy appointed, under **clause 3B**, by the chairperson; and
  - (b) the General Manager or a deputy appointed, under **clause 3B**, by the General Manager; and 10
  - (c) one member appointed under **section 28(1)(c)** or a deputy appointed, under **clause 3B**, by such a member.

**3A Person presiding**

- (1) At all meetings of the Corporation, the chairperson, if present, presides. 15
- (2) If the chairperson is absent from a meeting and there is no deputy, appointed under **clause 3B** by the chairperson, the members present must appoint 1 of their number to be the chairperson of that meeting.

**3B Deputies** 20

- (1) A member of the Corporation may, by notice in writing, appoint a person to attend 1 or more meetings of the Corporation as the deputy of that member.
- (2) The appointment of a deputy ceases if—
- (a) the person who appointed the deputy, by written notice, 25  
revokes the appointment; or
  - (b) the person who appointed the deputy ceases to be a member of the Corporation.
- (3) For the purposes of a meeting that a deputy attends in the place of a member, the deputy— 30
- (a) has and may exercise all the rights, privileges, and duties of that member; and
  - (b) is to be regarded as a member of the Corporation.

**New (unanimous)****4 Voting**

- (1) If the members of the Corporation cannot reach consensus on a question, the question must be decided by a majority of the votes cast. 5
- (2) Each member has 1 vote, and if the votes are equal, the chairperson or other person presiding also has a casting vote.

**4A Resolution assented to by all members**

- (1) A resolution in writing signed or assented to by letter, telegram, telex, fax message, or electronic message by all members of the Corporation is as valid and effective as if it had been passed at a meeting of the Corporation duly called and constituted. 10
- (2) Any such resolution may consist of several documents that are similar in form, each signed or appearing to have been sent by 1 or more members. 15

**5 Procedure**

Subject to the provisions of this Act, the Corporation may regulate its procedure and exercise its functions in any manner that it thinks fit. 20

**6 Seal**

- (1) The Corporation must provide for the safe custody of the common seal of the Corporation, which must be in a form that the Corporation decides.

**Struck out (unanimous)**

25

- (2) The common seal may be used only by the authority of a resolution of the Corporation, and each document to which the seal is affixed must be signed— 30
- (a) by the Speaker or a member of Parliament who is authorised by a delegation, given under **section 32**, to sign the document or documents of that kind; and

**Struck out (unanimous)**

- (b) by the General Manager or an employee of the Parliamentary Service who is authorised by a delegation, given under **clause 8 of Schedule 1**, to sign the document or documents of that kind. 5

**New (unanimous)**

- (2) The common seal may be used only by the authority of a resolution of the Corporation, and each document to which the seal is affixed must, subject to **subclauses (2A) and (2B)**, be signed by 2 members of the Corporation. 10
- (2A) A member of Parliament may sign, in the place of the Speaker, a document to which the common seal is affixed if that member is authorised by a delegation, given under **section 32**, to sign the document or documents of that kind.
- (2B) An employee of the Parliamentary Service may sign, in the place of the General Manager, a document to which the common seal is affixed if that employee is authorised by a delegation, given under **clause 8 of Schedule 1**, to sign the document or documents of that kind. 15
- (3) The seal of the Corporation must be judicially noticed in all courts and for all purposes. 20

**7 Contracts**

- (1) A contract or other enforceable obligation may be entered into by the Corporation as follows:
- (a) an obligation that, if entered into by a natural person, would be required to be by deed must be entered into on behalf of the Corporation in writing under the common seal of the Corporation: 25
- (b) an obligation that, if entered into by a natural person, would be required to be in writing may be entered into on behalf of the Corporation in writing by a person acting under the Corporation's express or implied authority: 30

- 
- (c) an obligation that, if entered into by a natural person, would not be required to be in writing may be entered into on behalf of the Corporation in writing or orally by a person acting under the Corporation's express or implied authority. 5
- (2) **Subclause (1)(b) and (c)** do not prevent the Corporation from entering into any obligation in accordance with **paragraph (a)** of that subclause.
- (3) Despite **subclause (1)**, no obligation entered into by or on behalf of the Corporation, under the authority of a general or specific resolution of the Corporation, is invalid only because the obligation was not entered into in accordance with this clause. 10
- Compare: 1959 No 98 s 3; 1993 No 105 s 180(1)

## 8 Records

The Corporation must keep a record of all decisions made by the Corporation, but need not keep financial records or produce financial statements in respect of the Corporation. 15

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s 38

**Schedule 5**  
**Enactments repealed**

**Clerk of the House of Representatives Act 1988** (1988 No 126)  
Sections 33 and 34.

**Constitution Act 1986** (1986 No 114) 5  
So much of the First Schedule as relates to the Parliamentary Service  
Act 1985.

**Parliamentary Service Act 1985** (1985 No 128)

**Parliamentary Service Amendment Act 1988** (1988 No 29)

**Parliamentary Service Amendment Act 1991** (1991 No 146) 10

**Reserves and Other Lands Disposal Act 1974** (1974 No 139)  
Section 2.

**Reserves and Other Lands Disposal Act 1980** (1980 No 62)  
Section 8.

**Legislative history**

20 September 1999

Introduction, first reading and referral to Government  
Administration Committee (Bill 324-1)

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