

Version
as at 28 October 2021



Parliamentary Service Act 2000

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Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Parliamentary Service.

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1 Title

This Act is the Parliamentary Service Act 2000.

2 Commencement

This Act comes into force on 1 July 2000.

Part 1 Preliminary provisions

Interpretation

Heading: inserted, on 1 January 2011, by section 4 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

3 Interpretation

In this Act, unless the context otherwise requires,—

Bowen House lease or **the lease** means all agreements, 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 corner of Lambton Quay and Bowen Street in Wellington; or
- (b) any land adjoining that building

Chief Executive means the Chief Executive of the Parliamentary Service

department has the same meaning as in section 5 of the Public Service Act 2020

Deputy Speaker means—

- (a) the Deputy Speaker of the House of Representatives; or
- (b) in relation to the 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, the person who held the office of Deputy Speaker at the time of the dissolution or expiry of the Parliament

election advertisement has the meaning given to it by section 3A of the Electoral Act 1993 (as inserted by section 5 of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010)

electioneering means—

- (a) a communication of the kind described in section 3B(2)(a); and
- (b) an advertisement of the kind described in section 3B(2)(b); and
- (c) an advertisement of the kind described in section 3B(2)(c)

funding entitlements for parliamentary purposes has the meaning given to it by section 3B

government initiated referendum means a binding or indicative referendum initiated by the Government

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

Parliamentary Corporation or **Corporation** means the body corporate established by section 27

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;
- (c) any other land or premises added to the parliamentary precincts by a resolution of the House of Representatives under section 25

Parliamentary Service or **Service** means the Parliamentary Service continued by section 6

Parliamentary Service Commission or **Commission** means the Parliamentary Service Commission established by section 13

public service has the same meaning as in section 10 of the Public Service Act 2020

qualifying electoral candidate has the same meaning as in section 5 of the Members of Parliament (Remuneration and Services) Act 2013

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

referendum advertisement means an advertisement in any medium that may reasonably be regarded as encouraging or persuading voters to vote, or not to vote, in a particular way in a government initiated referendum

regulated period, in relation to a general election, has the meaning given to it by section 3B(2) and (3) of the Electoral Act 1993 (as inserted by section 5 of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010)

regulated period, in relation to a government initiated referendum, means the period (if any) specified in an enactment as being the regulated period for the referendum

Remuneration Authority has the same meaning as in section 5 of the Members of Parliament (Remuneration and Services) Act 2013

review committee means a committee that is for the time being established under section 20

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.

Section 3 **Chief Executive**: inserted, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 3 **department**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 3 **election advertisement**: inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **electioneering**: inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **funding entitlements for parliamentary purposes**: inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **General Manager**: repealed, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 3 **government initiated referendum**: inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **public service**: replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 3 **qualifying electoral candidate**: inserted, on 16 December 2013, by section 48 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3 **referendum advertisement**: inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **regulated period** (in relation to a general election): inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **regulated period** (in relation to a government initiated referendum): inserted, on 1 January 2011, by section 5 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3 **Remuneration Authority**: inserted, on 16 December 2013, by section 48 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

3A Meaning of publish in sections 3B and 3C

In sections 3B and 3C, **publish**, in relation to an election advertisement or a referendum advertisement, means to bring to the notice of a person in any manner, regardless of whether the place of publication is New Zealand or overseas,—

- (a) including—
 - (i) displaying on any medium:
 - (ii) distributing by any means:

- (iii) delivering to an address:
 - (iv) leaving at a place:
 - (v) sending by post or otherwise:
 - (vi) printing in a newspaper or other periodical:
 - (vii) broadcasting by any means:
 - (viii) disseminating by means of the Internet or any other electronic medium:
 - (ix) storing electronically in a way that is accessible to the public:
 - (x) incorporating in a device for use with a computer:
 - (xi) inserting in a film or video; but
- (b) excluding addressing 1 or more persons face to face.

Section 3A: inserted, on 1 January 2011, by section 6 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

3B Meaning of funding entitlements for parliamentary purposes

- (1) In this Act, unless the context otherwise requires, **funding entitlements for parliamentary purposes** includes funding for all or any of the following purposes:
- (a) the performance by a member of Parliament of his or her role and functions as a member of Parliament:
 - (b) the performance by a recognised party of its role and functions as a recognised party:
 - (c) the provision of accommodation services for members of Parliament and qualifying electoral candidates and travel services for family members of those persons in accordance with a determination made by the Remuneration Authority under section 17(1) of the Members of Parliament (Remuneration and Services) Act 2013:
 - (d) the provision of travel services for members of Parliament and qualifying electoral candidates in accordance with directions issued by the Speaker under section 23(1)(a) of the Members of Parliament (Remuneration and Services) Act 2013:
 - (e) the provision of communications services (other than services including electioneering) in accordance with directions issued by the Speaker under section 23(1)(c) of the Members of Parliament (Remuneration and Services) Act 2013:
 - (f) the provision of travel services in accordance with directions issued by the Speaker under section 23(1)(f) of the Members of Parliament (Remuneration and Services) Act 2013:

- (g) the provision of services and resources to qualifying electoral candidates in accordance with directions issued by the Speaker under section 23 of the Members of Parliament (Remuneration and Services) Act 2013.
- (2) However, **funding entitlements for parliamentary purposes** does not include funding for—
- (a) any communication that explicitly—
 - (i) seeks or discourages support for the election of a particular person or people; or
 - (ii) seeks or discourages support for the casting of a party vote for a particular political party or political parties; or
 - (iii) encourages a person to become or discourages a person from becoming a member of a particular political party or political parties; or
 - (iv) solicits subscriptions or other financial support; or
 - (v) seeks support for casting a vote for one of the answers to the precise question to be put to voters in an indicative referendum initiated under the Citizens Initiated Referenda Act 1993; or
 - (vi) seeks support for casting a vote for one of the responses to a proposal to be put to electors in a government initiated referendum; or
 - (b) an election advertisement published during the regulated period in relation to a general election, regardless of whether all or any part of an expense in relation to the advertisement is incurred or paid before, during, or after that regulated period; or
 - (c) a referendum advertisement published during the regulated period in relation to a government initiated referendum, regardless of whether all or any part of an expense in relation to the advertisement is incurred or paid before, during, or after that regulated period; or
 - (d) the provision of travel, accommodation, and communications services in accordance with any determination made by the Speaker of the House of Representatives under section 34 of the Members of Parliament (Remuneration and Services) Act 2013 in respect of members of Parliament participating in the official inter-parliamentary relations programme.
- (3) Subsection (2)(b) and (c) are subject to section 3C.

Section 3B: inserted, on 1 January 2011, by section 6 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Section 3B(1)(c): replaced, on 16 December 2013, by section 49(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3B(1)(d): replaced, on 16 December 2013, by section 49(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3B(1)(e): replaced, on 16 December 2013, by section 49(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3B(1)(f): replaced, on 16 December 2013, by section 49(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3B(1)(g): inserted, on 16 December 2013, by section 49(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3B(2)(d): amended, on 16 December 2013, by section 49(2)(a) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 3B(2)(d): amended, on 16 December 2013, by section 49(2)(b) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

3C Apportionment of funding for election advertisement or referendum advertisement published both before and during regulated period

- (1) This section applies if—
 - (a) an election advertisement is published—
 - (i) before the regulated period in relation to a general election and continues to be published during the regulated period; or
 - (ii) both before and during the regulated period in relation to a general election; or
 - (b) a referendum advertisement is published—
 - (i) before the regulated period in relation to a government initiated referendum and continues to be published during the regulated period; or
 - (ii) both before and during the regulated period in relation to a government initiated referendum.
- (2) If this section applies,—
 - (a) the expenses for the publication of the advertisement must be apportioned so that only a fair proportion of the expenses is attributed to the publication of the advertisement during the regulated period; and
 - (b) only expenses attributed to the publication of the advertisement during the regulated period in accordance with paragraph (a) are excluded from funding entitlements for parliamentary purposes under section 3B(2)(b) and (c); and
 - (c) expenditure under Vote Parliamentary Service in respect of the publication of the advertisement is invalid only to the extent, and from the date, that expenses are attributed to the publication of the advertisement during the regulated period in accordance with paragraph (a).

Section 3C: inserted, on 1 January 2011, by section 6 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

3D Opinion given by Electoral Commission may be taken into account in determining whether advertisement is election advertisement

An opinion given to any person by the Electoral Commission under section 204I(3) of the Electoral Act 1993 (as inserted by section 7 of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010) may be taken

into account in determining whether an advertisement is an election advertisement for the purposes of section 3B(2)(b) of this Act.

Section 3D: inserted, on 1 January 2011, by section 6 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

3E Interpretation of determinations and directions under Members of Parliament (Remuneration and Services) Act 2013

Every determination made by the Remuneration Authority under section 17 of the Members of Parliament (Remuneration and Services) Act 2013 and all directions issued by the Speaker under section 23 of that Act must be interpreted consistently with sections 3B and 3C of this Act.

Section 3E: replaced, on 16 December 2013, by section 50 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Purposes

Heading: inserted, on 1 January 2011, by section 7 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

4 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:
- (b) to provide for the governance arrangements of the Parliamentary Service, in particular, by making the Chief Executive of the Parliamentary Service responsible to the Speaker:
- (c) to reconstitute the Parliamentary Service Commission as a policy body:
- (d) to provide for regular and independent reviews of the amounts appropriated in Appropriation Acts for services and funding to support the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates:
- (e) to provide for the ownership and control of land and other assets held for parliamentary purposes.

Section 4(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 4(d): replaced, on 16 December 2013, by section 51 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

5 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

Parliamentary Service

6 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.
- (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

7 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 the payment of funding entitlements for parliamentary purposes, except those funding entitlements for parliamentary purposes that the Speaker and the Minister who is, with the authority of the Prime Minister, for the time being responsible for Ministerial Services agree should not be administered by the Parliamentary Service; and
- (c) to administer the entitlements of members of the Executive under Part 3 of the Members of Parliament (Remuneration and Services) Act 2013 that the Speaker and the Minister who is, with the authority of the Prime Minister, for the time being responsible for Ministerial Services agree should be administered by the Parliamentary Service; and
- (d) to administer the payment of the travel entitlements of former members of Parliament.

Compare: 1985 No 128 s 4(1)

Section 7(b): replaced, on 16 December 2013, by section 52 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 7(c): inserted, on 16 December 2013, by section 52 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 7(d): inserted, on 16 December 2013, by section 52 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

8 Services and administration of funding in accordance with Members of Parliament (Remuneration and Services) Act 2013, determinations and directions, etc

- (1) In carrying out its duties under section 7(a) to (c), the Parliamentary Service must act in accordance with—

- (a) Part 3 of the Members of Parliament (Remuneration and Services) Act 2013 and the determinations made, directions issued, and procedures prescribed under that Part; and
 - (b) directions issued by the Speaker under subsection (3) in respect of services to be provided to the House of Representatives.
- (2) In carrying out its duties under section 7(d), the Parliamentary Service must act in accordance with sections 39 to 42 of the Members of Parliament (Remuneration and Services) Act 2013 and determinations made by the Remuneration Authority under section 41 of that Act.
- (3) The Speaker must, in each financial year, issue directions to the Parliamentary Service as to the nature of the administrative and support services to be provided to the House of Representatives and the objectives to be achieved by the Service in providing those services.
- (4) The Speaker must take into account any relevant advice and any relevant recommendation of the Parliamentary Service Commission given under section 14(1) before issuing directions under subsection (3).

Section 8: replaced, on 16 December 2013, by section 53 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

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

Compare: 1985 No 128 s 4

9A Application of section 9C to electoral candidates

[Repealed]

Section 9A: repealed, on 16 December 2013, by section 54 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

9B Speaker may give directions for provision of services and funding for parliamentary purposes in relation to certain electoral candidates

[Repealed]

Section 9B: repealed, on 16 December 2013, by section 54 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

9C Provision of services and funding for parliamentary purposes in relation to certain electoral candidates

[Repealed]

Section 9C: repealed, on 16 December 2013, by section 54 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

9D Speaker to take into account advice and recommendations of Commission

[Repealed]

Section 9D: repealed, on 16 December 2013, by section 54 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Chief Executive of Parliamentary Service

Heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

10 Chief Executive of Parliamentary Service

The Chief Executive is the administrative head of the Parliamentary Service.

Compare: 1985 No 128 s 28

Section 10 heading: amended, on 24 October 2019, by section 104(1) of the Statutes Amendment Act 2019 (2019 No 56).

Section 10: amended, on 24 October 2019, by section 104(2) (see also section 105) of the Statutes Amendment Act 2019 (2019 No 56).

11 Principal responsibilities of Chief Executive

- (1) The Chief Executive is responsible to the Speaker for each of the following matters:
 - (a) the carrying out of the duties and functions of the Parliamentary Service:
 - (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.
- (2) In addition to the responsibilities in subsection (1), the Chief Executive must—
 - (a) ensure that information is provided in accordance with section 19 of the Members of Parliament (Remuneration and Services) Act 2013; and

- (b) perform the functions conferred on the Chief Executive by that Act, and under any procedures prescribed by the Remuneration Authority in accordance with that Act.
- (3) The Chief Executive is responsible to the Remuneration Authority for the matters referred to in subsection (2).

Compare: 1988 No 20 s 32

Section 11 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 11(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 11(2): inserted, on 16 December 2013, by section 55 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 11(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 11(2)(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 11(3): inserted, on 16 December 2013, by section 55 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 11(3): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Further provisions relating to Parliamentary Service

12 Further provisions relating to Parliamentary Service

Schedule 1 applies in relation to the Parliamentary Service.

Part 3

Policy relating to parliamentary resources and services

Parliamentary Service Commission

13 Parliamentary Service Commission

There is a commission called the Parliamentary Service Commission.

Compare: 1985 No 128 s 5

14 Functions of Parliamentary Service Commission

- (1) The Parliamentary Service Commission has the following functions:
 - (a) to advise the Speaker on the nature of the services to be provided to the House of Representatives, members of Parliament, parties, and qualifying electoral candidates (other than services in respect of members participating in the official inter-parliamentary relations programme):
 - (b) to advise the Speaker on proposed directions relating to the allocation and administration of funding appropriated in Appropriation Acts to sup-

port the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates:

- (c) to recommend to the Speaker persons who are suitable to be members of a review committee.
- (2) The Commission may at any time require the Speaker or the Chief Executive 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.
 - (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—
 - (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; or
 - (c) any matter for which the Clerk of the House of Representatives has responsibility.

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

Section 14(1): replaced, on 16 December 2013, by section 56(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 14(1)(c): replaced, on 17 December 2016, by section 75 of the Statutes Amendment Act 2016 (2016 No 104).

Section 14(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 14(4)(b): amended, on 16 December 2013, by section 56(2) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 14(4)(c): inserted, on 16 December 2013, by section 56(2) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

15 Membership of Commission during term of Parliament

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

- (a) one member for each recognised party that is represented in the House of Representatives by 1 or more members; and
- (b) an additional member for each recognised party that—
 - (i) is represented in the House of Representatives by 30 or more members; and
 - (ii) does not include among its members the Speaker, the Leader of the House, or the Leader of the Opposition.
- (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.
- (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.
- (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)

16 Chairperson of Commission

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

17 Vacation of office by nominated or appointed members

- (1) A member of the Parliamentary Service Commission who holds office because of a nomination under section 15(1)(b) or (c) ceases to be a member of the Commission if one 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;
 - (b) Parliament is dissolved or expires;
 - (c) the member ceases to be a member of Parliament before Parliament is dissolved or expires.
- (2) A member of the Commission who holds office under section 15(1)(d) ceases to be a member of the Commission if one 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;

- (b) the member is appointed as a Minister of the Crown or as a Parliamentary Under-Secretary:
 - (c) Parliament is dissolved or expires:
 - (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.

Compare: 1985 No 128 s 8

18 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:
 - (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.
- (3) The Speaker continues to be the chairperson of the Commission throughout the period specified in subsection (1).

Compare: 1985 No 128 s 10

19 Further provisions relating to Commission

Schedule 2 applies in relation to the Parliamentary Service Commission.

Review committee

20 Establishment of committee to review annual appropriations

- (1) The Speaker may from time to time, and must at least once during every term of Parliament, establish a review committee of up to 3 persons to review the amounts of money appropriated in Appropriation Acts for the following purposes:
- (a) administrative and support services provided to support the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates:
 - (b) communications services provided to members of Parliament and qualifying electoral candidates:

- (c) party and member support funding.
- (2) No person appointed to the review committee may be a member of Parliament or an officer or employee of the Parliamentary Service.
- (3) Before appointing a person to the review committee, the Speaker must—
 - (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 14(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.

Section 20 heading: amended, on 16 December 2013, by section 57(1) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

Section 20(1): replaced, on 16 December 2013, by section 57(2) of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

21 Work of review committee

- (1) In carrying out its work, the review committee must consider—
 - (a) whether the amounts of money appropriated are being used efficiently; and
 - (b) whether the amounts of money appropriated are adequate to enable members of Parliament, parties, and qualifying electoral candidates to effectively perform their respective functions; and
 - (c) the need for fiscal responsibility.
- (2) The review committee may, subject to any written direction by the Speaker, regulate its own procedure.

Section 21: replaced, on 16 December 2013, by section 58 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

22 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
 - (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—
 - (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.
- (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

23 Parliament grounds

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.

24 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.
- (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.
- (3) The Chief Executive must keep a copy of the lease at the Chief Executive'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 Chief Executive a written application to inspect the lease; and in that case the Chief Executive must give the applicant a reasonable opportunity to inspect the lease during ordinary business hours at the Chief Executive's office.

Section 24(3): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 24(4): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

25 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; 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).
- (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) A resolution under subsection (1) or (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) The Clerk of the House of Representatives must lodge a copy of the resolution with the Parliamentary Counsel Office for the purpose of publication under the Legislation Act 2019.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 114, Sch 3
Disallowance	It is not disallowable	LA19 s 115

This note is not part of the Act.

Section 25(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 25(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26 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.
- (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.

Parliamentary Corporation

27 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.
- (3) The Parliamentary Corporation may exercise its powers only for the purpose of performing its functions.

- (4) Subsection (2) is subject to section 31.

28 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.

29 Membership of Parliamentary Corporation

- (1) The Parliamentary Corporation consists of the following:
- (a) the Speaker:
 - (b) the Chief Executive:
 - (c) 2 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 one of the following events occurs:
- (a) the Parliamentary Service Commission revokes the appointment of the member or appoints, instead of that member, another person:
 - (b) the member ceases to be a member of the Parliamentary Service Commission.
- (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.
- (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.

Section 29(1)(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

30 Specific powers of Parliamentary Corporation

- (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, licence, or sub-licence 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:
 - (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:

- (iii) to erect, alter, rebuild, or add to any building:
 - (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:
- (c) incur other obligations relevant to the duties and functions of the Parliamentary Service.
- (2) This section does not limit the generality of section 27.
Compare: 1985 No 128 s 6A

31 No borrowing power

The Parliamentary Corporation has no power to borrow money.

32 Further provisions relating to Parliamentary Corporation

Schedule 4 applies in relation to the Parliamentary Corporation.

Part 5

Miscellaneous provisions

Exercise of Speaker's powers

33 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.

34 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.
- (2) A delegation must be in writing and signed by the Speaker.
- (3) A delegate must exercise or perform functions, duties, or powers—
 - (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.

35 Status of delegations

- (1) The Speaker is not prevented from exercising or performing any function, duty, or power delegated under section 34.
- (2) The Speaker 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.
- (4) If the person who made the delegation ceases to hold office as Speaker, the delegation continues to have effect as if made,—
 - (a) until the election of the next Speaker, by the Deputy Speaker; and
 - (b) after that election, by the next Speaker.

Recovery of amounts paid made outside entitlements

Heading: inserted, on 1 January 2011, by section 8 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

35A Recovery of amounts paid outside entitlements to funding for parliamentary purposes

- (1) This section applies if the Parliamentary Service makes a payment against a claim to an entitlement to funding for parliamentary purposes and it is subsequently determined that the person or recognised party in respect of whom the payment was made did not have an entitlement to that funding under section 3B.
- (2) If this section applies, the Parliamentary Service may recover from the person or recognised party, as a debt due to the Parliamentary Service, the amount paid.

Section 35A: inserted, on 1 January 2011, by section 8 of the Parliamentary Service Amendment Act 2010 (2010 No 138).

Amendments to other Acts

36 Amendment to Ombudsmen Act 1975

Amendment(s) incorporated in the Act(s).

37 Amendment to Higher Salaries Commission Act 1977

Amendment(s) incorporated in the Act(s).

38 Amendment to Official Information Act 1982

Amendment(s) incorporated in the Act(s).

39 Amendment to Public Finance Act 1989

Amendment(s) incorporated in the Act(s).

Repeals

40 Repeals

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

Schedule 1

Provisions applying in respect of Parliamentary Service

s 12

Chief Executive and Acting Chief Executive

Schedule 1 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

1 Appointment of Chief Executive

- (1) The Chief Executive 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;
 - (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;
 - (d) *[Repealed]*
 - (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.
- (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
 - (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
 - (b) may, except as otherwise specified in this clause, regulate its own procedure.

Compare: 1985 No 128 s 35(2)–(6)

Schedule 1 clause 1 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 1(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 1(1)(d): repealed, on 7 August 2020, by section 117(2) of the Public Service Act 2020 (2020 No 40).

2 Obligation to advertise vacancies

No person may be appointed as the Chief Executive 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

Schedule 1 clause 2: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

3 Remuneration and conditions of employment

- (1) The remuneration of the Chief Executive is determined from time to time by the Remuneration Authority under the Remuneration Authority Act 1977.
- (2) The terms and conditions of employment of the Chief Executive (other than remuneration) are determined from time to time by the Speaker.

Compare: 1988 No 126 s 8

Schedule 1 clause 3(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 3(1): amended, on 1 April 2003, by section 4(1) of the Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54).

Schedule 1 clause 3(2): amended, on 7 August 2020, by section 117(3) of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 3(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

4 Term of office

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

Compare: 1988 No 126 s 10

Schedule 1 clause 4(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 4(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

5 Removal of Chief Executive from office

The Speaker may, for just cause or excuse, remove the Chief Executive from office.

Compare: 1985 No 128 s 36B

Schedule 1 clause 5 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 5: amended, on 7 August 2020, by section 117(4) of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 5: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

6 Acting Chief Executive of Parliamentary Service

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

Compare: 1985 No 128 s 34

Schedule 1 clause 6 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 6(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Employment in Parliamentary Service

7 Application of Public Service Act 2020

- (1) The provisions of sections 65 to 80, 85, 88, 89, 103, and 104 of the Public Service Act 2020 apply in respect of employment within the Parliamentary Service as if—
 - (a) the Service were a department; and
 - (b) the Chief Executive of the Service were the chief executive of that department.
- (2) No other provision of the Public Service Act 2020 applies in respect of the Service or persons employed in the Service.
- (3) Subclause (2) is subject to clause 15.
- (4) Despite sections 78 and 79 of the Public Service Act 2020, the Chief Executive is responsible for negotiating a collective agreement under the Employment Relations Act 2000 and the Chief Executive must consult with the Public Ser-

vice Commissioner about the conditions of employment to be included in the collective agreement.

Compare: 1985 No 128 s 39

Schedule 1 clause 7 heading: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 7(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 7(1)(b): replaced, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 7(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 7(4): added, on 25 January 2005, by section 18 of the State Sector Amendment Act (No 2) 2004 (2004 No 114).

Schedule 1 clause 7(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 7(4): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

8 Delegation of powers by Chief Executive

- (1) The Chief Executive may delegate any function, duty, or power the Chief Executive may exercise under an enactment or under a delegation made under an enactment, other than this power of delegation, to—
 - (a) a specified employee, or a specified class of employees, of the Parliamentary Service; or
 - (b) the Clerk, Deputy Clerk, another specified officer, or a specified class of officers, of the House of Representatives; or
 - (c) a person working for the Parliamentary Service or the Clerk of the House of Representatives as a contractor or secondee.
- (2) A delegation must be in writing and signed by the Chief Executive.
- (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 Chief Executive; 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 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)

Schedule 1 clause 8 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 8(1): replaced, on 17 November 2019, by section 6 of the Parliamentary Agencies Delegations Legislation Act 2019 (2019 No 69).

Schedule 1 clause 8(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 8(3)(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

9 Status of delegations

- (1) The Chief Executive is not prevented from exercising or performing any function, duty, or power delegated under clause 8.
- (2) The Chief Executive 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.
- (4) If the person who made the delegation ceases to hold office as Chief Executive, the delegation continues to have effect as if made,—
 - (a) until the appointment of the next Chief Executive, by the person acting as Chief Executive; and
 - (b) after that appointment, by the next Chief Executive.

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

Schedule 1 clause 9(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 9(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 9(4): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 9(4)(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 9(4)(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

10 Superannuation

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

Compare: 1985 No 128 s 44

Parliamentary Library

11 Parliamentary Library

The Parliamentary Library forms part of the Parliamentary Service.

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 Chief Executive.

- (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:
 - (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.

Compare: 1951 No 128 s 50

Schedule 1 clause 12(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

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 Chief Executive must consult with any committee, established under clause 8 of Schedule 2, that is responsible for providing advice on the Parliamentary Library.
- (3) The holder of the position of Parliamentary Librarian is responsible to the Chief Executive.

Compare: 1985 No 128 s 51

Schedule 1 clause 13(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 clause 13(3): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Audits and reviews of Parliamentary Service

14 Audit

The Parliamentary Service Commission is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Schedule 1 clause 14: substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

15 Functions of Public Service Commissioner in relation to Parliamentary Service

- (1) The Public Service 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 Public Service Commissioner by section 44 of the Public Service Act 2020.

- (1A) The Public Service Commissioner must exercise functions requested by the Speaker in accordance with subsection (1) consistently with the role of the Parliamentary Service and its separation from the executive government.
- (2) For the purposes of this clause, section 44 of the Public Service Act 2020 applies, with all necessary modifications, as if—
- (a) the Service were a department; and
 - (b) the Chief Executive of the Service were the chief executive of that department.

Compare: 1988 No 126 s 17

Schedule 1 clause 15 heading: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 15(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 15(1A): inserted, on 18 July 2013, by section 64(2) of the State Sector Amendment Act 2013 (2013 No 49).

Schedule 1 clause 15(1A): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 15(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 1 clause 15(2)(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Assets of Parliamentary Corporation notionally owned by Parliamentary Service

16 Assets of Parliamentary Corporation owned by Parliamentary Service for certain purposes

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;
- (b) the information that is required to be provided by the Service under sections 14 to 15A and 15E of the Public Finance Act 1989;
- (c) the reports and information required to be prepared under the Public Finance Act 1989;
- (d) any other matter done under, or in connection with, the Public Finance Act 1989.

Schedule 1 clause 16(b): substituted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Schedule 1 clause 16(b): amended, on 1 July 2014, by section 104 of the Public Finance Amendment Act 2013 (2013 No 50).

Schedule 1 clause 16(c): substituted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Schedule 2

Provisions applying in respect of Parliamentary Service Commission

s 19

Meetings of Commission

1 Calling of meetings

- (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 18, 1 member of the Commission may call a special meeting at any time.

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.
- (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 one of their number to be the chairperson of that meeting.

Compare: 1985 No 128 s 11(3)

3 Quorum

- (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 recognised parties represented in the House of Representatives, as follows:
 - (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.
- (2) The quorum determined in accordance with subclause (1) must include at least 1 member who is a member of 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 18, 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.

- (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

- (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.
- (3) A member of the Commission who votes at a meeting on behalf of 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 recognised party, either generally or for the particular meeting, to vote on behalf of that party.
- (5) The fact that a member of the Commission votes at a meeting on behalf of 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.

6 Voting at meetings held between Parliaments

At a meeting held while the Parliamentary Service Commission consists of the persons specified in section 18, each of those persons has 1 vote, and, if the votes are equal, the chairperson or other person presiding also has a casting vote.

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.
- (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 15(1)(d).
- (3) The appointment of a deputy ceases if—
- (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.
- (4) For the purposes of a meeting that a deputy attends in the place of a member, the deputy—

- (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 18.
- 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 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.
- 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.
 - (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.

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.

Compare: 1985 No 128 s 18

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

s 23

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 as—

Area	Former description	
A	423 m ²	Part Section 505, Town of Wellington
B	19 m ²	Part Section 505, Town of Wellington
C	2651 m ²	Part Section 526, Town of Wellington
D	3616 m ²	Part Section 527, Town of Wellington
E	60 m ²	Part Section 528, Town of Wellington
F	79 m ²	Closed road
G	737 m ²	Part Section 1, S.O. Plan 20883
H	1209 m ²	Part Section 2, S.O. Plan 20883
I	244 m ²	Part Section 3, S.O. Plan 20883
J	613 m ²	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 ²	Section 1, S.O. Plan 28137
N	30 m ²	Section 2, S.O. Plan 28137
O	2033 m ²	Part Section 2, S.O. Plan 36836

Schedule 4

Provisions applying in respect of Parliamentary Corporation

s 32

1 Chairperson of Corporation

- (1) The Speaker is the chairperson of the Corporation.
- (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 of Corporation

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

Schedule 4 clause 2 heading: amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 4 clause 2(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

3 Meetings

- (1) Meetings of the Corporation are held at times and places appointed by the Corporation or by the chairperson of the corporation.
- (2) Every meeting of the Corporation requires the presence of—
 - (a) the chairperson or a deputy appointed, under clause 5, by the chairperson; and
 - (b) the Chief Executive or a deputy appointed, under clause 5, by the Chief Executive; and
 - (c) 1 member appointed under section 29(1)(c) or a deputy appointed, under clause 5, by such a member.

Schedule 4 clause 3(2)(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

4 Person presiding

- (1) At all meetings of the Corporation, the chairperson, if present, presides.
- (2) If the chairperson is absent from a meeting and there is no deputy, appointed under clause 5 by the chairperson, the members present must appoint one of their number to be the chairperson of that meeting.

5 Deputies

- (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, 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—
- (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.

6 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.
- (2) Each member has 1 vote and, if the votes are equal, the chairperson or other person presiding also has a casting vote.

7 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.
- (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.

8 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.

9 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.
- (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 (3) and (4), be signed by 2 members of the Corporation.
- (3) 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 34, to sign the document or documents of that kind.
- (4) An employee of the Parliamentary Service may sign, in the place of the Chief Executive, 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.

- (5) The seal of the Corporation must be judicially noticed in all courts and for all purposes.

Schedule 4 clause 9(4): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

10 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:
 - (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:
 - (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.
- (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.

Compare: 1959 No 98 s 3; 1993 No 105 s 180(1)

11 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.

Schedule 5

Enactments repealed

s 40

Clerk of the House of Representatives Act 1988 (1988 No 126)*Amendment(s) incorporated in the Act(s).***Constitution Act 1986 (1986 No 114)***Amendment(s) incorporated in the Act(s).***Parliamentary Service Act 1985 (1985 No 128)****Parliamentary Service Amendment Act 1988 (1988 No 29)****Parliamentary Service Amendment Act 1991 (1991 No 146)****Reserves and Other Lands Disposal Act 1974 (1974 No 139)***Amendment(s) incorporated in the Act(s).***Reserves and Other Lands Disposal Act 1980 (1980 No 62)***Amendment(s) incorporated in the Act(s).*

Notes

1 *General*

This is a consolidation of the Parliamentary Service Act 2000 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): sections 117, 135

Parliamentary Agencies Delegations Legislation Act 2019 (2019 No 69): Part 2

Statutes Amendment Act 2019 (2019 No 56): Part 30

Statutes Amendment Act 2016 (2016 No 104): Part 22

Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93): sections 48–58

Public Finance Amendment Act 2013 (2013 No 50): section 104

State Sector Amendment Act 2013 (2013 No 49): section 64

Parliamentary Service Amendment Act 2010 (2010 No 138)

State Sector Amendment Act (No 2) 2004 (2004 No 114): section 18

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54): section 4(1)

Public Audit Act 2001 (2001 No 10): section 53