

## PARLIAMENTARY SERVICE AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill, which amends the Parliamentary Service Act 1985 and which comes into force on 1 February 1992,—

- (a) Authorises the Parliamentary Service Commission to provide premises for Parliamentary purposes and to acquire land and buildings;
  - (b) Validates leases already entered into and actions already taken by the Parliamentary Service Commission before the commencement of the provisions contained in the Bill;
  - (c) Makes it clear that where a member of the Parliamentary Service Commission cannot be a Minister of the Crown or a Parliamentary Under-Secretary, a Minister or an Under-Secretary cannot be a deputy of such a member;
  - (d) Provides that the Editor of Debates shall cease to be a principal officer of the Parliamentary Service;
  - (e) Makes the Office of the Clerk of the House of Representatives responsible, under the direction of the Speaker of the House of Representatives, for the preparation of *Hansard*;
  - (f) Makes provision for agreements under which persons employed in the Parliamentary Service on duties in relation to the preparation of *Hansard* may agree with the Clerk of the House of Representatives for their transfer to the Office of the Clerk of the House of Representatives.
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Hon. Paul East

## PARLIAMENTARY SERVICE AMENDMENT

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### A BILL INTITLED

#### **An Act to amend the Parliamentary Service Act 1985**

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

5     **1. Short Title and commencement**—(1) This Act may be cited as the Parliamentary Service Amendment Act 1991, and shall be read together with and deemed part of the Parliamentary Service Act 1985\* (hereinafter referred to as the principal Act).

10    (2) This Act shall come into force on the 1st day of February 1992.

**2. Duties of Parliamentary Service**—Section 4 of the principal Act is hereby amended by inserting, after the words “support services” wherever they appear, the words “(including accommodation)”.

15     **3. Functions and powers of Parliamentary Service Commission**—Section 6 (1) of the principal Act is hereby amended by adding the following paragraph:

\*1985, No. 128

Amendment: 1988, No. 29

“(d) To provide premises for Parliamentary purposes.”

**4. Powers in relation to land and buildings**—(1) The principal Act is hereby amended by inserting, after section 6, the following section:

“6A. Without limiting the generality of section 6 of this Act, the Parliamentary Service Commission may from time to time— 5

“(a) Purchase, take on lease, or otherwise acquire such land or buildings or parts of buildings, whether or not subject to any mortgage, charge, lease, easement, or restrictive covenant or other encumbrance, as in its opinion are necessary or expedient for the performance of any of its functions or powers: 10

“(b) Erect, alter, rebuild, or add to any building:

“(c) Install partitioning in or fit out any building or part of a building: 15

“(d) Grant leases or tenancies of any land or buildings so acquired, or of any part or parts thereof, and create easements and restrictive covenants thereover, and accept surrenders or partial surrenders of any such leases, tenancies, easements, and restrictive covenants.” 20

(2) Where the Parliamentary Service Commission has, before the commencement of this Act, taken on lease, hired, or otherwise acquired any land or buildings or altered, rebuilt, or added to any building or installed partitioning in or fitted out any building or part of a building, any such action and any lease or other document resulting from any such action shall be deemed to be, and shall be deemed always to have been, as valid as it would have been if this Act had been in force when the action was taken or any such lease was executed. 25 30

**5. Deputies**—Section 9 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding anything in subsection (2) of this section, any person who holds office as a Minister of the Crown or as a Parliamentary Under-Secretary may not be appointed or hold office under that subsection as the deputy of a member of the Parliamentary Service Commission who holds office under section 7 (1) (d) of this Act.” 35 40

**6. Appointment of principal officers of Parliamentary Service**—(1) Section 35 (1) of the principal Act (as substituted

by section 5 of the Parliamentary Service Amendment Act 1988) is hereby amended by repealing paragraph (d).

5 (2) Section 36c of the principal Act (as inserted by section 7 of the Parliamentary Service Amendment Act 1988) is hereby consequentially amended by omitting from subsection (1), and also from subsection (3), the expression “paragraphs (b), (c), and (d)”, and substituting in each case the expression “paragraphs (b) and (c)”.

10 (3) Section 36d of the principal Act (as inserted by section 7 of the Parliamentary Service Amendment Act 1988) is hereby consequentially amended by omitting the expression “paragraphs (b), (c), and (d)”, and substituting the expression “paragraph (b) or paragraph (c)”.

15 **7. Repeal of sections relating to *Hansard***—The principal Act is hereby amended by repealing sections 52 and 53.

**8. Repeal of spent provision**—The principal Act is hereby amended by repealing section 66.

**9. Provisions relating to staff employed in preparation of *Hansard***—(1) Any employee of the Parliamentary Service—  
20 (a) Who, on the commencement of this Act, is a person employed in the Parliamentary Service on duties in relation to the preparation of *Hansard*; and  
(b) Who (whether before or after the commencement of this  
25 Act) enters into an agreement with the Clerk of the House of Representatives for the transfer of that employee from the Parliamentary Service to the Office of the Clerk of the House of Representatives,—  
shall, by virtue of the agreement under **paragraph (b)** of this subsection, transfer to the Office of the Clerk of the House of  
30 Representatives and become a member of the staff of that Office.

(2) Every agreement entered into under **subsection (1)** of this section shall provide for the date of the transfer (which may not be earlier than the date of the commencement of this Act) and  
35 for the terms and conditions of the employee’s employment by the Clerk of the House of Representatives.

(3) Where any person is transferred to the Office of the Clerk of the House of Representatives pursuant to **subsection (1)** of this section,—

40 (a) That person’s period of service with the Office of the Clerk of the House of Representatives—

- (i) Shall be deemed to include that person's period of service with the Parliamentary Service; and
- (ii) Where that person became an officer or employee of the Parliamentary Service by virtue of section 60 of the Parliamentary Service Act 1985, shall be deemed to include that person's period of service with the Legislative Department; and
- (iii) Shall be deemed not to have been broken by the transfer; and
- (b) That person shall not be entitled to receive any payment or other benefit by reason only of that person ceasing to be an employee of the Parliamentary Service.

*Amendment to Clerk of the House of Representatives Act 1988*

**10. Functions of Clerk of the House of Representatives**—Section 3 of the Clerk of the House of Representatives Act 1988 is hereby amended by adding the following paragraph:

- “(e) To be responsible, under the direction of the Speaker of the House of Representatives, for the official report of the proceedings of the House of Representatives and its committees.”

*Amendment to Legislature Act 1908*

**11. Hansard**—The Legislature Act 1908 is hereby amended by inserting, after section 253, the following heading and section:

*“Hansard*

“253A. (1) An official report (to be known as *Hansard*) shall be made of such portions of the proceedings of the House of Representatives and its committees as may be determined by the House of Representatives or by the Speaker of the House of Representatives.

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