

Parliament Bill

Government Bill

As reported from the Parliament Bill Committee

Commentary

Recommendation

The Parliament Bill Committee has examined the Parliament Bill and recommends unanimously that it be passed. We also recommend all amendments unanimously.

About the bill

The Parliament Bill would consolidate and modernise the law about Parliament. It would replace the following four Acts with the aim of making the legislative framework for Parliament consistent, clear, and accessible:

- Clerk of the House of Representatives Act 1988
- Parliamentary Service Act 2000
- Members of Parliament (Remuneration and Services) Act 2013
- Parliamentary Privilege Act 2014.

Consolidating these Acts would enable people to find in a single location all the primary legislation that relates to Parliament's operations. The bill would also repeal the Legislative Council Abolition Act 1950.

The bill would make a number of policy changes, including:

- establishing a statutory basis for Parliament's security arrangements, modelled on the Courts Security Act 1999
- providing for the House to decide what funding to commend to the Governor-General for the parliamentary agencies
- making the system for funding members' work-related expenses clearer and more family-friendly
- improving the legislative provisions that govern the operations of the parliamentary agencies.

The bill includes amendments to the following Acts:

- Public Finance Act 1989, relating to the funding of parliamentary agencies, as above (Part 8 of the bill)
- Citizens Initiated Referenda Act 1993, relating to the functions of the Clerk of the House under that Act (Part 9)
- Privacy Act 2020, relating to personal information obtained by parliamentary security officers under the bill, and Public Audit Act 2001, reflecting the amendments to the Public Finance Act 1989 (Part 10).

Our approach to considering this bill

This bill is the culmination of many years of work under three Governments. There was extensive consultation, including with all political parties in Parliament, prior to the introduction of the bill in 2024. In considering the bill at the select committee stage, we have sought to continue the collaborative and consensus-based approach under which the bill was developed.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of good legislative design. We considered one matter regarding decision-making powers for funding and services to members of Parliament, which we are satisfied has been addressed. (See page 145 of part two of the departmental report for more information.)

Structure of this commentary

This commentary is structured thematically and covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments. There were several matters we considered that did not result in amendments to the bill. For completeness, we include some discussion of those matters.

Parliament's security arrangements

Part 7 of the bill is based on the Courts Security Act. The powers and duties of parliamentary security officers would be similar to those of court security officers, who occupy a similar role in respect of the judicial branch.

Most of our recommended amendments are about Parliament's security arrangements. We have recommended a number of changes to Subpart 2 of Part 7. These may appear extensive; however, they are mainly to improve readability and to assist the logical flow of the bill. We explain in this commentary any substantive changes to that subpart.

The problem the bill is trying to solve

The bill would give parliamentary security officers statutory powers of consent search, denial of entry, temporary seizure of specified items, and temporary detention. These powers would apply in the parliamentary precincts, parliamentary meetings

outside the precincts, and electorate and community offices. The bill would also give parliamentary security officers immunity for the appropriate exercise of their functions and powers. Parliamentary security officers currently lack these statutory powers and immunities, relying on the common law and the rights of an occupier under the Trespass Act 1980. (In Parliament's case, the Speaker is the occupier of the precincts for the purposes of the Trespass Act. Parliamentary security officers are delegated their authority under that Act from the Speaker.)

When an incident arises in the parliamentary precincts, security officers are responsible for the immediate response and for handling the situation until the Police arrive. The current lack of statutory powers to support actions taken by parliamentary security officers to protect people from serious threats could place everyone on the precincts at risk. The bill aims to ensure people at Parliament are adequately protected by empowering parliamentary security officers to identify and respond to threats.

At the same time, the bill aims to maintain Parliament's current level of accessibility as far as is practicable. We are proud of the openness of Parliament's grounds, and the ability of New Zealanders to protest peacefully on the lawn. It is our strong expectation that this freedom would continue, and that the additional powers proposed by the bill would be exercised in a measured way. The powers must be exercised in a manner that is consistent with the New Zealand Bill of Rights Act 1990. (We discuss this more later in the commentary.)

Proposed amendments to security provisions

We consider that the following amendments would assist in balancing the desired outcomes of safety and security, and openness and accessibility.

Oversight and reporting

We agree with submitters that there could be more oversight and reporting on the use by parliamentary security officers of powers under the bill. We understand that the Parliamentary Service already has internal reporting arrangements, which it would update to reflect the use of these statutory powers. We think it would be in the public interest to formalise these arrangements.

We recommend inserting clause 190A to require the exercise of the following statutory powers by security officers to be reported to the chief executive of the Parliamentary Service within three working days:

- power to detain persons (clauses 176(2)(a) and 178)
- power to use handcuffs (clause 179)
- power to use reasonable force (clause 181).

We also recommend inserting clause 190B to require the chief executive to include the following information in every annual report prepared by the Parliamentary Service for the purposes of the Public Finance Act:

- the number of occasions on which a specified power was exercised in the period covered by the report (the specified powers are the powers to deny entry

or remove a person from the parliamentary precincts, seize an item, detain a person, use handcuffs, and use reasonable force)

- with regard to any internal complaints process:
 - the number of complaints about the use of powers authorised by Part 7 received in the period covered by the report
 - which power gave rise to each complaint
 - progress on considering each complaint
 - the outcome of the consideration of each complaint.

Capability and training of parliamentary security workforce

We acknowledge concerns expressed by submitters about the capability and training needed for parliamentary security officers to exercise the powers under the bill. To address these concerns, we recommend amending clause 136 to require that the chief executive only appoint an employee of the Parliamentary Service as a parliamentary security officer if they have completed an approved training course. We recommend inserting clause 136(5) to define “approved training course” as a training course approved by the chief executive following consultation with the Ministry of Justice and the Police.

Clause 136(1)(b) would allow the chief executive to appoint as a parliamentary security officer someone who is not an employee of the Parliamentary Service but who is suitably qualified and trained. We understand it is intended for this provision to be used only where it is not practicable to meet the operational security needs of Parliament using Parliamentary Service employees.

It is our expectation that clause 136(1)(b) should indeed be used in limited circumstances, and not as a preferred option. Accordingly, we recommend amending clause 136(1)(b) so it is used only if the chief executive considers it necessary or desirable to do so. We also recommend amending clause 136(1)(b) so the appointee should be qualified and trained to a standard at least equivalent to the approved training course.

We understand that induction and refresher training is already provided to parliamentary security officers and is being updated to take account of the new powers that the bill would provide. However, we consider that our proposed amendments would give appropriate assurance to Parliament and the public. While we do not consider it necessary for the bill to specify the contents of the training course, we endorse the idea that it should teach proper procedure for detention, restraint, search, and cultural competency. We were informed by the Parliamentary Service that it is actively working to recruit more women as parliamentary security officers.

Identity cards

Clause 137(2) would require parliamentary security officers to produce an identity card for inspection on request when exercising powers under the bill. We recommend amending clause 137 to require that the identity cards contain the following information:

- the officer's name, which may be only part of their full name
- the officer's appointment as a parliamentary security officer
- a photographic image of the officer's face
- a number or identifier unique to that officer.

We think that an identity card that has a photo and a unique identifier would suitably protect the privacy of parliamentary security officers, while also ensuring that they are able to be identified for accountability purposes. We note that parliamentary security officers currently wear a badge with only their first name. Displaying a full name could risk the safety of the officer outside work, and their family.

Offence to resist, assault, or obstruct parliamentary security officer

Clause 141 would make it an offence to resist, assault, or obstruct a parliamentary security officer, or to incite or encourage someone else to do so. The offence would carry a penalty of a fine of up to \$1,000 or imprisonment for up to 3 months.

This provision is largely based on section 30 of the Courts Security Act. However, we acknowledge that section 9 of the Summary Offences Act 1981 already provides for a fine of up to \$4,000 or imprisonment for up to 6 months for common assault, which would include assault of a parliamentary security officer.

Our view is that assaulting a parliamentary security officer should not carry a lesser penalty than assaulting anyone else. Therefore, we recommend amending clause 141 to remove the assault element of the offence.

Meaning of "specified offence"

Clause 164 sets out the meaning of "specified offence" for the purposes of the parliamentary security provisions. This definition relates to circumstances in which a parliamentary security officer may exercise powers to seize items or detain a person. They must have reasonable grounds to believe a specified offence may have been, or may be about to be, committed. We agree with a submission that arson and fighting in a public place should be added to this definition and recommend amending clause 164 accordingly.

Power to ask for identification

Clause 169 would enable parliamentary security officers to ask people entering, or already in, the parliamentary precincts for evidence of their name and address (among other things). A submitter noted that people do not ordinarily carry proof of address and suggested deleting this provision.

We were advised that the purpose of the request for evidence is to check the accuracy of any name or address provided. Other legislation limits similar powers to ask for evidence to situations where there is suspicion of falsehood. We recommend amending clause 169 to have a similar caveat. That is, evidence of the person's name and address could only be requested if a parliamentary security officer believed on

reasonable grounds that information provided to them under clause 169(1)(a) was false.

Consent to being searched

Clause 170 sets out how a parliamentary security officer may request to search a person entering or already in the precincts. One form of search is an external examination of a person's clothes to detect items on the person.

The wording of clause 170(1)(c) refers to "an external examination of the person's clothes ... done by a parliamentary security officer of the same sex as the person". We note that someone might object to being searched by an officer of the same sex, for example if they had past trauma associated with someone of the same sex. We recommend amending clause 170 so that a person may reasonably request that they be searched by a person of a different sex.

Search of property

We recommend amending clause 170 so that it does not preclude a search of property (including a motor vehicle) involving the use of a scanner or other electronic device, in addition to other search methods that involve touching the property.

Duty to tell person certain things when making request

Clause 170(1) sets out the power for parliamentary security officers to ask to search a person, their clothes, or their property. Clause 171 would require a parliamentary security officer to tell the person certain things, such as that the search would not take place without the person's consent. Similarly, clause 175 would require a parliamentary security officer to tell a person certain things when asking to take an item from them.

The use of the words "ask" and "tell" could give the impression that a parliamentary security officer must make a request personally and orally. However, it may be the case that this information is communicated by signs, for example as people pass through security screening. We recommend amending the bill to clarify that the requests could be conveyed either orally or in writing, or both. We also recommend replacing the word "tell" with "advise".

Detainment after an item is seized

Clause 176(2) of the bill as introduced would require a parliamentary security officer to immediately detain a person from whom they seize an item. However, there may be circumstances where detaining a person is not reasonable or practicable, such as if it could escalate the situation or put an officer's safety at risk.

We consider additional discretion is needed. We recommend amending the bill to allow a parliamentary security officer, after seizing an item, to detain an individual, deny the person entry, remove the person, or take no further action.

Power to detain and use handcuffs

Clause 179 would authorise a parliamentary security officer to handcuff someone they have detained. The officer would need to have reasonable grounds to believe that the person may abscond or harm themselves or others in order to use handcuffs.

We consider that the requirement to have reasonable grounds should be ongoing while handcuffs are being used. We recommend amending clause 179(2) so that a parliamentary security officer must remove handcuffs from a detained person if the officer no longer has reasonable grounds to believe that the person may abscond or harm themselves or others.

Cross-referencing to the New Zealand Bill of Rights Act

One submitter recommended amending the bill to expressly require parliamentary security officers to consider people's rights to freedom of expression, association, and assembly under the New Zealand Bill of Rights Act. We disagree with this proposal, not because we think parliamentary security officers do not need to consider people's rights, but because there is no doubt that they must. Section 3 of the New Zealand Bill of Rights Act states that it applies to the legislative branch, which includes decisions taken by the Speaker (and their delegates) in the exercise of their functions and powers under legislation. (See *Police v Beggs* [1999] 3 NZLR 615 (HC), in respect of the exercise of the Speaker's powers as occupier.)

We consider that including cross-references to the New Zealand Bill of Rights Act could raise questions about the applicability of other rights. More broadly, it could also bring into question the status of the Bill of Rights Act in areas where it is not referred to in the other legislation. The general approach of New Zealand statute is to rely on the Bill of Rights Act's own application provisions to serve as a backdrop for all legislation.

Parliamentary privilege

The Parliamentary Privilege Act is incorporated as Part 2 of the bill. For clarity and the avoidance of any doubt, no changes are proposed to the substance of parliamentary privilege. Its inclusion in the bill is so that legislation relevant to the operation of Parliament is in one place.

Clause 10(2)(c) states that one of the secondary purposes of Part 2 of the bill is to "alter the law in the decision in *Attorney-General v Leigh* [2011] NZSC 106, [2012] 2 NZLR 713". However, the law as it was determined in *Attorney-General v Leigh* was already altered by the Parliamentary Privilege Act. We therefore recommend amending clause 10(2)(c) to reflect that one of the secondary purposes of Part 2 is to reaffirm the alteration to the law made by the Parliamentary Privilege Act.

We consider that the wording of clauses 10, 11, 14, 15, and 16 of the bill as introduced could suggest that committees and members have privileges, immunities, and powers separately to the House. This is not the case. We recommend amending clauses 10, 11, 14, 15, and 16 to refer to the privileges, immunities, and powers exercisable by the House, its committees, and its members. We also recommend

inserting a definition of the word “exercisable”. These amendments essentially reflect the existing provisions of the Parliamentary Privilege Act.

Access to parliamentary information

Submitters proposed that the law should require greater access to parliamentary information, including by extending coverage of the Official Information Act 1982 (OIA) to encompass Parliament. The bill as introduced would maintain the current situation, where parliamentary information is not required by law to be disclosed or proactively released except as specifically provided.

Much information about parliamentary business is already published. This information includes *Hansard* transcripts and video of parliamentary proceedings, and the publication of evidence and advice received by select committees. Under the bill, there would continue to be quarterly reporting on members’ and Ministers’ travel and accommodation expenses. Later in this commentary, we recommend amending the bill to authorise the Speaker to determine other reporting requirements.

Although the Office of the Clerk and the Parliamentary Service are generally not subject to the OIA, their internal guidance emphasises the need to follow the OIA’s principles in responding to requests for parliamentary corporate information. This includes releasing parliamentary corporate information when there is no reason to withhold it. The parliamentary agencies apply the *Protocol for the release of information from the parliamentary information, communication and security systems* when dealing with external requests for information. We wish to draw this protocol to the public’s attention.¹

We note that previous reviews, including by the Law Commission, have considered a possible extension of the OIA to cover Parliament. We also acknowledge the calls from submitters to extend the OIA to cover more parliamentary information, a view that some members of the committee generally support and would like to see progressed.

However, the bill as introduced does not amend the OIA, and for reasons of scope we cannot recommend substantive amendments to that Act. A full policy process would be required to ensure any proposal would not adversely affect the political, policy, or constituency work of members and political parties, nor the ability of the House to maintain control over its own proceedings. Moreover, a reliance on the definition of “proceedings in Parliament” from section 10 of the Parliamentary Privilege Act may not be suitable in the context of the OIA.

Disclosure of members’ expenses

Schedule 3 clauses 18, 19, and 20 would continue the requirement for quarterly reporting on specific types of travel and accommodation expenses incurred by

¹ A copy of this protocol is available on the Parliament website.

members. The following categories of members' expenses are currently disclosed: Wellington accommodation, air travel, surface travel, VIP transport, and travel for the official inter-parliamentary relations and political exchange programmes.

The New Zealand Law Society recommended enabling the Speaker to make a determination (as secondary legislation) regarding the disclosure of information about matters covered in Part 4 of the bill (salaries, allowances, expenses, and services for members and others). We think this proposal has merit. It could be used to require the proactive release of information, as well as to provide rules for handling requests for information relating to funding for members.

We recommend inserting clause 87A to authorise the Speaker to determine the following matters:

- a category of expenses or services determined under clause 84(1) that the Parliamentary Service must report publicly
- what information the Parliamentary Service must report in respect of that category
- how the Parliamentary Service must report
- how the Parliamentary Service must handle a request for information about expenses or services that are determined under section 84(1) if that information is not already available.

A determination made under clause 87A would be secondary legislation.

Parliamentary Budget Office

We received submissions supporting the establishment of a Parliamentary Budget Office or similar institution that would provide non-partisan oversight and analysis of fiscal policy and performance. Submissions raised several possibilities for the scope and characteristics of such an institution, including a new Officer of Parliament, a new entity, or a new unit within an existing entity.

The bill as introduced does not make any provision along the lines of establishing such an institution. However, we are aware that the Government is considering this general matter. We wrote to the Minister of Finance asking for more information about the Government's policy thinking. On 28 January 2025, she replied:

I am currently exploring options for establishing an entity to provide costings of political party election proposals. One of those options is the establishment of a Parliamentary Budget Office but I am also considering other options with a focus on utilising existing resources and expertise.

The Treasury is in the process of providing me with advice and I expect to make a decision on the establishment of such an entity over the course of this year. Once I have had time to consider this advice, I intend to engage with other Parliamentary political parties.

We welcome the Minister of Finance's intention to engage with political parties on a possible entity to provide estimated costings of policy proposals. This engagement could include discussion of matters raised in submissions on the Parliament Bill.

Funding of parliamentary agencies

Part 8 of the bill would amend the Public Finance Act to create a new funding model for the parliamentary agencies. The process would be based on the model currently used for the Officers of Parliament. The intended parliamentary process would be along the following lines:

- The chief executive of the Parliamentary Service and the Clerk of the House of Representatives would consult the Treasury about initial budget proposals for their respective agencies.
- The chief executive and the Clerk of the House would submit their budget proposals to a select committee.
- The select committee would ultimately determine its own process but would likely seek advice from the Treasury and an independent expert adviser.
- The select committee would consider the budget proposals and advice it has received. This would include consulting party caucuses.
- The select committee would report to the House recommending the proposed appropriations for Vote Parliamentary Service and Vote Office of the Clerk.

As for appropriations for Offices of Parliament, the proposed appropriations for the parliamentary agencies would be adopted by the House. The House would commend the appropriations through an address to the Governor-General, for inclusion in an Appropriation Bill.

It is constitutionally appropriate for the legislature to determine its funding levels and allocations for itself, rather than leaving it to the Executive. We disagree with suggestions that a select committee process would be less transparent or accountable than the current process for setting the budgets for the parliamentary agencies, or the Budget process in general. All advice provided to the select committee would be made public in accordance with the Standing Orders. Under the OIA, the public would also be able to request information from the Government (such as the Treasury's view of the initial budget proposals).

This new funding model for the parliamentary agencies would need to be incorporated into the Standing Orders. We recommend that, if the bill is passed, the Standing Orders Committee amend the House's rules to establish a process for a select committee to consider and recommend draft appropriations for the parliamentary agencies.

We also recommend that the Standing Orders Committee consider whether Standing Order 334 should be amended to clarify the applicability of the financial veto. Standing Order 334 enables the Government to veto a motion that would have more than a minor impact on the Government's fiscal aggregates. For this purpose, a motion is defined as one that would have the force of law if passed as a resolution of the House. However, the motion for the House to adopt the proposed appropriations for

the parliamentary agencies would result in those appropriations being commended to the Governor-General, rather than having the force of law directly. The applicability of the veto procedure could be clarified, perhaps through a change to the Standing Orders.

Definition of “ordinary member”

Clause 5 of the bill defines “ordinary member” as a member who:

- is eligible to be paid the basic salary for a member specified in a determination made under section 70(1); and
- is not eligible to be paid any other salary specified in such a determination.

The bill uses the term “ordinary member” to a very limited extent, only in relation to a rate of salary payment. This continues the language used and the approach taken in the Members of Parliament (Remuneration and Services) Act. The purpose of the term is not to define what type of member is being referred to, but to identify the rate of salary that is payable. For clarity, we recommend amending the bill to define an “ordinary member rate”. The term should mean the basic salary for a member of Parliament specified in a determination made under clause 70(1), but not including any other salary specified in that determination.

Transitional, savings, and related provisions

We recommend amendments to clarify that, while Part 4 of the bill would come into force on the day after Royal assent, certain existing secondary legislation made under the Members of Parliament (Remuneration and Services) Act 2013 would continue to have effect, and be applied as if the 2013 Act were still in force, until new determinations came into force on the day after the next polling day. That secondary legislation is:

- Speaker’s Directions 2023
- Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023
- Ministers’ Travel Services within New Zealand Determination 2023.

Treating the 2013 Act as continuing to apply for the purposes of this secondary legislation would ensure consistency and transparency in the provision of members’ and Ministers’ expenses and services.

Definition of “carer”

A person in the care of a member may be eligible for travel paid for by the Parliamentary Service. The bill as introduced provided that a member is a “carer” if the member:

- is the sole provider of ongoing daily care; or
- is the principal provider of ongoing daily care; or
- shares ongoing daily care substantially equally with another person.

We think this definition of carer is too narrow. The extent to which a member provides care should not be a consideration. We recommend amending clause 61 so a carer is simply a person who provides ongoing care to someone.

Income protection for family of deceased former members

Under Schedule 3 clause 3, a member of Parliament who is not re-elected would continue to receive a salary for three months after polling day. This provision would maintain the status quo under section 11 of the Members of Parliament (Remuneration and Services) Act. It recognises the unique requirements of serving as a member and the unpredictable nature of elections.

Schedule 3 clause 8 would provide income protection for the family of a member of Parliament who dies in office. The relevant spouse, partner, dependent child, or adult dependant would be paid a sum equivalent to three months of the deceased member's salary.

However, under the bill as introduced, there is no equivalent income protection for the spouse, partner, dependent child, or adult dependant of a former member who dies in the three months after polling day. We recommend amending Schedule 3 so the relevant surviving family would receive the salary that would otherwise have been paid to a former member for three months after an election had they not died.

Travel rebates for members in office before 1999 general election

Submitters expressed concern about the continuation of travel rebates for former members who were elected before 1999, and their spouses or partners. Our view is that the travel rebates reflect the conditions that applied for these members. We do not wish to abolish or substantially reduce travel rebates of former members.

The drafting of Schedule 3 clause 30 in the bill as introduced does not also restrict travel by road, rail, or ferry service to 12 return trips. This was inadvertent. We recommend amending clause 30 to specify that the rebate for domestic air travel is limited to 12 return trips, and that there is a separate limit of 12 return trips for travel by road, rail, or ferry service. This would maintain the status quo under Schedule 2 of the Members of Parliament (Remuneration and Services) Act.

Citizens-initiated referendums

Part 9 of the bill would amend the Citizens Initiated Referenda Act to transfer some of the Clerk of the House's functions under that Act to the Electoral Commission. Submissions on this part expressed a range of views, including:

- opposition to transferring the Clerk's certification function to the Electoral Commission
- the belief that the bill does not go far enough to modernise the Citizens Initiated Referenda Act
- support for permitting forms and signatures for petitions seeking citizens-initiated referendums to be in a digital format

- support for lowering the threshold for triggering a citizens-initiated referendum.

Most of the matters raised by submitters on this topic go beyond what the bill sets out to do. Consideration of these broader proposals would need to be subject to a full policy process that involves the Ministry of Justice. We do not recommend any substantive amendments to the bill in respect of citizens-initiated referendums.

Possible Treaty | Tiriti clause

We considered the matter of a possible Treaty of Waitangi | te Tiriti o Waitangi clause, which some members of the committee support. We note that the legislature's obligations under the Treaty are not formally defined. The current state of case law suggests that the Treaty binds the Crown in executive government only and does not impose obligations on other instruments of the State. The inclusion of a general Treaty clause could inadvertently change New Zealand's existing constitutional arrangements. We also consider that the inclusion of a general treaty clause would be inconsistent with best practice guidelines produced by Te Arawhiti in 2022.² A Treaty clause should be designed to achieve a specific policy objective, which would need to be more clearly established in this case.

We note that the parliamentary agencies have an Ao Māori strategy (He Ao Takitaki) and a memorandum of understanding with Te Āti Awa.

² Te Arawhiti, Providing for the Treaty of Waitangi in Legislation and Supporting Policy Design, March 2022.

Appendix

Committee process

The House established our committee on 24 September 2024 to consider and report on the Parliament Bill and any other associated business. The bill was referred to us on the same day.

On 27 September 2024, we opened for public submissions on the bill with a closing date of 6 November 2024. We received and considered written submissions from 53 interested groups and individuals. We heard oral evidence from 29 submitters at hearings held in Wellington and by videoconference.

The Office of the Clerk and the Parliamentary Service provided advice on the bill. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Rt Hon Adrian Rurawhe (Chairperson)

Andy Foster

Mariameno Kapa-Kingi

Dana Kirkpatrick

Cameron Luxton

Ricardo Menéndez March

Hon Scott Simpson

Hon Dr Duncan Webb

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Bishop

Parliament Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Parliament Act **2024**.

2 Commencement

- (1) This Act comes into force on the day after Royal assent. 5
- (2) However,—
 - (a) the following sections come into force 6 months after Royal assent:
 - (i) **sections 136 to 139 and 141:**
 - (ii) **Part 7:**
 - (b) **Part 8** comes into force on **1 July 2025** (but *see* **Schedule 7** for the 10
application of that Part during the financial year commencing on 1 July
2025 and ending with 30 June 2026):
 - (c) **Part 9** comes into force—
 - (i) on a date or dates set by Order in Council; or
 - (ii) to the extent not brought into force earlier, on the second anniver- 15
sary of Royal assent.
- (3) An Order in Council made under this section is secondary legislation (*see*
Part 3 of the Legislation Act 2019 for publication requirements).

Part 1

Preliminary provisions 20

3 Purpose

- (1) The purpose of this Act is to consolidate and modernise the law about operat-
ing and administering Parliament.
- (2) To that end, this Act—
 - (a) repeals and replaces the following 4 Acts: 25
 - (i) the Clerk of the House of Representatives Act 1988:
 - (ii) the Parliamentary Service Act 2000:
 - (iii) the Members of Parliament (Remuneration and Services) Act
2013:
 - (iv) the Parliamentary Privilege Act 2014: 30

-
- (b) enacts principles for the use of public money and publicly funded services by members and eligible candidates:
 - (c) standardises provisions about employment in the Office of the Clerk and the Parliamentary Service:
 - (d) establishes the role of parliamentary security officer and confers powers and duties on those officers: 5
 - (e) establishes a new funding model under the Public Finance Act 1989 for the parliamentary agencies based on the model used for ~~officers~~ Offices of Parliament under that Act.
- (3) **Part 2** of this Act (which relates to parliamentary privilege) also has the purposes identified in **section 10**. 10
 - (4) **Part 4 and Schedule 3** of this Act (which relate to salaries, allowances, expenses, and services for members and others) also have the purposes identified in **section 59**.
- 4 Outline of Act** 15
- (1) This Act is divided into 11 Parts.
 - (2) This **Part** covers the following preliminary matters:
 - (a) the purpose of this Act:
 - (b) the definitions of terms used in this Act:
 - (c) the transitional and savings provisions needed for this Act: 20
 - (d) the extent to which this Act binds the Crown.
 - (3) **Part 2** is about parliamentary privilege.
 - (4) **Part 3** is about the Speaker, the Deputy Speaker, and the parliamentary precincts.
 - (5) **Part 4** is about salary, allowances, and expenses paid, and services provided, to members generally and to particular members, including certain former members, and to Ministers, parties, and eligible candidates. 25
 - (6) **Part 5** is about the Clerk of the House of Representatives and the Office of the Clerk.
 - (7) **Part 6** is about the Parliamentary Service, the Parliamentary Corporation, and the Parliamentary Service Commission. 30
 - (8) **Part 7** is about parliamentary security.
 - (9) **Parts 8 to 11** amend, repeal, and revoke other legislation, including the Citizens Initiated Referenda Act 1993, the Public Audit Act 2001, and the Public Finance Act 1989. 35
- 5 Interpretation**
- In this Act, unless the context otherwise requires,—

allowance has the meaning given to it by section 2 of the Remuneration Authority Act 1977

by-election has the meaning given to it by section 3(1) of the Electoral Act 1993

chief executive means the chief executive of the Parliamentary Service appointed under **section 126** 5

Clerk means the Clerk of the House of Representatives appointed under **section 102**

collective agreement has the meaning given to it by section 5 of the Employment Relations Act 2000 10

committee means a committee, or subcommittee of a committee, of the House of Representatives

department has the meaning given to it by section 5 of the Public Service Act 2020

Deputy Clerk means the Deputy Clerk of the House of Representatives 15

Deputy Speaker means the Deputy Speaker of the House of Representatives

employee, in relation to the parliamentary agencies,—

- (a) means a person appointed as an employee under **section 113 or 132**, whether paid by salary, wages, or otherwise; and
- (b) includes employees on fixed-term employment agreements; but 20
- (c) does not include the Clerk or the chief executive

employment agreement—

- (a) means a contract of service; and
- (b) includes an employee's terms and conditions of employment in—
 - (i) a collective agreement; or 25
 - (ii) a collective agreement together with any additional terms and conditions of employment; or
 - (iii) an individual employment agreement

general election has the meaning given to it by section 3(1) of the Electoral Act 1993 30

head, in relation to a parliamentary agency, means—

- (a) the Clerk, in relation to the Office of the Clerk; and
- (b) the chief executive, in relation to the Parliamentary Service

House of Representatives means the House of Representatives continued under section 10 of the Constitution Act 1986 35

member means a member of the House of Representatives known, in accordance with section 10(4) of the Constitution Act 1986 and section 27 of the Electoral Act 1993, as a member of Parliament

member with authority to act as Speaker has the meaning given to it in **section 48(3)**

Minister means a Minister of the Crown

Minister Responsible for Ministerial Services means the Minister who is, with the authority of the Prime Minister, responsible for the administration of services provided to ~~m~~Ministers 5

Office of the Clerk means the Office of the Clerk of the House of Representatives continued under **section 112**

officer of the House,—

- (a) in **sections 33 and 37**, means any of the following: 10
 - (i) the Clerk:
 - (ii) the Deputy Clerk:
 - (iii) a Clerk-Assistant of the House of Representatives:
 - (iv) the Serjeant-at-Arms; and
- (b) in the rest of this Act, means the following persons: 15
 - (i) the Clerk:
 - (ii) a person appointed as an employee of the Office of the Clerk under **section 113**

~~**ordinary member** means a member who—~~

- (a) ~~is eligible to be paid the basic salary for a member specified in a determination made under **section 70(1)**; and~~ 20
- (b) ~~is not eligible to be paid any other salary specified in such a determination~~

Parliament means the Parliament of New Zealand described in section 14(1) of the Constitution Act 1986 25

parliamentary agency or **agency** means—

- (a) the Office of the Clerk; and
- (b) the Parliamentary Service

Parliamentary Corporation means the body corporate continued under **section 143** 30

parliamentary precincts has the meaning given to it in **section 51**

parliamentary security officer means a person appointed as a parliamentary security officer under **section 136**

Parliamentary Service means the Parliamentary Service continued under **section 123** 35

Parliamentary Service Commission means the Parliamentary Service Commission continued under **section 154**

party means a political party for the time being recognised as a party for parliamentary purposes in accordance with the rules and practice of the House of Representatives

period following a general election means the period of time—

- (a) starting with the close of polling day at a general election; and 5
- (b) ending with the first meeting of the House of Representatives after that general election

polling day has the meaning given to it by section 3(1) of the Electoral Act 1993

proceedings in Parliament has the meaning given to it by **section 13** 10

~~**Public Service Commissioner** means the Public Service Commissioner appointed under section 42 of the Public Service Act 2020~~

remuneration has the meaning given to it by section 2 of the Remuneration Authority Act 1977

Remuneration Authority means the Remuneration Authority established under section 4(1) of the Remuneration Authority Act 1977 15

Speaker—

- (a) means the Speaker of the House of Representatives; and
- (b) includes the following persons, when they are performing a function or duty or exercising a power of the Speaker: 20
 - (i) the Deputy Speaker:
 - (ii) a member with authority to act as Speaker

vacating member means a person who, at the close of a polling day, vacates the office of member under section 54(1)(b) or (2)(b) of the Electoral Act 1993.

Compare: 2000 No 17 s 3; 2013 No 93 s 5; 2014 No 58 s 5(1); 2020 No 40 ss 74(2), 87(2) 25

6 Status of guide or outline provisions

The following provisions are for explanation only and do not affect the provisions to which they refer:

- (a) **section 4:**
- (b) **section 9:** 30
- (c) **section 40:**
- (d) **section 57:**
- (e) **section 101:**
- (f) **section 121:**
- (g) **section 162:** 35
- (h) **clause 1 of Schedule 3:**
- (i) **clause 1 of Schedule 4:**

(j) **clause 1 of Schedule 5.****7 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

8 Act binds the Crown

5

This Act binds the Crown.

Compare: 2000 No 17 s 5; 2013 No 93 s 6; 2014 No 58 s 6

Part 2

Parliamentary privilege and operation of Article 9 of Bill of Rights 1688

10

9 Outline of this Part

- (1) This Part sets out provisions concerning parliamentary privilege.
- (2) **Subpart 1** sets out the purposes of this Part, the manner in which it is to be interpreted generally, and specific interpretation provisions.
- (3) **Subpart 2** contains the provisions relating to the purpose, content, and status of parliamentary privilege. 15
- (4) **Subpart 3** contains provisions relating to the scope of the prohibition imposed by Article 9 of the Bill of Rights 1688 on the impeaching or questioning of speech and debates or proceedings in Parliament, including specific prohibitions and exceptions. 20
- (5) **Subpart 4** describes certain legal protections that apply to the communication of proceedings in Parliament.
- (6) **Subpart 5** contains a number of miscellaneous provisions relating to parliamentary privilege, including provisions relating to contempt of Parliament, the expulsion of members, taking evidence from witnesses, and the exemption of members (including the Speaker) and officers of the House from an obligation to attend a court or tribunal. 25

Subpart 1—Preliminary provisions

10 Purposes of this Part

- (1) The main purposes of this Part are to— 30
 - (a) reaffirm and clarify the nature, scope, and extent of the privileges, immunities, and powers ~~of exercisable by~~ the House of Representatives, its committees, and its members; and
 - (b) ensure adequate protection from civil and criminal legal liability for communication of— 35

- (i) proceedings in Parliament; or
 - (ii) documents relating to proceedings in Parliament.
- (2) The secondary purposes of this Part are to—
 - (a) reaffirm parliamentary privilege generally, but to avoid its comprehensive codification; and 5
 - (b) state the effect of Article 9 of the Bill of Rights 1688, in addition to any other operation it has; and
 - (c) define proceedings in Parliament for the purposes of Article 9 of the Bill of Rights 1688, and in particular ~~alter~~ reaffirm the alteration that the Parliamentary Privilege Act 2014 made to the law in the decision in *Attorney-General v Leigh* [2011] NZSC 106, [2012] 2 NZLR 713; and 10
 - (d) prohibit evidence being offered or received, questions being asked, or statements, submissions, or comments made, concerning proceedings in Parliament, to inform or support effective repetition claims and liabilities in proceedings in a court or tribunal and exemplified by the decision in *Buchanan v Jennings* [2004] UKPC 36, [2005] 2 All ER 273, [2005] 2 NZLR 577. 15

Compare: 2014 No 58 s 3

11 How to interpret this Part

- (1) This Part must be interpreted in a way that— 20
 - (a) promotes its purposes; and
 - (b) promotes the principle of comity, which requires a relationship of mutual respect and restraint between the independent legislative and judicial branches of government, each recognising the other's proper sphere of influence and privileges; and 25
 - (c) ensures that the privileges, immunities, and powers ~~of exercisable by~~ the House of Representatives, its committees, and its members are exercisable for the purposes stated in **section 14**.
- (2) **Subsection (1)** does not affect the application of Part 2 of the Legislation Act 2019 to this Act. 30

Compare: 2014 No 58 s 4

12 Interpretation of this Part

In this Part, unless the context otherwise requires,—

Article 9 of the Bill of Rights 1688 means the ninth article of section 1 of the Bill of Rights 1688 to the extent that the ninth article is declared to be part of the laws of New Zealand under section 3(1) and Schedule 1 of the Imperial Laws Application Act 1988 35

communication, of a document or proceedings, includes—

- (a) communication by any means of the document or proceedings to or for any person; and
- (b) live or delayed original communication and delayed re-communication of the document or proceedings; and
- (c) live or delayed communication to the public of the document or proceedings

5

communication to the public, of a document or proceedings, means communication of the document or proceedings to or for the benefit of the public or a class of the public

10

copy, of a document, includes—

- (a) a copy that is not an exact copy of the document but is identical to the document in all relevant respects; and
- (b) a copy of a copy of the document

15

court means—

- (a) the Supreme Court, the Court of Appeal, the High Court, or the District Court; or
- (b) any of the following specialist courts:
 - (i) the Employment Court:
 - (ii) the Environment Court:
 - (iii) the Māori Land Court:
 - (iv) the Māori Appellate Court:
 - (v) the Court Martial of New Zealand established under section 8 of the Court Martial Act 2007:
 - (vi) the Court Martial Appeal Court constituted by the Court Martial Appeals Act 1953

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District Court includes—

- (a) the Family Court and the Youth Court; and
- (b) the District Court sitting in its admiralty jurisdiction

document means any of the following (including a copy or part of any of the following):

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- (a) anything (whether or not it is signed or otherwise authenticated) on which there are words, figures, symbols, images, or sounds (or from which words, figures, symbols, images, or sounds can be derived), including any of the following:
 - (i) a label, marking, or other writing that identifies or describes a thing of which it forms part, or to which it is attached:
 - (ii) a book, map, plan, graph, or drawing:

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- (iii) a photograph, film, or negative:
- (b) information electronically recorded or stored (including an audio or a video file or recording) or information derived from that information

exercisable, in relation to privileges, immunities, or powers and in relation to a House, its committees, or its members, means that the privileges, immunities, or powers are held, enjoyed, and exercised by the House, its committees, or its members

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summons, in relation to a court or tribunal, includes a writ, subpoena, or other process that—

- (a) is a process of, or issued by or on behalf of, the court or tribunal; and
- (b) requires attendance at the court or tribunal

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tribunal—

- (a) means any person or body with power to—
 - (i) summons witnesses and take evidence on oath or affirmation; or
 - (ii) otherwise require the giving of evidence or information; and
- (b) includes an inquiry to which the Inquiries Act 2013 applies (*see* section 6 of that Act); but
- (c) does not include the House of Representatives, a committee, or a court

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under the House of Representatives' or a committee's authority includes by or by order of the House of Representatives or one of its committees.

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Compare: 2014 No 58 s 5(1), (3)

13 Meaning of proceedings in Parliament

- (1) For the purposes of Article 9 of the Bill of Rights 1688 and this Part, **proceedings in Parliament** means all words spoken and acts done in the course of, for the purposes of, or incidental to transacting the business of the House of Representatives or a committee.
- (2) Without limiting **subsection (1)**, **proceedings in Parliament** includes all of the following:
 - (a) giving evidence before the House of Representatives or a committee (and the evidence itself):
 - (b) presenting or submitting a document to the House of Representatives or a committee (and the document itself):
 - (c) preparing a document for the purposes of or incidental to transacting any business of the House of Representatives or a committee (and the document itself):
 - (d) formulating, making, or communicating a document under the House of Representatives' or a committee's authority (and the document itself):

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- (e) any proceeding that is stated by other legislation to be proceedings in Parliament for the purposes of Article 9 of the Bill of Rights 1688 or this Part.
- (3) A reference in this section to words spoken or acts done for the purposes of or incidental to transacting the business of the House of Representatives or a committee includes words spoken or acts done for the purposes of or incidental to transacting reasonably apprehended business of the House of Representatives or committee. 5
- (4) The determination of whether words are spoken or acts are done in the course of, for the purposes of, or incidental to transacting the business of the House of Representatives or a committee must not be limited to a consideration of whether the words or acts are to any degree necessary for transacting the business concerned. 10
- (5) This section applies despite any other legislation or rule of law to the contrary. 15
Compare: 2014 No 58 s 10

Subpart 2—Parliamentary privilege: purpose, content, status, and recognition

14 Purposes of privileges, immunities, and powers of House of Representatives, etc

The privileges, immunities, and powers ~~of~~exercisable by the House of Representatives, its committees, and its members are exercisable— 20

- (a) to maintain the integrity of the House of Representatives as a democratic legislative assembly; and
- (b) to secure the independence of the House of Representatives, committees, and members in the performance of their functions. 25

Compare: 2014 No 58 s 7

15 Content of privileges, immunities, and powers of House of Representatives, etc

The privileges, immunities, and powers ~~of~~exercisable by the House of Representatives, its committees, and its members are every privilege, immunity, or power that— 30

- (a) was exercisable on 1 January 1865 (whether by parliamentary custom or practice and rules, statute, or common law) by the House of Commons of Great Britain and Ireland, its committees, or its members; and
- (b) is not inconsistent with, or repugnant to, the New Zealand Constitution Act 1852 of the Parliament of the United Kingdom as in force on 26 September 1865 (which is the date on which the Parliamentary Privileges Act 1865 came into force). 35

Compare: 2014 No 58 s 8(1)

16 Status and recognition of parliamentary privilege

- (1) The privileges, immunities, and powers ~~of~~exercisable by the House of Representatives, its committees, and its members are part of the laws of New Zealand.
- (2) All courts and all persons acting judicially must take judicial notice of those privileges, immunities, and powers. 5
- (3) **Subsection (4)** applies to any inquiry concerning those privileges, immunities, and powers by a court, any person acting judicially, or any other person.
- (4) The court or person must admit a copy of the Journals of the House of Commons that appears to be printed or published by order of the House of Commons as evidence of those journals without requiring any further proof that the copy was printed or published by that order. 10

Compare: 2014 No 58 s 8(2)–(4)

Subpart 3—Article 9 of Bill of Rights 1688

17 Effect of Article 9 15

- (1) Article 9 of the Bill of Rights 1688 has the effect required by this Part in addition to any other operation it may have.
- (2) However, Article 9 does not prevent or restrict the prosecution of an offence (to the extent that the offence relates to proceedings in Parliament) against any of the following provisions of the Crimes Act 1961: 20
 - (a) section 102 (corruption and bribery of Minister of the Crown):
 - (b) section 103 (corruption and bribery of member of Parliament):
 - (c) section 109 (punishment of perjury).

Compare: 2014 No 58 s 9

Prohibited impeaching or questioning of proceedings in Parliament 25**18 Evidence, questions, and statements, etc, about proceedings in Parliament**

In proceedings in a court or tribunal, evidence must not be offered or received, questions must not be asked, and statements, submissions, or comments must not be made concerning proceedings in Parliament by way of, or for the purpose of, any of the following: 30

- (a) questioning or relying on the truth, motive, intention, or good faith of anything forming part of those proceedings in Parliament:
- (b) questioning or establishing the credibility, motive, intention, or good faith of any person:
- (c) drawing, or inviting the drawing of, inferences or conclusions wholly or partly from anything forming part of those proceedings in Parliament: 35

- (d) proving or disproving, or tending to prove or disprove, any fact necessary for, or incidental to, establishing any liability:
- (e) resolving any matter, or supporting or resisting any judgment, order, remedy, or relief, arising or sought in the court or tribunal proceedings.

Compare: 2014 No 58 s 11

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19 Use of confidential documents and oral evidence

- (1) This section applies to the use, in a court or tribunal, of documents and oral evidence that have been received by the House of Representatives or a committee in confidence.
- (2) A court or tribunal must not—
 - (a) require the document to be produced; or
 - (b) admit the document into evidence; or
 - (c) admit evidence concerning the document.
- (3) A court or tribunal must not—
 - (a) admit evidence concerning the oral evidence; or
 - (b) require a document recording or reporting the oral evidence to be produced; or
 - (c) admit the document into evidence.
- (4) However, a court or tribunal may do anything referred to in **subsection (2) or (3)** in relation to a document or oral evidence received by the House of Representatives or a committee (without impeaching or questioning the proceedings in Parliament) if the House of Representatives or committee has—
 - (a) communicated the document or oral evidence to the public; or
 - (b) authorised its communication to the public.
- (5) For the purposes of this section, a document or oral evidence is received by the House of Representatives or a committee **in confidence** if it is received (as advice, evidence, or anything else)—
 - (a) in private; or
 - (b) as secret evidence.

Compare: 2014 No 58 s 12

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20 Use of evidence, etc, for interpreting legislation

Sections 18 and 19 and Article 9 of the Bill of Rights 1688 do not prevent or restrict a court or tribunal from doing any of the following for the sole purpose of ascertaining the meaning of any legislation (without impeaching or questioning the proceedings in Parliament):

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- (a) admitting in evidence, or taking judicial notice of, a document relating to proceedings in Parliament communicated under the House of Representatives' or a committee's authority:

- (b) allowing the making of statements, submissions, or comments based on the document.

Compare: 2014 No 58 s 13

21 Use of evidence, etc, for establishing historical events or other facts

Section 18 and Article 9 of the Bill of Rights 1688 do not prevent or restrict a court or tribunal from doing any of the following for the sole purpose of establishing a relevant historical event or other fact (without impeaching or questioning the proceedings in Parliament): 5

- (a) admitting evidence, or allowing evidence to be offered, concerning proceedings in Parliament: 10
- (b) allowing questions to be asked or statements, submissions, or comments to be made concerning proceedings in Parliament.

Compare: 2014 No 58 s 15

22 Operation of **subparts 4 and 5** not affected

Sections 18 and 19 and Article 9 of the Bill of Rights 1688 do not prevent or restrict proceedings in Parliament from being used for the purposes of **subpart 4 or 5**. 15

Compare: 2014 No 58 s 14

Subpart 4—Protected communication of proceedings in Parliament

Stay of court or tribunal proceedings 20

23 Application of **sections 24 and 25**

Sections 24 and 25 apply if civil or criminal proceedings in a court or tribunal are commenced against a person in respect of the communication by the person or the person's agent or employee, under the House of Representatives' or a committee's authority, of 1 or more of the following: 25

- (a) proceedings in Parliament:
- (b) a document relating to proceedings in Parliament.

Compare: 2014 No 58 s 17(1)

24 Speaker's certificate that communication authorised

- (1) The Speaker may, on application by or on behalf of a person referred to in **section 23**, grant a certificate to the person stating that the person, or the person's agent or employee, made the communication under the House of Representatives' or a committee's authority. 30
- (2) The Speaker must sign the certificate.
- (3) In addition, if the certificate relates to the communication of a document, the Speaker must— 35

- (a) attach a copy of the document to the certificate; and
- (b) ensure that the certificate states that the attached copy is a true copy of what was communicated.

Compare: 2014 No 58 s 17(2)

- 25 Application and order for stay of proceedings** 5
- (1) The person to whom the Speaker grants a certificate under **section 24** may apply for a stay of the proceedings by—
- (a) filing or lodging an application in or with the court or tribunal, together with the Speaker's certificate and (if the person wishes) a draft order staying the proceedings; and 10
 - (b) serving, or taking all reasonable steps to serve, copies of the application, certificate, and any draft order on the plaintiff or prosecutor and all other parties to the proceedings.
- (2) If the court's or tribunal's registrar is satisfied, on any evidence the registrar requires, that the person has applied for a stay of the proceedings in accordance with this section, the registrar must refer the file to the court's or tribunal's presiding judicial officer. 15
- (3) On receiving the file, the presiding judicial officer must immediately stay the proceedings, except any claims or charges unrelated to the communications that the certificate covers. 20
- (4) The order staying the proceedings must be sealed, dated, and served, and entered in the court's or tribunal's formal or permanent record in accordance with its practice and procedure.
- (5) The stayed proceedings are taken to be finally determined.
- (6) No fee may be charged for an application for a stay of proceedings or an order staying the proceedings. 25
- (7) This section does not prevent or restrict the plaintiff or prosecutor discontinuing or withdrawing the proceedings.

Compare: 2014 No 58 s 17(3)–(7)

Qualified immunity 30

- 26 Communications protected by qualified immunity**
- (1) The following communications are protected by qualified immunity:
- (a) the communication of a fair and accurate report of proceedings in Parliament:
 - (b) the communication of a fair and accurate extract from, or summary of,— 35
 - (i) a document communicated under the authority of the House of Representatives or a committee; or

- (ii) a document relating to proceedings in Parliament, and communicated under the authority of the House of Representatives, a committee, or legislation:
 - (c) the delayed communication to the public of proceedings in Parliament if the communication is not made under the authority of the House of Representatives or a committee. 5
- (2) In **subsection (1)(a)**, **report** includes—
 - (a) a record or transcript of proceedings in Parliament; and
 - (b) part of a report of those proceedings.

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Compare: 2014 No 58 ss 19, 20

27 Effect and operation of qualified immunity

- (1) Qualified immunity is a defence to any civil or criminal liability in proceedings that relate to the relevant communication if it is pleaded, or otherwise raised as a defence, by or on behalf of the defendant.
 - (2) However, the defence is unavailable if the plaintiff or prosecutor proves that, in communicating the matter that is the subject of the proceedings, the defendant has abused the occasion of communication. 15
 - (3) Without limiting **subsection (2)**, the defendant has abused the occasion of communication if the defendant acted in bad faith or predominantly with malice towards any person or otherwise took improper advantage of the occasion. 20
- Compare: 2014 No 58 s 18

28 Other laws unaffected

This Part does not limit or affect any laws relating to absolute privilege or qualified privilege, including sections 13 to 19 of the Defamation Act 1992.

Compare: 2014 No 58 s 21 25

Subpart 5—Other provisions relating to parliamentary privilege

Contempt

29 House of Representatives may impose fine for contempt of House of Representatives

- (1) If the House of Representatives determines that a person has committed a contempt of the House of Representatives, it may by resolution impose a fine of up to \$1,000 on the person. 30
- (2) The fine is payable and enforceable under the Summary Proceedings Act 1957, as if it were a fine within the meaning of section 79(1) of that Act.
- (3) The Clerk must ensure that a copy of the resolution imposing the fine is sent to the Registrar of the District Court at Wellington. 35
- (4) The Registrar must—

- (a) serve a copy of the resolution on the person who has committed the contempt as if the resolution contained the same information (other than appeals information) as a notice of fine under section 84 of the Summary Proceedings Act 1957; and
 - (b) ensure that the fine is enforced in accordance with Part 3 of that Act, which applies with all necessary modifications to the enforcement of the fine. 5
- (5) This section does not limit or affect the House of Representatives' powers to penalise a person for a contempt by imposing a penalty other than a fine on the person (whether the other penalty is instead of or as well as a fine). 10
- Compare: 2014 No 58 s 22

House of Representatives cannot expel member

30 House cannot expel member

- (1) The House of Representatives has no power to make a member's seat become vacant by expelling them from membership of the House of Representatives (whether to discipline or punish them, to protect the House of Representatives by removing an unfit member, or for any other purpose or reason). 15
 - (2) This section applies despite any other legislation or rule of law to the contrary. 20
- Compare: 2014 No 58 s 23

Parliamentary witnesses 20

31 House of Representatives or committee may administer oath or affirmation

The House of Representatives or a committee may administer an oath or affirmation for the purpose of taking evidence on oath or affirmation from a witness examined before it. 25

Compare: 2014 No 58 s 24

32 Privileges and immunities of witness

- (1) A witness examined before the House of Representatives or a committee and giving evidence on oath or affirmation has, in respect of that evidence, the same privileges and immunities as a witness has when giving evidence on oath or affirmation in a court. 30
 - (2) This section is subject to any contrary legislation.
- Compare: 2014 No 58 s 25

*Members and officers in court or tribunal proceedings***33 Exemption of member or officer from attendance**

- (1) This section applies if a member (other than the Speaker) or an officer of the House is required, by a court's or tribunal's summons, to attend the court or tribunal personally as— 5
- (a) a party or witness in a civil proceeding; or
 - (b) a witness in a criminal proceeding.
- (2) The member or officer may apply to the Speaker for a certificate exempting the member or officer from attending the court or tribunal.
- (3) On receiving an application, the Speaker must grant an exemption certificate to the member or officer unless satisfied, after any inquiry the Speaker considers appropriate, that not complying with the summons would— 10
- (a) defeat or seriously delay the interests of justice; or
 - (b) cause irreparable injury to a party to the proceedings.
- (4) The Speaker must— 15
- (a) sign the certificate; and
 - (b) ensure that the certificate identifies the court or tribunal attendance it relates to; and
 - (c) attach a copy of the summons to the certificate.
- (5) An exemption certificate exempts the member or officer to whom it is issued from attending the court or tribunal concerned until the earlier of the following times: 20
- (a) the end of the session of Parliament during which the certificate was granted:
 - (b) the end of the calendar year after the calendar year during which the certificate was granted. 25

Compare: 2014 No 58 ss 26–28

34 Exemption of Speaker from attendance: exemption by House of Representatives

- (1) This section and **section 35** apply if the Speaker is required, by a court's or tribunal's summons, to attend the court or tribunal personally as— 30
- (a) a party or witness in a civil proceeding; or
 - (b) a witness in a criminal proceeding.
- (2) The Speaker must bring the matter to the attention of the House of Representatives— 35
- (a) without delay, if the House of Representatives is sitting; or

- (b) at the first convenient opportunity, if the House of Representatives is adjourned or Parliament is not in session.
- (3) The House of Representatives may make an order exempting the Speaker from attending the court or tribunal.
- (4) An exemption order exempts the Speaker from attending the court or tribunal until the earlier of the following times: 5
 - (a) the end of the session of Parliament during which the order is made;
 - (b) the end of the calendar year after the calendar year during which the order is made.
- (5) The House of Representatives may make any other order that— 10
 - (a) the House of Representatives considers appropriate; and
 - (b) is consistent with **subsection (4)**.

Compare: 2014 No 58 s 29(1)–(3)

35 Exemption of Speaker from attendance: interim exemption by Speaker

- (1) This section applies if the Speaker— 15
 - (a) is unable to bring the matter to the attention of the House of Representatives without delay (under **section 34(2)(a)**) because the House of Representatives is adjourned or Parliament is not in session; and
 - (b) is satisfied that it is necessary to act without delay.
- (2) The Speaker must grant an interim exemption certificate exempting the Speaker from attending the court or tribunal unless satisfied, after any inquiry the Speaker considers appropriate, that not complying with the summons would— 20
 - (a) defeat or seriously delay the interests of justice; or
 - (b) cause irreparable injury to a party to the proceedings. 25
- (3) The Speaker must—
 - (a) sign the interim exemption certificate; and
 - (b) ensure that the certificate identifies the court or tribunal attendance it relates to; and
 - (c) attach a copy of the summons to the certificate. 30
- (4) An interim exemption certificate ceases to have effect when—
 - (a) the Speaker has brought the matter to the attention of the House of Representatives; and
 - (b) the House of Representatives has decided whether to make an exemption order under **section 34(3)**. 35

Compare: 2014 No 58 s 29(4)–(7)

36 Service of exemption certificate or order

A person to whom an exemption certificate, an exemption order, or an interim exemption certificate is granted under **section 33, 34, or 35** must serve, or take all reasonable steps to serve, copies of the certificate or order on the plaintiff or prosecutor and all other parties to the proceedings to which the certificate or order relates. 5

37 Effect of certificate or order

If a certificate or an order under **section 33, 34, or 35** is presented to the court or tribunal concerned,—

- (a) the member, officer of the House, or Speaker is exempted from attending the court or tribunal as provided in that section; and 10
- (b) during the period of the exemption, no civil or criminal proceedings may be commenced or continued against the member, officer, or Speaker in relation to non-compliance with the summons, or otherwise not attending the court or tribunal; and 15
- (c) the court or tribunal may adjourn the proceedings on any terms it considers convenient and just in light of the exemption.

Compare: 2014 No 58 s 30

*Judicial notice of Speaker's signature***38 Judicial notice of Speaker's signature** 20

All courts and tribunals and all persons acting judicially must take judicial notice of the Speaker's signature on a certificate granted under **section 24, 33, or 35**.

Compare: 2014 No 58 s 31

Copies of parliamentary journals as evidence 25**39 Parliamentary journals as evidence**

- (1) This section applies to copies of the Journals of the Legislative Council or the House of Representatives of New Zealand that purport to be printed by the Government Printer or published under the authority of the relevant House.
- (2) All courts and all other persons acting judicially must admit those copies as evidence of the matters stated in them, without further proof that they were printed or published as described in **subsection (1)**. 30

Compare: 2014 No 58 s 31A

Part 3

Speaker, Deputy Speaker, and parliamentary precincts

40 Outline of this Part

- (1) This Part sets out provisions concerning the Speaker, the Deputy Speaker, and the parliamentary precincts. 5
- (2) **Subpart 1**—
 - (a) specifies what functions, duties, and powers the Speaker may delegate and to whom; and
 - (b) identifies who may act in place of the Speaker; and
 - (c) specifies how references to the Speaker, the Deputy Speaker, and a member with authority to act as Speaker should be read during the period following a general election. 10
- (3) **Subpart 2** describes the status of the parliamentary precincts and the Speaker's role in controlling and administering the precincts.

Subpart 1—Speaker and Deputy Speaker 15

Delegation of Speaker's functions, duties, and powers

41 Speaker may delegate functions and duties only if Act expressly authorises such delegation

- (1) The Speaker may delegate a function, duty, or power of the Speaker under this Act. 20
- (2) However, the Speaker may delegate a function, duty, or power under **subsection (1)** only if the delegation is expressly authorised by this Act.
- (3) The Speaker must not delegate the power to delegate under **subsection (1)**.
Compare: 2000 No 17 s 34; 2020 No 40 Schedule 6 cl 5

42 Speaker may delegate functions, duties, and powers to Deputy Speaker 25

- (1) The Speaker may delegate to the Deputy Speaker any function, duty, or power of the Speaker provided for in this Act or in the Public Finance Act 1989, other than the functions and duties specified in **subsection (2)**.
- (2) The Speaker must not delegate the following functions, duties, or powers to the Deputy Speaker: 30
 - (a) issuing determinations under **section 84(1) or 88(1)**;
 - (b) making a recommendation to the Governor-General under **section 102** about appointing the Clerk or under **section 126** about appointing the chief executive;
 - (c) appointing a person under **section 110** to act as Clerk: 35

- (d) appointing a person under **section 131** to perform all or any of the functions and duties and exercise the powers of the chief executive:
- (e) suspending or removing the chief executive from office under **clause 12 of Schedule 4**.

Compare: 2000 No 17 s 33

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43 Speaker may delegate functions, duties, and powers under Public Finance Act 1989 to head of parliamentary agency

The Speaker may delegate any function, duty, or power of the Speaker provided for in the Public Finance Act 1989 that relates to an appropriation administered by a parliamentary agency to the head of the relevant agency.

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Compare: 2020 No 40 Schedule 6 cl 5(1)

44 How Speaker may delegate functions, duties, and powers

(1) A delegation under **section 41(1)—**

(a) may be made to—

- (i) a specified person or a specified class of persons; or 15
- (ii) the holder or holders for the time being of a specified office or specified class of offices; and

(b) must be in writing.

(2) A delegation continues to have effect according to its terms until it is revoked.

(3) A delegation made by a Speaker who has ceased to hold office continues to have effect as if made by the successor in office of that Speaker. 20

Compare: 2000 No 17 ss 34, 35; 2020 No 40 Schedule 6 cl 5

45 Status and effect of delegations

(1) The Speaker may continue to perform a delegated function or duty or exercise a delegated power. 25

(2) A person who is delegated a function, duty, or power by the Speaker under this ~~section~~ Act may perform that function or duty or exercise that power in the same manner and with the same effect as if it had been conferred or imposed on the person directly by this Act, the Public Finance Act 1989, or the Trespass Act 1980, as applicable. 30

(3) **Subsection (2) is subject to any general or particular directions given, or any conditions imposed, by the Speaker.**

(4) A person acting under a delegation must, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation.

(5) A delegation by the Speaker does not affect the responsibility of the Speaker for the actions of any person acting under the delegation. 35

Compare: 2000 No 17 ss 34, 35; 2020 No 40 Schedule 6 cl 5

Speaker may request Public Service Commissioner to perform certain functions

46 Speaker may request Public Service Commissioner to perform certain functions under Public Service Act 2020

- (1) The Speaker may request the Public Service Commissioner to perform for a parliamentary agency the functions conferred on the Commissioner by section 44(b) to (e) of the Public Service Act 2020. 5
- (2) If the Public Service Commissioner accepts the request, the Commissioner must perform those functions in a way that is appropriate to the role of the parliamentary agency and its separation from the executive government. 10
- (3) For the purposes of this section, section 44(b) to (e) of the Public Service Act 2020 applies, with all necessary modifications, as if—
 - (a) the parliamentary agency were a department; and
 - (b) the head of the parliamentary agency were the chief executive of that department. 15
- (4) In this section, **Public Service Commissioner** means the Public Service Commissioner appointed under section 42 of the Public Service Act 2020.

Compare: 1988 No 126 s 17; 2000 No 17 Schedule 1 cl 15

Authority to act as Speaker

47 Deputy Speaker may act as Speaker under this Act or Public Finance Act 1989 20

- (1) This section applies if—
 - (a) the office of Speaker is vacant; or
 - (b) the Speaker is absent from duty.
- (2) The functions, duties, and powers of the Speaker under this Act and the Public Finance Act 1989 may or (in the case of a duty) must be performed or exercised by the Deputy Speaker. 25
- (3) Without limiting **subsection (2)**, the functions or duties that the Deputy Speaker may or must perform under the Public Finance Act 1989, and the powers that the Deputy Speaker may exercise under that Act, include functions, duties, or powers relating to any of the following appropriations: 30
 - (a) an appropriation made to an Office of Parliament:
 - (b) an appropriation administered by a parliamentary agency.

Compare: 2000 No 17 ss 16(2), 33

48 Member with authority to act as Speaker 35

- (1) This section applies if—
 - (a) the office of Speaker is vacant or the Speaker is absent from duty; and

- (b) the office of Deputy Speaker is vacant or the Deputy Speaker is absent from duty.
- (2) The functions, duties, and powers of the Speaker under this Act and the Public Finance Act 1989 may or (in the case of a duty) must be performed or exercised by a member with authority to act as Speaker. 5
- (3) A **member with authority to act as Speaker** is a member who is appointed by the House of Representatives to exercise the Speaker's authority under the rules and practice of the House of Representatives.
- (4) If a member with authority to act as Speaker performs any function or duty or exercises any power of the Speaker, the performance of the function or duty or the exercise of the power is conclusive evidence that the member is authorised to perform that function or duty or exercise that power. 10

Speaker and Deputy Speaker at dissolution of Parliament and from polling day

49 Deputy Speaker to continue in office notwithstanding dissolution or expiration of Parliament 15

- (1) A person who is in office as Deputy Speaker immediately before the dissolution or expiration of a Parliament continues in office, despite that dissolution or expiration, until the close of polling day at the next general election unless that person sooner vacates office as Deputy Speaker.
- (2) *See* section 13 of the Constitution Act 1986 for the equivalent provision relating to the Speaker. 20

Compare: 1989 No 44 s 2(1) paragraph (b) of definition of Speaker; 2014 No 58 s 5(1) paragraph (b) of definition of Speaker; 2000 No 17 s 3 paragraph (b) of definition of Deputy Speaker

50 How to read references to Speaker, Deputy Speaker, and member with authority to act as Speaker during period following general election 25

- (1) This section applies to the period following a general election.
- (2) During that period, a reference in this Act—
 - (a) to the Speaker is a reference to the person who held the office of Speaker immediately before the dissolution or expiration of the Parliament before the general election; and 30
 - (b) to the Deputy Speaker is a reference to the person who held the office of Deputy Speaker immediately before the dissolution or expiration of the Parliament before the general election; and
 - (c) to a member with authority to act as Speaker is a reference to a person who was a member with authority to act as Speaker within the meaning of **section 48(3)** immediately before the dissolution or expiration of the Parliament before the general election. 35
- (3) However, **subsection (2)(a)** does not apply to the references to the Speaker in the following sections:

- (a) **section 102** (which relates to appointing the Clerk):
- (b) **section 110** (which relates to appointing an acting Clerk):
- (c) **section 126** (which relates to appointing the chief executive):
- (d) **section 131** (which relates to appointing an acting chief executive):
- (e) **clause 5 of Schedule 4** (which relates to the Clerk resigning their office): 5
- (f) **clause 11 of Schedule 4** (which relates to the chief executive resigning):
- (g) **clause 12 of Schedule 4** (which relates to the Speaker suspending or removing the chief executive). 10

Compare: 1989 No 44 s 2(1) paragraph (b) of definition of Speaker; 2000 No 17 s 3 paragraph (b) of definitions of Deputy Speaker and Speaker; 2014 No 58 s 5(1) paragraph (b) of definition of Speaker

Subpart 2—Parliamentary precincts

Land, premises, and status

51 **Parliamentary precincts** 15

The parliamentary precincts are all of the following land and premises:

- (a) the land described in **Part 1 of Schedule 2**:
- (b) any other land or premises added to the parliamentary precincts by resolution of the House of Representatives under **section 52**.

Compare: 2000 No 17 s 3 20

52 **House of Representatives may add land to parliamentary precincts**

- (1) The House of Representatives may, by resolution,—
 - (a) add to the parliamentary precincts any land or premises in which the Crown or the Parliamentary Corporation holds an interest; or
 - (b) exclude any land or premises from the parliamentary precincts. 25
- (2) A resolution under **subsection (1)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (3) The Clerk must lodge a copy of the resolution with the Parliamentary Counsel Office for the purpose of publication under the Legislation Act 2019.

Compare: 2000 No 17 s 25 30

53 **Status of parliamentary precincts**

The land described in **Part 1 of Schedule 2** continues to be—

- (a) vested in fee simple in the Sovereign for purposes related to use as Parliament Buildings (including the Executive Wing) and grounds; and

- (b) held under the Public Works Act 1981 as if the whole of that land had been set apart for those purposes under that Act.

Compare: 2000 No 17 s 23

54 Map of land described in Part 1 of Schedule 2

- (1) An indicative map of the land described in **Part 1 of Schedule 2** is set out in **Part 2 of Schedule 2**. 5
- (2) If the map in **Part 2 of Schedule 2** is inconsistent with the description in **Part 1 of Schedule 2**, the description prevails.

Compare: 2000 No 17 s 3 definition of Parliamentary precincts

Speaker's role in respect of parliamentary precincts 10

55 Speaker controls and administers parliamentary precincts

- (1) The control and administration of the parliamentary precincts is vested in the Speaker on behalf of the House of Representatives.
- (2) The Speaker may delegate to any person any function, duty, or power that the Speaker has as a consequence of **subsection (1)**. 15

Compare: 2000 No 17 s 26(1)

56 Speaker is occupier for purposes of Trespass Act 1980

- (1) The Speaker is the occupier of the parliamentary precincts for the purposes of the Trespass Act 1980.
- (2) The Speaker may delegate to any person any power of an occupier under the Trespass Act 1980. 20

Compare: 2000 No 17 s 26(2)

Part 4

Salaries, allowances, expenses, and services for members and others

57 Outline of this Part 25

- (1) This Part is about salaries, allowances, expenses, and services for members and others.
- (2) **Subpart 1** sets out the purposes and interpretation of this Part and **Schedule 3**.
- (3) **Subpart 2** identifies the principles that apply to determining and using expenses and services provided for in this Part. 30
- (4) **Subpart 3** requires the Remuneration Authority to determine,—
- (a) for members, the salaries and allowances to be paid out of public money:
- (b) for family members of members, Ministers, and eligible candidates, travel expenses to be paid out of public money: 35

- (c) for Ministers, accommodation expenses to be paid out of public money:
- (d) for former Prime Ministers, travel expenses and the rate of an annuity to be paid out of public money.
- (5) **Subpart 4** requires the Speaker to determine,—
 - (a) for members and eligible candidates, travel expenses and accommodation expenses to be paid out of public money: 5
 - (b) for members, parties, and eligible candidates, administrative and support services to be provided and the proper use of the funding for those services:
 - (c) for members and eligible candidates, communications services to be provided: 10
 - (d) in respect of the official inter-parliamentary relations and political exchange programmes, travel expenses and accommodation expenses to be paid out of public money for participating members and employees of the Parliamentary Service and for accompanying spouses or partners. 15
- (6) **Subpart 5** requires the Minister Responsible for Ministerial Services to determine travel expenses for Ministers to be paid out of public money.

Compare: 2013 No 93 s 4

58 Administration of salaries, allowances, annuities, expenses, and services

- (1) **Parts 1 and 2 of Schedule 3** specify requirements for the administration of the salaries, allowances, annuities, and expenses paid for and services provided in accordance with this Part. 20
- (2) **Part 3 of Schedule 3** specifies requirements for a rebate of costs for travel to be paid to former members and, if applicable, their spouses or partners.

Subpart 1—Purposes and interpretation 25

59 Purposes of this Part and Schedule 3

- (1) The primary purpose of this Part and **Schedule 3** is to ensure that members are properly supported to perform their roles and functions in a way that maintains confidence in the integrity of Parliament.
- (2) This Part and **Schedule 3** achieve that purpose by— 30
 - (a) providing for the salaries and allowances of members:
 - (b) providing an efficient and effective system for determining the following matters:
 - (i) what services must be provided to members and eligible candidates to enable them to carry out their work: 35
 - (ii) how the expenses that members and eligible candidates incur in carrying out their work are met from public money.

- (3) This Part and **Schedule 3** have the additional purposes of—
- (a) determining travel expenses to be paid for the benefit of family members of members and eligible candidates; and
 - (b) determining an annuity to be paid to a person who has held the office of Prime Minister for a total of at least 2 years; and 5
 - (c) determining travel expenses ~~to that~~ may be paid to a person who has held the office of Prime Minister and that person's spouse or partner; and
 - (d) providing for a rebate of costs for travel to be paid to former members in office before the 1999 general election and, if applicable, their spouses or partners. 10
- Compare: 2013 No 93 s 3

Interpretation

60 Interpretation of this Part

- In this Part and in **Schedule 3**, unless the context otherwise requires,—
- accommodation expenses**, in relation to a person, includes— 15
- (a) the payment of money or an allowance for accommodation; and
 - (b) additional costs that are—
 - (i) associated with, or incidental to, accommodation of the person; and
 - (ii) not provided for under any other determination made under this Part; and 20
 - (c) any other means of meeting the accommodation needs of the person
- adult dependant** has the meaning given to it by **section 61**
- authorised funding and services** has the meaning given to it by **section 62**
- category**, in relation to expenses or services, means a grouping of similar or related expenses or services 25
- chief executive responsible for Ministerial Services**—
- (a) means the chief executive of the department responsible for the administration of services provided to Ministers; and
 - (b) includes a person nominated to act as the representative of that chief executive 30
- constituency candidate** has the meaning given to it by section 3(1) of the Electoral Act 1993
- department responsible for Ministerial Services** means the department that is, with the authority of the Prime Minister, responsible for the administration of services provided to Ministers 35
- dependent child** has the meaning given to it by **section 63**

disability has the meaning given to it by section 21(1)(h) of the Human Rights Act 1993

election advertisement has the meaning given to it by **section 64**

electioneering has the meaning given to it by **section 65**

eligible candidate means a person to whom **section 66(2), (4), or (6)** 5 applies

family member has the meaning given to it by **section 67**

former member means a person who was a member before the 1999 general election, once they are no longer a member

government-initiated referendum means a binding or indicative referendum 10 initiated by the Government

list candidate has the meaning given to it by section 3(1) of the Electoral Act 1993

ministerial purpose—

(a) means a purpose connected with— 15

(i) a Minister's performance of their role and functions as a Minister of the Crown; or

(ii) a Parliamentary Under-Secretary's performance of their role and functions as a Parliamentary Under-Secretary; but

(b) does not include a purpose connected with electioneering 20

ordinary member rate—

(a) means the basic salary for a member of Parliament specified in a determination made under **section 70(1)**; but

(b) does not include any other salary specified in that determination

parliamentary purpose— 25

(a) means a purpose connected with—

(i) a member's performance of their role and functions as a member; or

(ii) a party's performance of those functions of the party that are directly connected to its activities in Parliament; or 30

(iii) an eligible candidate's performance of their role and functions as an eligible candidate; but

(b) does not include a purpose connected with electioneering

partner means a civil union or de facto partner

previous ordinary member rate means the ordinary member rate that was payable as at polling day 35

public money has the meaning given to it by section 2(1) of the Public Finance Act 1989

publication has a corresponding meaning to publish

publish, in relation to an election advertisement or a referendum advertisement,—

(a) has the meaning given to it by section 3D of the Electoral Act 1993; and

(b) includes publication both in and outside New Zealand 5

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,—

(a) in relation to a general election, has the meaning given to it by section 3B of the Electoral Act 1993; and 10

(b) in relation to a by-election, has the meaning given to it by section 3BA of the Electoral Act 1993; and

(c) in relation to a government-initiated referendum, means the period (if any) specified in legislation as being the regulated period for the referendum 15

travel expenses, in relation to a person, includes—

(a) the payment of money or an allowance for the person's travel; and

(b) additional costs that are—

(i) associated with, or incidental to, the person's travel; and 20

(ii) not provided for under any other determination made under this Part; and

(c) any other means of meeting the travel needs of the person.

Compare: 2000 No 17 ss 3, 3A, 3D

61 **Meaning of adult dependant** 25

An **adult dependant** of a person (A) means a person who has a disability that means they require ongoing daily care and—

~~(a) in respect of whom A is a carer; and~~

~~(a) to whom A provides ongoing care; and~~

(b) who is— 30

(i) 18 years of age or older; and

(ii) maintained as a member of A's family; and

(iii) financially dependent on A; and

(iv) not living with another person in a marriage, civil union, or de facto relationship. 35

(2) ~~In this section and in **section 63**, carer, in respect of a person, means that the person—~~

- (a) ~~is the sole provider of ongoing daily care; or~~
- (b) ~~is the principal provider of ongoing daily care; or~~
- (c) ~~shares ongoing daily care substantially equally with another person.~~

62 Meaning of authorised funding and services

- (1) **Authorised funding and services** means— 5
- (a) the expenses ~~and rebate~~ specified in **subsection (2)**; and
 - (b) the expenses and services specified in **subsection (3)**, but only to the extent that they are for 1 or more of the following purposes:
 - (i) a parliamentary purpose, in the case of members, eligible candidates, and parties: 10
 - (ii) a ministerial purpose, in the case of Ministers or Parliamentary Under-Secretaries:
 - (iii) the purpose of enabling a vacating member to attend to matters associated with leaving Parliament, in the case of a vacating member. 15
- (2) The expenses are—
- (a) travel expenses for members', Ministers', and eligible candidates' family members within New Zealand determined under **section 71(1)(a)**:
 - (b) travel expenses for members within New Zealand determined under **section 84(1)** for the purpose set out in **section 85(1)(a)**: 20
 - (c) travel expenses and accommodation expenses outside New Zealand for the following persons:
 - (i) the accompanying spouse or partner of a member who is a party leader, determined under **section 84(1)** for the purpose set out in **section 85(1)(c)**: 25
 - (ii) members participating in the official inter-parliamentary relations programme and their accompanying spouses or partners, determined under **section 88(1)(a)(i) and (ii)**:
 - (iii) a member or an employee of the Parliamentary Service nominated to participate in the political exchange programme, determined under **section 88(1)(a)(iii) or (iv)**. 30
- (3) The expenses and services are—
- (a) accommodation expenses for Ministers within New Zealand determined under **section 71(1)(b)**:
 - (b) the following expenses and services determined under **section 84(1)** for the purposes set out in **sections 85(1), 86, and 87(1)**: 35
 - (i) accommodation expenses within New Zealand for members:

- (ii) travel expenses and accommodation expenses within New Zealand for eligible candidates:
 - (iii) travel expenses within New Zealand, accommodation expenses within New Zealand, and communications services for vacating members: 5
 - (iv) travel expenses and accommodation expenses outside New Zealand for members:
 - (v) administrative and support services provided to members, eligible candidates, and parties:
 - (vi) communications services provided to members and eligible candidates: 10
 - (c) travel expenses for Ministers within New Zealand determined under **section 95(1)**.
- 63 Meaning of dependent child**
- A **dependent child** of a person (A) means a child— 15
- (a) who is—
 - (i) under the age of 18 years; or
 - (ii) aged 18 years or older and enrolled at a registered school within the meaning of section 10(1) of the Education and Training Act 2020; and 20
 - (b) who is being maintained as a member of A's family; and
 - (c) ~~in respect of whom A is a carer; and~~
 - (c) to whom A provides ongoing care; and
 - (d) who is not living with another person in a marriage, civil union, or de facto relationship. 25
- (2) ~~See **section 61(2)** for the meaning of carer.~~
Compare: 2013 No 93 s 5
- 64 Meaning of election advertisement**
- (1) **Election advertisement** has the meaning given to it by section 3A of the Electoral Act 1993. 30
 - (2) An opinion given to any person by the Electoral Commission under section 204I(3) of the Electoral Act 1993 may be taken into account in determining whether an advertisement is an election advertisement for the purposes of this Part.
- 65 Meaning of electioneering** 35
- (1) **Electioneering** means an activity that explicitly—
 - (a) seeks or discourages support for the election of a particular person; or

-
- (b) seeks or discourages support for the casting of a party vote for a particular political party; or
 - (c) encourages a person to become or discourages a person from becoming a member of a particular political party; or
 - (d) seeks, encourages, or requests subscriptions or other financial support; or 5
 - (e) 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
 - (f) seeks support for casting a vote for one of the responses to a proposal to be put to electors in a government-initiated referendum. 10
- (2) In this section, **political party** includes all political parties, regardless of whether a political party is a party within the meaning of this Act.
Compare: 2000 No 17 ss 3, 3B(2)(a)
- 66 Meaning of eligible candidate** 15
General elections: constituency candidates
- (1) **Subsection (2)** applies to a constituency candidate at a general election who is—
 - (a) a vacating member; or
 - (b) not a vacating member and is the leading constituency candidate. 20
 - (2) The person is an **eligible candidate** between the close of polling day and the day on which the writ for the election is returned under section 185 of the Electoral Act 1993.
- General elections: list candidates*
- (3) **Subsection (4)** applies to a list candidate at a general election who is— 25
 - (a) a vacating member; or
 - (b) not a vacating member and is a successful list candidate.
 - (4) The person is an **eligible candidate** between the close of the polling day and the day on which, under section 193(5) of the Electoral Act 1993, the Electoral Commission declares candidates to be elected in the election. 30
- By-elections*
- (5) **Subsection (6)** applies to a constituency candidate at a by-election—
 - (a) who was formerly the member and whose vacation of their seat caused the by-election to be required; or
 - (b) who is— 35
 - (i) neither a member nor was formerly the member whose vacation of their seat caused the by-election to be required; and
 - (ii) the leading constituency candidate.

- (6) The person is an **eligible candidate** between the close of polling day and the day on which the writ for the by-election is returned under section 185 of the Electoral Act 1993.

Interpretation

- (7) In this section,— 5

leading constituency candidate means the constituency candidate at a general election or a by-election who the preliminary count indicates—

- (a) received more votes than any other candidate for the seat; or
- (b) is one of 2 or more candidates who received a number of votes that is—
 - (i) equal; and 10
 - (ii) greater than the number of votes received by any other candidate for the seat

preliminary count means the results of the preliminary count of votes conducted under section 174 of the Electoral Act 1993, if those results are made available by the Electoral Commission during the period starting on polling day and ending on— 15

- (a) the day before the day on which the writ for the election is returned under section 185 of the Electoral Act 1993, in the case of a constituency candidate; or
- (b) the day before the day on which, under section 193(5) of the Electoral Act 1993, the Electoral Commission declares candidates to be elected in the election, in the case of a list candidate 20

successful list candidate means a list candidate who, if the results of the official count were the same as the preliminary count, would be declared by the Electoral Commission to be an elected candidate under section 193(5) of the Electoral Act 1993. 25

Compare: 2013 No 93 Schedule 1

67 Meaning of family member

Family member, in relation to a person (A), means anyone who is—

- (a) A's spouse or partner; or 30
- (b) a dependent child of A; or
- (c) an adult dependant of A; or
- (d) a caregiver, to the extent that—
 - (i) the caregiver is providing care or support to 1 or more of the following persons: 35
 - (A) A, if A has a disability:
 - (B) A's spouse or partner, if the spouse or partner has a disability:

- (C) a dependent child of A:
- (D) an adult dependant of A; and
- (ii) that care or support is necessary to enable A to fully perform their role and functions.

Compare: 2013 No 93 s 5

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Subpart 2—Principles applying to determining and using expenses and services

68 Principles applicable to making determinations

- (1) The Remuneration Authority, the Speaker, and the Minister Responsible for Ministerial Services must have regard to this section in making a determination under **section 71, 84, 88, or 95**. 10

- (2) Authorised funding and services to be paid for, or provided to, members, Ministers, and eligible candidates must be determined in a way that—

Principles relating to Parliament

- (a) is consistent with those expenses and services that are specified in **section 62(3)** being paid or provided only to the extent that they are for 1 or more of the purposes specified in **section 62(1)(b)**; and 15
- (b) maintains confidence in the integrity of Parliament; and
- (c) recognises the need for public understanding of the work of those persons and their parties and the services they require to enable them to perform their roles and functions; and 20

Principles relating to transparency, independence, and fairness

- (d) promotes transparency in relation to the allocation and use of authorised funding and services necessary for members, Ministers, and parties to perform their respective roles and functions; and 25
- (e) maintains the independence of the Remuneration Authority; and
- (f) recognises the need to be fair to the taxpayer; and
- (g) has regard to the particular requirements of disabled members; and

Administrative principles

- (h) facilitates the efficient and effective delivery of authorised funding and services; and 30
- (i) makes clear whether a person or party is eligible to be paid or provided with authorised funding and services; and
- (j) is simple to administer. 35

Compare: 2013 No 93 s 16(1)

69 Principles applicable to use of authorised funding and services by members and eligible candidates

- (1) The principles in this section apply when a member (including a Minister) or an eligible candidate receives or uses authorised funding and services.

Appropriateness

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- (2) A member or an eligible candidate may be paid for, or reimbursed for the cost of, an expense or a service that is authorised funding and services.
- (3) A member or an eligible candidate is not expected to personally meet the cost of an expense or a service that is authorised funding and services.

Accountability

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- (4) A member or an eligible candidate is personally responsible for using authorised funding and services in a way that is consistent with the determination under which the funding or services are provided.
- (5) A member or an eligible candidate is personally responsible for ensuring that those expenses and services that are specified in **section 62(3)** are used only to the extent that they are for 1 or more of the purposes specified in **section 62(1)(b)**.
- (6) A member or an eligible candidate is personally responsible for the way in which a person acting under the member's or the eligible candidate's authority uses authorised funding and services.

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Openness and transparency

- (7) A member or an eligible candidate must be open and transparent in their use of authorised funding and services.
- (8) To this end, a member or an eligible candidate must—
- (a) disclose any conflict of interest relating to their use of authorised funding and services, including a conflict that is pecuniary, personal, or related to family or association:
- (b) to facilitate scrutiny, keep full and proper records of the authorised funding and services they use:
- (c) correctly follow any prescribed or required processes relating to using authorised funding and services:
- (d) if requested to do so by the chief executive, disclose the reasons for and circumstances relating to their use of authorised funding and services.

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Financial prudence

- (9) A member or an eligible candidate must exercise financial prudence in relation to the use of authorised funding and services.
- (10) If making a decision about the use of authorised funding and services, a member or an eligible candidate must—

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- (a) consider whether the use of authorised funding and services is an efficient and effective use of public funds; and
- (b) if proceeding with the use of authorised funding and services, select the most cost-effective option that is reasonably practicable.

Subpart 3—Salaries, allowances, and certain expenses determined by Remuneration Authority 5

Remuneration Authority to determine salaries, allowances, and certain expenses

70 Remuneration Authority to determine salaries and allowances

- (1) The Remuneration Authority must determine the salaries and allowances to be paid to members in accordance with the Remuneration Authority Act 1977. 10
- (2) The salaries and allowances may differ according to—
 - (a) the parliamentary or ministerial office that a member holds; or
 - (b) the electorate that a member represents; or
 - (c) any other considerations that the Remuneration Authority may determine. 15
- (3) Before making a determination under this section, the Remuneration Authority must ascertain ~~if whether~~ any determination made under **section 71, 84, 88, or 95** was assessed by its maker as resulting in a personal benefit or potential personal benefit for members, Ministers, or their family members. 20
- (4) If a determination was assessed as resulting in such a benefit, the Remuneration Authority must—
 - (a) take the assessed value into account in determining the salaries and allowances of the relevant members or Ministers; and
 - (b) include in its determination a statement explaining how it has taken the assessed value into account. 25
- (5) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2013 No 93 ss 8, 9(1)

71 Remuneration Authority to determine travel and accommodation expenses within New Zealand for certain persons 30

- (1) The Remuneration Authority must determine the following expenses to be paid out of public money:
 - (a) travel expenses within New Zealand for the family members of—
 - (i) members: 35
 - (ii) eligible candidates:

- (b) accommodation expenses within New Zealand for Ministers and Parliamentary Under-Secretaries that are additional or alternative to the accommodation expenses for members determined by the Speaker under **section 84(1)** for the purpose set out in **section 85(1)**.
- (2) The Remuneration Authority must determine the extent (if at all) to which the applicable expenses under **subsection (1)** may continue to be provided to enable— 5
- (a) a vacating member or any other member who has vacated their seat to attend to matters associated with leaving Parliament; and
- (b) a member who has ceased to be a Minister to attend to matters associated with passing on ministerial responsibilities. 10
- (3) The Remuneration Authority must take into account the efficient and effective use of public resources when making a determination in accordance with **subsection (2)**.
- (4) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 15

Compare: 2000 No 17 s 3E; 2013 No 93 s 17

72 Remuneration Authority to determine annuity of former Prime Ministers

- (1) An annuity is to be paid, out of public money, to a person who has held the office of Prime Minister for a total of at least 2 years. 20
- (2) The Remuneration Authority must determine the annuity.
- (3) The annuity must be determined on the basis of a yearly rate for each year of service up to a maximum of 5 years of service.
- (4) The surviving spouse or partner of a person who has held the office of Prime Minister for a total of at least 2 years is, if that person dies, to be paid an annuity set at half the yearly rate determined by the Remuneration Authority under **subsection (2)**. 25
- (5) **Subsection (1)** applies regardless of whether the person held the office of Prime Minister before or after the commencement of this Part.
- (6) *See clause 10 of Schedule 3* (which relates to the payment of the annuity). 30
- (7) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2013 No 93 s 43(1), (4), (5)

73 Remuneration Authority to determine travel expenses of former Prime Ministers

- (1) The Remuneration Authority must determine the travel expenses within New Zealand (if any) to be paid out of public money for the following persons: 35
- (a) a person who has held the office of Prime Minister:

- (b) a spouse or partner of a person who has held the office of Prime Minister, including after the death of the former Prime Minister.
- (2) If the Remuneration Authority determines under **subsection (1)** that travel expenses are payable, then the persons specified in the determination are to be paid, out of public money, those travel expenses. 5
- (3) If a former Prime Minister dies, the surviving spouse or partner of that person continues to be eligible for any expenses determined under **subsection (1)(b)**—
 - (a) whether or not the spouse or partner remarries or re-partners; and
 - (b) until the spouse or partner dies. 10
- (4) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
Compare: 2013 No 93 s 44(1), (2), (5)

Application of Remuneration Authority Act 1977 to determinations made under this Act 15

74 Application of Remuneration Authority Act 1977 to determinations made under this Act

The following sections of the Remuneration Authority Act 1977 apply to the functions, duties, and powers of the Remuneration Authority under **sections 71 to 73**: 20

- (a) section 8 (which relates to how the Remuneration Authority conducts its meetings):
- (b) section 9 (which requires the Remuneration Authority and people engaged or employed with its work to maintain secrecy):
- (c) section 14 (which provides that a determination made by the Remuneration Authority does not require an Order in Council to fix any salary or allowance in order to have effect and that it is unlawful for a person to act contrary to a determination): 25
- (d) section 21(1) (which entitles persons to make written submissions to the Remuneration Authority): 30
- (e) section 25(1) and (3) (which gives the Remuneration Authority certain powers to carry out its functions):
- (f) section 29 (which protects members of the Remuneration Authority from personal liability).

Compare: 2013 No 93 s 7 35

Requirements applicable to determinations about travel and accommodation expenses

- 75 Procedural requirements applying to determinations about travel and accommodation expenses**
- Sections 76 to 81** apply to a determination made by the Remuneration Authority under **section 71**. 5
- 76 How frequently determination must be made**
- (1) The Remuneration Authority must make a determination once in each term of Parliament.
- (2) The Remuneration Authority must consult the Speaker and the Minister Responsible for Ministerial Services at the beginning of each term about the proposed timing of its determination for that term. 10
- (3) A determination continues in force until it is superseded by another determination made in accordance with **subsection (1)**. 15
- Compare: 2013 No 93 s 32(1)–(3)
- 77 Remuneration Authority may amend determination**
- The Remuneration Authority may amend a determination while it is in force—
- (a) to remedy a defect or remove an ambiguity; or
- (b) to deal with a new matter that was not dealt with at the time the determination was made; or 20
- (c) if the Authority is satisfied that particular and special reasons justify, in all the circumstances, amending the determination.
- Compare: 2013 No 93 s 32(4)
- 78 Remuneration Authority must consult before making determination**
- (1) Before making a determination, the Remuneration Authority must consult the following persons: 25
- (a) the Speaker:
- (b) the Minister Responsible for Ministerial Services:
- (c) the Commissioner of Inland Revenue, in relation to the consequences of the proposed determination for members' tax liability. 30
- (2) The Remuneration Authority must then—
- (a) prepare a draft determination; and
- (b) give all members a reasonable opportunity to consider the draft determination and be heard on it.
- Compare: 2013 No 93 s 18 35

79 Consultation requirement if expenses result in personal benefit

- (1) This section applies if the Remuneration Authority proposes to make a determination that it considers would result in a personal benefit or potential personal benefit for 1 or more of the following persons:
- (a) a member: 5
 - (b) a Minister:
 - (c) a family member of a member or a Minister.
- (2) The Remuneration Authority must—
- (a) consult the Commissioner of Inland Revenue about the consequences of the proposed determination for members' tax liability; and 10
 - (b) assess the value of the benefit; and
 - (c) include in the determination a statement of that assessed value.

Compare: 2013 No 93 s 16(2)

80 Remuneration Authority may require information and obtain independent advice 15

The Remuneration Authority may, in the course of preparing a determination,—

- (a) require the following persons to provide information that the Authority considers necessary for the purposes of making its determination:
 - (i) the Clerk: 20
 - (ii) the chief executive:
 - (iii) the chief executive responsible for Ministerial Services:
 - (iv) a party:
 - (v) a member; and
- (b) obtain advice from a person whose background or experience the Authority considers may assist it in making its determination, including a professional adviser. 25

Compare: 2013 No 93 s 19

81 Notifying Remuneration Authority's determinations

The Remuneration Authority must notify each of the following persons of each determination it makes: 30

- (a) the Speaker:
- (b) the leader of each party that is represented in the House of Representatives:
- (c) the Minister Responsible for Ministerial Services: 35
- (d) the chief executive responsible for Ministerial Services:

- (e) the chief executive.

Compare: 2013 No 93 s 20

82 Resolving issues about authorised funding and services determined by Remuneration Authority

- (1) The Remuneration Authority must establish a procedure for resolving issues about how a provision of a determination made by the Remuneration Authority under **section 71 or 73** is to be interpreted or applied. 5
- (2) The procedure must provide for—
 - (a) at least the following 2 stages:
 - (i) an assessment of the issue, including whether the issue is able to be resolved by agreement: 10
 - (ii) if required, a final decision by the Remuneration Authority; and
 - (b) the participation of the chief executive, for issues concerning expenses for family members of members or eligible candidates; and
 - (c) the participation of the chief executive responsible for Ministerial Services, for the following issues: 15
 - (i) expenses of Ministers or Parliamentary Under-Secretaries or their family members:
 - (ii) travel expenses of former Prime Ministers or their spouses or partners. 20

Compare: 2013 No 93 ss 21, 44(3)

Permanent appropriations

83 Permanent legislative authority for payment of expenses determined by Remuneration Authority

Any expenses incurred in connection with any of the following matters may be incurred without further appropriation, and must be paid without further authority, than this section: 25

- (a) the salaries and allowances determined under **section 70**:
- (b) the expenses determined by the Remuneration Authority under **section 71** that are administered by— 30
 - (i) the Parliamentary Service; and
 - (ii) the department responsible for Ministerial Services:
- (c) the annuities determined under **section 72**:
- (d) the travel expenses determined under **section 73**:
- (e) payments made in accordance with **clause 8 of Schedule 3**. 35

Compare: 2013 No 93 ss 8(4), 22, 43(6), 44(4), 45(6)

Subpart 4—Expenses and services determined by Speaker

*Speaker to determine certain expenses and services***84 Speaker to determine authorised funding and services**

- (1) The Speaker must determine the authorised funding and services to be paid out of public money for the purposes specified in **sections 85 to 87**. 5
- (2) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

85 Speaker to determine travel and accommodation expenses

- (1) A determination under **section 84(1)** must determine the following:
 - (a) travel expenses and accommodation expenses within New Zealand for the following persons: 10
 - (i) members:
 - (ii) eligible candidates:
 - (b) travel expenses and accommodation expenses outside New Zealand for members: 15
 - (c) travel expenses and accommodation expenses outside New Zealand for an accompanying spouse or partner of a member who is a party leader.
- (2) A determination made for the purpose specified in **subsection (1)(a)(i)** must determine the extent (if at all) to which those expenses may continue to be provided to enable a vacating member or any other member who has vacated their seat to attend to matters associated with leaving Parliament. 20
- (3) The Speaker must take into account the efficient and effective use of public resources when making a determination in accordance with **subsection (2)**.
Compare: 2000 No 17 s 3B(1)(c), (d), (f), 3E; 2013 No 93 s 23

86 Speaker to determine administrative and support services to be provided and allocation of funding 25

A determination under **section 84(1)** must determine the following matters:

- (a) the administrative and support services that must be provided to members, eligible candidates, and parties to support their parliamentary operations: 30
- (b) in respect of funding for authorised funding and services,—
 - (i) how the funding is allocated; and
 - (ii) what the funding may be used for; and
 - (iii) how the funding must be administered; and

- (iv) what requirements must be met before payments from the funding may be made.

Compare: 2013 No 93 s 23

87 Speaker to determine communications services

- (1) A determination under **section 84(1)** must determine the communications services that must be provided to the following persons: 5
 - (a) members:
 - (b) eligible candidates.
 - (2) A determination made for the purpose specified in **subsection (1)(a)** must determine the extent (if at all) to which those services may continue to be provided to enable a vacating member or any other member who has vacated their seat to attend to matters associated with leaving Parliament. 10
 - (3) The Speaker must take into account the efficient and effective use of public resources when making a determination in accordance with **subsection (2)**. 15
- Compare: 2000 No 17 ss 3B(1)(e), 3E; 2013 No 93 s 23(1)(c)

Speaker may determine matters relating to information requests and reporting

87A Speaker may determine matters relating to information requests and reporting

- (1) The Speaker may determine the following matters:
 - (a) a category of expenses or a category of services determined under **section 84(1)** that the Parliamentary Service must report on publicly: 20
 - (b) what information the Parliamentary Service must report in respect of that category:
 - (c) how the Parliamentary Service must report on that category:
 - (d) how the Parliamentary Service must handle a request for information about expenses or services that are determined in a determination made under **section 84(1)** if that information is not already available under a report published in accordance with— 25
 - (i) a determination made under this section; or
 - (ii) **clause 18 of Schedule 3.** 30
- (2) See **clause 18 of Schedule 3** (which relates to reporting on specified categories of expenses).
- (3) A determination under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

Speaker to determine expenses for certain inter-parliamentary and exchange programmes

- 88 Speaker to determine travel and accommodation expenses for official inter-parliamentary relations and political exchange programmes**
- (1) The Speaker must determine the following expenses to be paid out of public money: 5
- (a) travel expenses and accommodation expenses outside New Zealand for the following persons:
 - (i) members participating in the official inter-parliamentary relations programme: 10
 - (ii) spouses or partners accompanying members who are participating in the official inter-parliamentary relations programme:
 - (iii) members nominated to participate in the political exchange programme:
 - (iv) employees of the Parliamentary Service nominated to participate in the political exchange programme: 15
 - (b) travel expenses, accommodation expenses, and related expenses outside New Zealand for members undertaking approved professional development associated with their participation in the official inter-parliamentary relations programme. 20
- (2) The Speaker must determine the expenses specified in **subsection (1)** in a way that facilitates any member travelling as a participant in the applicable programme, regardless of a member's individual needs.
- (3) In this section, **approved professional development** means professional development that the Speaker ~~is satisfied is~~ has approved as being for a purpose that is— 25
- (a) related to the member's professional development; and
 - (b) appropriate in relation to the member's participation in the inter-parliamentary relations programme.
- (4) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 30
- Compare: 2013 No 93 ss 23(1)(f), 34, 35

Requirements applicable to determinations made under this subpart

- 89 Procedural requirements applying to determinations made under this subpart** 35
- (1) **Sections 90 to 94** apply to a determination made by the Speaker under **section 84(1)**.

(1A) **Section 92(a)** applies to a determination made by the Speaker under **section 87A(1)**.

(2) **Section 93** ~~also~~ applies to a determination made by the Speaker under **section 88(1)**.

90 How frequently determinations must be made 5

- (1) The Speaker must make a determination under **section 84(1)** once in each term of Parliament.
- (2) The Speaker must consult the Remuneration Authority and the Minister Responsible for Ministerial Services at the beginning of each term about the proposed timing of all determinations to be made by the Speaker for that term. 10
- (3) A determination continues in force until it is superseded by another determination made in accordance with **subsection (1)**.

Compare: 2013 No 93 s 32(1)–(3)

91 Speaker may amend determination

The Speaker may amend a determination while it is in force— 15

- (a) to remedy a defect or remove an ambiguity; or
- (b) to deal with a new matter that was not dealt with at the time the determination was made; or
- (c) if the Speaker is satisfied that particular and special reasons justify, in all the circumstances, amending the determination; or 20
- (d) to deal with matters arising from changes that occur from year to year in the amounts appropriated in Appropriation Acts for expenses, services, and party and member support funding; or
- (e) to ensure the adequacy for members, parties, and eligible candidates of the following: 25
 - (i) travel and accommodation expenses:
 - (ii) administrative and support services:
 - (iii) communications services.

Compare: 2013 No 93 s 32(5)–(7)

92 Speaker must take advice into account and consult before making determination 30

Before making a determination, the Speaker must—

- (a) take into account any relevant advice given by the Parliamentary Service Commission under **section 155(1)(a)**; and
- (b) consult the following: 35
 - (i) the Remuneration Authority:
 - (ii) the Minister Responsible for Ministerial Services:

- (iii) the Commissioner of Inland Revenue, in relation to the consequences of the proposed determination for members' tax liability.

Compare: 2013 No 93 s 24

93 Consultation requirement if expenses result in personal benefit

- (1) This section applies if the Speaker proposes to make a determination that the Speaker considers would result in a personal benefit or potential personal benefit for 1 or more of the following persons: 5
 - (a) a member:
 - (b) a Minister:
 - (c) a family member of a member or a Minister. 10
- (2) The Speaker must—
 - (a) consult the Commissioner of Inland Revenue about the consequences of the proposed determination for members' tax liability; and
 - (b) assess the value of the benefit; and
 - (c) include in the determination a statement of that assessed value. 15

Compare: 2013 No 93 s 16(2)

94 Resolving issues about authorised funding and services determined by Speaker

- (1) The Speaker must establish a procedure for resolving issues about how any provision of a determination made by the Speaker under **section 84(1)** is to be interpreted or applied. 20
- (2) The procedure must provide for—
 - (a) at least the following 2 stages:
 - (i) an assessment of the issue, including whether the issue is able to be resolved by agreement: 25
 - (ii) if required, a final decision by the Speaker; and
 - (b) the participation of the chief executive.

Compare: 2013 No 93 s 26

Subpart 5—Expenses determined by Minister Responsible for Ministerial Services 30

95 Minister Responsible for Ministerial Services to determine travel expenses for Ministers

- (1) The Minister Responsible for Ministerial Services must determine travel expenses to be paid out of public money for travel within New Zealand by Ministers and Parliamentary Under-Secretaries for a ministerial purpose. 35

- (2) Expenses determined under **subsection (1)** are in addition or alternative to expenses determined by the Speaker under **section 84(1)** for the purpose set out in **section 85(1)**.

- (3) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 5

Compare: 2013 No 93 s 27

Requirements applicable to determinations made under this subpart

96 How frequently determinations must be made

- (1) The Minister Responsible for Ministerial Services must make a determination once in each term of Parliament. 10

- (2) The Minister Responsible for Ministerial Services must consult the Remuneration Authority and the Speaker at the beginning of each term about the proposed timing of the Minister's determination for that term.

- (3) A determination continues in force until it is superseded by another determination made in accordance with **subsection (1)**. 15

Compare: 2013 No 93 s 32(1) to (3)

97 Minister Responsible for Ministerial Services may amend determination

The Minister Responsible for Ministerial Services may amend a determination while it is in force—

- (a) to remedy a defect or remove an ambiguity; or 20

- (b) to deal with a new matter that was not dealt with at the time the determination was made; or

- (c) if the Minister Responsible for Ministerial Services is satisfied that particular and special reasons justify, in all the circumstances, amending the determination; or 25

- (d) to deal with matters arising from changes that occur from year to year in the amounts appropriated in Appropriation Acts for travel expenses; or

- (e) to ensure the adequacy of travel expenses for Ministers.

Compare: 2013 No 93 s 32(5)–(7)

98 Minister must consult before making determination 30

Before making a determination, the Minister Responsible for Ministerial Services must consult the following:

- (a) the Speaker:

- (b) the Remuneration Authority:

- (c) the Commissioner of Inland Revenue, in relation to the consequences of the proposed determination for Ministers' tax liability. 35

Compare: 2013 No 93 s 28

99 Consultation requirement if expenses result in personal benefit

- (1) This section applies if the Minister Responsible for Ministerial Services proposes to make a determination that the Minister considers would result in a personal benefit or potential personal benefit for 1 or both of the following persons: 5
- (a) a Minister:
 - (b) a family member of a Minister.
- (2) The Minister Responsible for Ministerial Services must—
- (a) consult the Commissioner of Inland Revenue about the consequences of the proposed determination for Ministers' tax liability; and 10
 - (b) assess the value of the benefit; and
 - (c) include in the determination a statement of that assessed value.

Compare: 2013 No 93 s 16(2)

100 Resolving issues about authorised funding and services determined by Minister Responsible for Ministerial Services 15

- (1) The Minister Responsible for Ministerial Services must establish a procedure for resolving issues about how any provision of a determination by the Minister under **section 95** is to be interpreted or applied.
- (2) The procedure must provide for—
- (a) at least the following 2 stages: 20
 - (i) an assessment of the issue, including whether the issue is able to be resolved by agreement:
 - (ii) if required, a final decision by the Minister Responsible for Ministerial Services; and
 - (b) the participation of the chief executive responsible for Ministerial Services. 25

Compare: 2013 No 93 s 30

Part 5

Clerk and Office of the Clerk

101 Outline of this Part 30

- (1) This Part sets out provisions concerning the Clerk and the Office of the Clerk.
- (2) **Subpart 1** provides for matters relating to the Clerk, including the Clerk's appointment and functions, duties, and powers.
- (3) **Subpart 2** continues the Office of the Clerk and provides for appointing and removing employees, and creates a related offence. 35

Subpart 1—Clerk

Appointment, functions, duties, powers, and delegations

102 Appointment of Clerk

- (1) The Governor-General must, on the recommendation of the Speaker, appoint a Clerk of the House of Representatives. 5
- (2) Before making a recommendation, the Speaker must consult—
 - (a) the leader of each party that is represented in the House of Representatives; and
 - (b) any other members who the Speaker considers it desirable to consult.
- (3) This section does not apply during the period following a general election. 10
Compare: 1988 No 126 ss 2, 7

103 Clerk's functions, duties, and powers

- (1) The functions, duties, and powers of the Clerk are—
 - (a) to lead and manage the Office of the Clerk:
 - (b) to ensure that the employees of the Office of the Clerk— 15
 - (i) perform the functions and duties and exercise the powers conferred or imposed on them by law or by the rules and practice of the House of Representatives; and
 - (ii) maintain—
 - (A) proper standards of integrity and conduct; and 20
 - (B) concern for the public interest:
 - (c) to advise the House of Representatives, the Speaker, and members on matters of parliamentary practice and procedure, and parliamentary law:
 - (d) to note all proceedings of the House of Representatives and its committees: 25
 - (e) to produce and publish the official report of the proceedings of the House of Representatives and its committees:
 - (f) to communicate to the public the proceedings of the House of Representatives and its committees:
 - (g) to educate the public about Parliament and support the public to engage with Parliament: 30
 - (h) to support Parliament to engage with other parliaments:
 - (i) to perform any other function or duty or exercise any other power conferred or imposed on the Clerk by law or by the rules and practice of the House of Representatives. 35

- (2) The Clerk is responsible to the Speaker for managing the Office of the Clerk efficiently, effectively, and economically.
- (3) The Clerk has all the powers that are reasonably necessary to perform the functions and duties and exercise the powers imposed under this Act or other legislation on—
 - (a) the Clerk; or
 - (b) the Office of the Clerk.

5

Compare: 1988 No 126 ss 3, 15, 16

104 Clerk requires approval of Minister of Finance to undertake certain financial activities

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- (1) The Clerk requires the written approval of the Minister of Finance in order to—
 - (a) borrow money or lend money:
 - (b) give a guarantee or indemnity:
 - (c) issue a public security:
 - (d) enter into a derivative.

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- (2) In this section, **borrow money**, **derivative**, **lend money**, and **public security** have the meanings given to them by section 2(1) of the Public Finance Act 1989.

Compare: 2001 No 10 Schedule 3 cl 7

20

105 Delegation of Clerk's functions, duties, or powers

- (1) The Clerk may delegate any function, duty, or power of the Clerk to a person holding any of the following positions:
 - (a) an officer of the House:
 - (b) the chief executive:
 - (c) an employee of the Parliamentary Service:
 - (d) a person working for a parliamentary agency as a contractor or secondee.
- (2) The functions, duties, and powers that the Clerk may delegate include functions, duties, and powers delegated to the Clerk under this Act or other legislation or the rules and practice of the House of Representatives.
- (3) The delegation—
 - (a) may be made to—
 - (i) a specified person or a specified class of persons; or
 - (ii) the holder or holders for the time being of a specified office or specified class of offices; and
 - (b) must be in writing.
- (4) The Clerk must not delegate the power to delegate under this section.

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- (5) A person who is delegated a function, duty, or power under this section may perform that function or duty or exercise that power in the same manner and with the same effect as if it had been conferred or imposed on the person directly by this Act or other legislation or the rules and practice of the House of Representatives. 5
- (6) The Clerk may impose conditions on the performance of a function or duty or exercise of a power delegated under **subsection (1)**.
- (7) A person acting under a delegation under this section must, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation. 10
- Compare: 1988 No 126 s 12(1)–(4)

106 Status of delegations

- (1) A delegation under this Part continues to have effect according to its terms until it is revoked.
- (2) The Clerk may revoke the delegation in writing. 15
- (3) A delegation made by a Clerk who has ceased to hold office continues to have effect as if made by the Clerk's successor or the person acting for the Clerk.
- (4) The Clerk may continue to perform a function or duty or exercise a power delegated under this Part.
- (5) A delegation by the Clerk under this Part does not affect the responsibility of the Clerk for the actions of any person acting under the delegation. 20
- Compare: 1988 No 126 ss 12(5), 13

107 Additional provisions relating to Clerk holding office

Additional provisions relating to the Clerk holding office are set out in **Part 1 of Schedule 4**. 25

Deputy Clerk

108 Functions, duties, and powers of Deputy Clerk

- (1) The Deputy Clerk has—
- (a) the functions, duties, and powers imposed or conferred on the Deputy Clerk by law or by the rules and practice of the House of Representatives: 30
- (b) the functions, duties, and powers that the Clerk assigns to the Deputy Clerk, which may include a function, duty, or power of the Clerk.
- (2) The Deputy Clerk is subject to the control of the Clerk in performing the functions and duties and exercising the powers conferred or imposed on the Deputy Clerk under this section. 35

Compare: 1988 No 126 s 5(1)

109 Deputy Clerk may perform Clerk's functions, duties, and powers

- (1) This section applies if—
- (a) the office of Clerk is vacant; or
 - (b) the Clerk is absent from duty (for whatever reason) and is unable to—
 - (i) perform the functions and duties or exercise the powers imposed on them by law or by the rules and practice of the House of Representatives; or 5
 - (ii) delegate them to another person.
- (2) The Deputy Clerk may perform the functions and duties and exercise the powers of the Clerk. 10
- (3) If the Deputy Clerk performs a function or duty or exercises a power of the Clerk under this section or **section 108**, the performance of the function or duty or the exercise of the power is conclusive evidence that the Deputy Clerk is authorised to perform that function or duty or exercise that power. 15
- Compare: 1988 No 126 s 5(2), (3)

*Acting Clerk***110 Speaker may appoint acting Clerk**

- (1) **Subsection (2)** applies if the circumstances described in **section 109(1)** apply and—
- (a) the office of Deputy Clerk is vacant; or 20
 - (b) the Deputy Clerk is absent from duty (for whatever reason) and unable to perform the functions and duties and exercise the powers of the Clerk.
- (2) The Speaker may appoint an employee of a parliamentary agency—
- (a) to act as Clerk; and
 - (b) to perform the functions and duties and exercise the powers of the Clerk. 25
- (3) The appointment may be made before the absence or vacancy occurs or while it continues.
- (4) The Governor-General may act in place of the Speaker under **subsection (2)**—
- (a) if— 30
 - (i) the office of Speaker is vacant or the Speaker is absent from duty; and
 - (ii) the office of Deputy Speaker is vacant or the Deputy Speaker is absent from duty; and
 - (iii) there is no member with authority to act as Speaker; or 35
 - (b) during the period following a general election.

Compare: 1988 No 126 s 6(1), (3)

111 Further matters applying to acting Clerk

- (1) If a person appointed to act as Clerk performs a function or duty or exercises a power of the Clerk, the performance of the function or duty or the exercise of the power is conclusive evidence that the person is authorised to perform that function or duty or exercise that power. 5
- (2) If the circumstances described in **section 110(1)** apply for a period of more than 3 months' duration,—
- (a) no earlier appointment made under **section 110(2)** may continue except with the approval of the Governor-General; and
- (b) no further appointment may be made under **section 110(2)** except with the approval of the Governor-General. 10

Compare: 1988 No 126 ss 5(3), 6(2)

Subpart 2—Office of the Clerk**112 Office of the Clerk continued**

- (1) The Office of the Clerk of the House of Representatives established under section 14 of the Clerk of the House of Representatives Act 1988 is continued. 15
- (2) The Office of the Clerk is not an instrument of the Crown.

Compare: 1988 No 126 s 14

*Employment***113 Clerk appoints employees** 20

- (1) The Clerk may appoint to the Office of the Clerk the employees that the Clerk thinks necessary.
- (2) However, the Clerk must appoint, as an employee of the Office of the Clerk, a Deputy Clerk.
- (3) A person appointed under this section is an officer of the House. 25
- (4) An appointment under this section is provisional pending the outcome of any review of that appointment under **clause 7 of Schedule 5**.

Compare: 1988 No 126 s 18; 2020 No 40 ss 66, 71

114 Clerk is employer and may remove employees

- (1) The Clerk has the rights, duties, and powers of the employer of the employees of the Office of the Clerk. 30
- (2) The Clerk may, subject to any conditions of employment included in the employment agreement applying to an employee, at any time remove that employee from their office or employment.

Compare: 1988 No 126 s 23; 2020 No 40 s 66 35

115 Offence to solicit or attempt to influence Clerk in employment matters

- (1) A person commits an offence if—
- (a) they directly or indirectly solicit or attempt to improperly influence the Clerk or a delegate of the Clerk; and
 - (b) they do so when the Clerk or delegate is making a decision about an individual employee, including a decision about—
 - (i) appointing, promoting, demoting, transferring, or disciplining an employee; and
 - (ii) removing an employee from their office or employment.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$2,000.

Compare: 2020 No 40 s 103

116 Additional provisions relating to employment in Office of the Clerk

Additional provisions relating to employment in the Office of the Clerk are set out in **Schedule 5**.

Other provisions relating to Office of the Clerk

117 Immunity for Clerk and employees

The Clerk and the employees of the Office of the Clerk are immune from liability in civil proceedings for good-faith actions or omissions if they are—

- (a) carrying out or intending to carry out their responsibilities; or
- (b) performing or exercising or intending to perform or exercise their functions, duties, or powers.

Compare: 2020 No 40 s 104

118 Money to be appropriated by Parliament for purposes of this Part

All salaries and allowances and other expenditure payable under, or incurred in, the administration of this Part must be paid out of money appropriated by Parliament for the purpose.

Compare: 1988 No 126 s 29

119 Audit

- (1) The Office of the Clerk is a public entity within the meaning of section 5 of the Public Audit Act 2001. (*See section 5(1)(ba) of that Act.*)
- (2) Accordingly, the Auditor-General is the auditor of the Office of the Clerk under that Act.

Compare: 1988 No 126 s 30

120 Right of access to personal information

- (1) Part 4 of the Official Information Act 1982 applies to the Office of the Clerk as if it were an organisation within the meaning of that Act.
- (2) Section 35 of the Official Information Act 1982 applies accordingly with all necessary modifications.

5

Compare: 1988 No 126 s 31

Part 6**Parliamentary Service and other parliamentary bodies****121 Outline of this Part**

- (1) This Part sets out provisions concerning the Parliamentary Service, the Parliamentary Corporation, and the Parliamentary Service Commission. 10
- (2) **Subpart 1** continues the Parliamentary Service and provides for its functions, duties, and powers, as well as matters relating to the chief executive.
- (3) **Subpart 2** continues the Parliamentary Corporation and provides for its functions, duties, and powers. 15
- (4) **Subpart 3** continues the Parliamentary Service Commission and provides for its functions, duties, and powers.

122 Interpretation of this Part and Schedule 5In this Part and in **Schedule 5**, unless the context otherwise requires,—**Commission member—** 20

- (a) means a member of the House of Representatives who is also a member of the Parliamentary Service Commission; but
- (b) does not include the Speaker

Corporation member—

- (a) means a member of the House of Representatives who is also a member of the Parliamentary Corporation; but 25
- (b) does not include the Speaker or the chief executive

equal employment opportunities programme means a programme that is aimed at identifying and eliminating all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality with respect to the employment of a person or group of persons 30

parliamentary party employee means an employee who is employed by the Parliamentary Service to work directly for 1 or more of the following:

- (a) the office of a party leader:
- (b) the office of a party whip 35

redundancy payment includes any payment or other benefit provided on the ground of a person's position being disestablished

union means a union registered under Part 4 of the Employment Relations Act 2000.

Subpart 1—Parliamentary Service 5

Parliamentary Service continued

123 Parliamentary Service continued

- (1) The Parliamentary Service, which was established under section 3 of the Parliamentary Service Act 1985 and continued under section 6 of the Parliamentary Service Act 2000, is continued. 10
- (2) The Parliamentary Service is not an instrument of the Crown.

Compare: 2000 No 17 s 6

Functions, duties, and powers

124 Principal functions, duties, and powers of Parliamentary Service

- (1) The principal functions, duties, and powers of the Parliamentary Service are as follows: 15
 - (a) to provide administrative and support services to the House of Representatives and to members:
 - (b) to administer the payment of salaries and allowances to members:
 - (c) to administer the expenses and provide the services provided for in **Part 4** (except those determined under **section 88** (which relates to travel and accommodation expenses for official inter-parliamentary relations and political exchange programmes)): 20
 - (d) to provide physical security services to ensure—
 - (i) the secure and orderly operation of Parliament; and 25
 - (ii) the safety of persons within the parliamentary precincts:
 - (e) to provide library, information, research, and reference services, as required by the chief executive:
 - (f) to educate the public about Parliament and support the public to engage with Parliament. 30
- (2) The services referred to in **subsection (1)(e)** must be provided to the following individuals and entities:
 - (a) members:
 - (b) the Clerk and the Office of the Clerk:
 - (c) officers of Parliament and their offices: 35
 - (d) the Parliamentary Service and employees of the Parliamentary Service:

- (e) persons employed within Parliament Buildings (including the Executive Wing);
- (f) any other person or class of persons approved by the Speaker.
- (3) In this section and in **section 125, officer of Parliament** means an Ombudsman, the Parliamentary Commissioner for the Environment, or the Controller and Auditor-General. 5

Compare: 2000 No 17 ss 7, 9(1), Schedule 1 cl 12

125 Further functions, duties, and powers of Parliamentary Service

- (1) The chief executive may agree to the Parliamentary Service providing administrative and support services to the following individuals and entities: 10
 - (a) the Clerk and the Office of the Clerk:
 - (b) any officer of Parliament and their office:
 - (c) any department or other instrument of the Crown.
- (2) The Parliamentary Service has any other function, duty, or power that is conferred or imposed on it by or under this Act or any other legislation. 15
- (3) This Act does not impose any limitation on any department or other instrument of the Crown providing administrative or support services to the House of Representatives or to members.
- (4) ~~In this section, **officer of Parliament** means an Ombudsman, the Parliamentary Commissioner for the Environment, or the Controller and Auditor-General.~~ 20

Compare: 2000 No 17 s 9

Chief executive: appointment, functions, duties, powers, and delegations

126 Appointment of chief executive

- (1) The Governor-General must, on the recommendation of the Speaker, appoint a chief executive of the Parliamentary Service. 25
- (2) Before making a recommendation, the Speaker must consult—
 - (a) the leader of each party that is represented in the House of Representatives; and
 - (b) any other members who the Speaker considers it desirable to consult. 30
- (3) The Speaker must not recommend a person for appointment unless the vacancy has been notified in a way that the Speaker is satisfied is sufficient to enable suitably qualified persons to apply for the position.
- (4) This section does not apply during the period following a general election.

Compare: 2000 No 17 Schedule 1 cls 1, 2

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127 Chief executive's functions, duties, and powers

- (1) The functions, duties, and powers of the chief executive are—

-
- (a) to lead and manage the Parliamentary Service:
 - (b) to ensure that the employees of the Parliamentary Service—
 - (i) perform the functions and duties and exercise the powers conferred or imposed on them by law; and
 - (ii) maintain—
 - (A) proper standards of integrity and conduct; and
 - (B) concern for the public interest:
 - (c) to advise the Speaker and the Parliamentary Service Commission on the operation and administration of the Parliamentary Service and the delivery of funding and services under **Part 4**:
 - (d) to perform any other function or duty and exercise any other power conferred or imposed on the chief executive by law.
- (2) The chief executive is responsible to the Speaker for—
- (a) the performance of the functions and duties and the exercise of the powers conferred or imposed on the chief executive and the Parliamentary Service by law:
 - (b) managing the Parliamentary Service efficiently, effectively, and economically.
- (3) The chief executive has all the powers that are reasonably necessary to perform the functions and duties and exercise the powers imposed under this Act or other legislation on—
- (a) the chief executive; or
 - (b) the Parliamentary Service.
- Compare: 2000 No 17 s 11(1)
- 128 Delegation of chief executive's functions, duties, or powers**
- (1) The chief executive may delegate any function, duty, or power of the chief executive to a person holding any of the following positions:
- (a) an employee of the Parliamentary Service:
 - (b) the Clerk:
 - (c) any other officer of the House:
 - (d) a person working for a parliamentary agency as a contractor or secondee.
- (2) The functions, duties, and powers that the chief executive may delegate include functions, duties, or powers delegated to the chief executive under this Act or other legislation.
- (3) The delegation—
- (a) may be made to—
 - (i) a specified person or to a specified class of persons; or

- (ii) the holder or holders for the time being of a specified office or specified class of offices; and
 - (b) must be in writing.
- (4) The chief executive must not delegate the power to delegate under this section.
- (5) A person who is delegated a function, duty, or power under this section may perform that function or duty or exercise that power in the same manner and with the same effect as if they had been conferred or imposed on the person directly by this Act or other legislation. 5
- (6) The chief executive may impose conditions on the performance of a function or duty or exercise of a power delegated under **subsection (1)**. 10
- (7) A person acting under a delegation under this section must, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation.

Compare: 2000 No 17 Schedule 1 cl 8

129 Status of delegations 15

- (1) A delegation under this Part continues to have effect according to its terms until it is revoked.
- (2) The chief executive must revoke the delegation in writing.
- (3) A delegation made by a chief executive who has ceased to hold office continues to have effect as if made by the successor in office of that chief executive. 20
- (4) The chief executive may continue to perform a function or duty or exercise a power delegated under this Part.
- (5) A delegation by the chief executive under this Part does not affect the responsibility of the chief executive for the actions of any person acting under the delegation. 25

Compare: 2000 No 17 Schedule 1 cl 9

130 Additional provisions relating to chief executive's employment

Additional provisions relating to the employment of the chief executive are set out in **Part 2 of Schedule 4**. 30

Acting chief executive

131 Speaker to appoint acting chief executive

- (1) **Subsection (2)** applies if—
 - (a) the office of chief executive is vacant; or
 - (b) the chief executive is absent from duty (for whatever reason) and is unable to delegate their functions, duties, and powers under this Act to another person. 35

- (2) The Speaker must appoint one of the following persons to perform all or any of the functions and duties and exercise all or any of the powers of the chief executive:
- (a) an employee of a parliamentary agency:
 - (b) an employee of a department. 5
- (3) The appointment may be made before the absence or vacancy occurs or while it continues.
- (4) An appointment of an acting chief executive and acts done by them cannot be questioned in proceedings on the grounds that—
- (a) the appointment was made for no reason or for a reason that no longer applies; or 10
 - (b) the acting chief executive was not appointed to the position of chief executive.
- (5) The Speaker must determine the conditions of employment that are to apply to an acting chief executive. 15
- (6) The Governor-General may act in place of the Speaker under **subsection (2)**—
- (a) if—
 - (i) the office of Speaker is vacant or the Speaker is absent from duty; and 20
 - (ii) the office of Deputy Speaker is vacant or the Deputy Speaker is absent from duty; and
 - (iii) there is no member with authority to act as Speaker; or
 - (b) during the period following a general election. 25

Compare: 2000 No 17 Schedule 1 cl 6; 2020 No 40 Schedule 7 cl 9

Employment in Parliamentary Service

132 Chief executive is employer and appoints and may remove employees

- (1) The chief executive may appoint to the Parliamentary Service the employees that the chief executive thinks necessary.
- (2) The chief executive has the rights, duties, and powers of the employer of the employees of the Parliamentary Service. 30
- (3) The chief executive may, subject to any conditions of employment included in the employment agreement applying to an employee, at any time remove that employee from their office or employment.
- (4) An appointment under this section (except an appointment of a parliamentary party employee) is provisional pending the outcome of any review of that appointment under **clause 7 of Schedule 5**. 35

Compare: 2020 No 40 s 66

133 Appointing and removing parliamentary party employees

- (1) The chief executive must have regard to the wishes of the relevant party when—
- (a) appointing a parliamentary party employee to the Parliamentary Service; and
 - (b) removing a parliamentary party employee from their office or employment.
- (2) The wishes of the relevant party may be expressed on the party's behalf by a person acting under the party's authority.

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134 Immunity for chief executive and employees

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The chief executive and employees of the Parliamentary Service are immune from liability in civil proceedings for good-faith actions or omissions if they are—

- (a) carrying out or intending to carry out their responsibilities; or
- (b) performing or exercising or intending to perform or exercise their functions, duties, or powers.

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Compare: 2020 No 40 s 104

135 Additional provisions relating to employment in Parliamentary Service

Additional provisions relating to employment in the Parliamentary Service are set out in **Schedule 5**.

20

*Parliamentary security officers***136 Appointing parliamentary security officers**

- (1) The chief executive may, by notice in writing, appoint any of the following as a parliamentary security officer:

- (a) an employee of the Parliamentary Service who has completed an approved training course to the satisfaction of the chief executive:

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- (b) if the chief executive considers it necessary or desirable, any other person who the chief executive is satisfied—

- (i) is suitably-qualified and trained to a standard at least equivalent to the standard of qualification and training reached by an employee of the class referred to in **paragraph (a)**; or

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- (ii) belongs to a class of persons who are suitably-qualified and trained to exercise any or all of the powers of, and perform any or all of the duties of, a parliamentary security officer a standard at least equivalent to the standard of qualification and training reached by an employee of the class referred to in **paragraph (a)**.

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- (2) The chief executive may, in the notice, specify conditions of, or limitations on, the parliamentary security officer's appointment.
- (3) A person appointed as a parliamentary security officer under **subsection (1)(b)** is deemed to be an employee of the Parliamentary Service appointed under **section 132(1)**, and **section 132** applies accordingly. 5
- (4) To avoid doubt, a person's appointment as a parliamentary security officer ends when the person ceases to be eligible for appointment as a parliamentary security officer.
- (5) In **subsection (1)(a)**, approved training course means a programme of training that the chief executive has approved, after having consulted— 10
- (a) the Commissioner of Police; and
- (b) the chief executive of the Ministry of Justice.
- Compare: 1999 No 115 s 5(2); 2015 No 70 ss 163, 165

137 Identity cards

- (1) The chief executive must give each parliamentary security officer an identity card (or another means of identification) ~~that states the officer's name and appointment as a parliamentary security officer.~~ contains the following information: 15
- (a) the officer's name, which may be only part of their full name;
- (b) the officer's appointment as a parliamentary security officer; 20
- (c) a photographic image of the officer's face;
- (d) a number or identifier unique to that officer.
- (2) A parliamentary security officer must, when exercising powers under this Act, produce their identity card (or other means of identification) for inspection on request. 25
- (3) A person who ceases to be a parliamentary security officer must as soon as practicable return the identity card (or other means of identification) to the chief executive.

Compare: 2015 No 70 s 164

138 Immunity of parliamentary security officers and persons assisting them 30

The following persons are not liable in any criminal or civil proceedings for any act done or omitted to be done in good faith in the performance or exercise, or intended performance or exercise, of a parliamentary security officer's powers and duties under this Act:

- (a) a parliamentary security officer: 35
- (b) a person called on to assist a parliamentary security officer.

Compare: 2015 No 70 s 177

139 Further provisions relating to parliamentary security officers

Further provisions relating to parliamentary security officers are set out in **Part 7**.

*Offences***140 Offence to solicit or attempt to influence chief executive in employment matters** 5

- (1) A person commits an offence if—
- (a) they directly or indirectly solicit or attempt to improperly influence the chief executive or a delegate of the chief executive; and
 - (b) they do so when the chief executive or delegate is making a decision about an individual employee, including a decision about—
 - (i) appointing, promoting, demoting, transferring, or disciplining an employee; and
 - (ii) removing an employee from their office or employment.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$2,000. 10
- (3) This section is subject to **section 133**. 15

Compare: 2020 No 40 s 103

141 Offence to resist, ~~assault~~, or obstruct parliamentary security officer or person assisting them 20

- (1) A person must not resist, ~~assault~~, wilfully obstruct, or incite or encourage any person to resist, ~~assault~~, or obstruct,—
- (a) a parliamentary security officer who is exercising or performing any of the powers or duties in **sections 169 to 181**; or
 - (b) a person who is assisting the officer to exercise or perform any such power or duty. 25
- (2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months.

Compare: 1999 No 115 s 30

30

*Audit***142 Audit**

- (1) The Parliamentary Service is a public entity within the meaning of section 5 of the Public Audit Act 2001. (See **section 5(1)(ba)** of that Act.)

- (2) Accordingly, the Auditor-General is the auditor of the Parliamentary Service under that Act.

Compare: 2000 No 17 Schedule 1 cl 14

Subpart 2—Parliamentary Corporation

Parliamentary Corporation continued 5

143 Parliamentary Corporation continued

The Parliamentary Corporation established under section 27 of the Parliamentary Service Act 2000 is continued.

Compare: 2000 No 17 s 27

144 Status of Parliamentary Corporation 10

- (1) The Parliamentary Corporation—
- (a) is a body corporate with perpetual succession and a common seal; and
 - (b) has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of an individual of full age and capacity (except as provided by **subsection (2)** and **sections 147 and 148**). 15
- (2) The Parliamentary Corporation may exercise its powers only for the purpose of performing its functions or duties.

Compare: 2000 No 17 s 27

Functions, duties, and powers 20

145 Functions, duties, and powers of Parliamentary Corporation

- (1) The functions, duties, and powers of the Parliamentary Corporation are as follows:
- (a) to facilitate transactions relating to the functions, duties, and powers of the Parliamentary Service: 25
 - (b) to acquire, hold, and dispose of interests in land and other assets for purposes related to the operation and administration of Parliament.
- (2) The assets and liabilities of the Parliamentary Corporation must be treated as being assets and liabilities of the Parliamentary Service for the purposes of the Public Finance Act 1989 and the Public Audit Act 2001. 30

Compare: 2000 No 17 s 28, Schedule 1 cl 16

146 Specific powers of Parliamentary Corporation

- (1) The Parliamentary Corporation may—
- (a) enter into deeds, contracts, or arrangements—

-
- (i) to purchase, or take on lease or licence, any land or buildings or to acquire any other interest in land or buildings (whether or not that land or those buildings are subject to any encumbrance); and
 - (ii) to sell, transfer, assign, or otherwise dispose of any lease or other interest in land or buildings (whether or not that land or those buildings are subject to any encumbrance); and 5
 - (iii) to erect, alter, rebuild, or add to any building; and
 - (iv) to develop or improve any land; and
 - (v) to install partitioning in any building; and
 - (vi) to fit out any building; and 10
 - (b) grant leases, tenancies, or licences over land or buildings held by the Parliamentary Corporation, and create easements and restrictive covenants over that land or those buildings, and accept surrenders or partial surrenders of interests granted by the Parliamentary Corporation; and
 - (c) incur any other obligations relevant to the functions, duties, or powers of the Parliamentary Service. 15
- (2) This section does not limit **section 145**.
- (3) In this section,—
- building** includes part of a building
- encumbrance**, in relation to any land or building, means any mortgage, charge, lease, easement, or restrictive covenant or other encumbrance to which the land or building is subject 20
- lease** includes a sublease
- licence** includes a sublicence.
- Compare: 2000 No 17 s 30 25
- 147 Parliamentary Corporation requires approval of Minister of Finance to undertake certain financial activities**
- (1) The Parliamentary Corporation requires the written approval of the Minister of Finance in order to—
- (a) lend money: 30
 - (b) give a guarantee or indemnity:
 - (c) issue a public security:
 - (d) enter into a derivative.
- (2) In this section, **derivative**, **lend money**, and **public security** have the meanings given to them by section 2(1) of the Public Finance Act 1989. 35
- Compare: 2001 No 10 Schedule 3 cl 7

148 No borrowing power

The Parliamentary Corporation has no power to borrow money.

Compare: 2000 No 17 s 31

Membership and procedure

149 Membership of Parliamentary Corporation

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(1) The following persons are members of the Parliamentary Corporation:

(a) the Speaker:

(b) the chief executive:

(c) 2 other persons appointed by the Parliamentary Service Commission under **section 155(1)(b)**.

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(2) A person may resign as a Corporation member by written notice to the chairperson of the Parliamentary Corporation.

(3) A person ceases to be a Corporation member if—

(a) the Parliamentary Service Commission revokes the person's appointment or appoints a different Commission member; or

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(b) the person ceases to be a Commission member.

(4) A person who, immediately before the dissolution or expiration of a Parliament, is a Corporation member continues to be a Corporation member until the first meeting of the House of Representatives after the next general election.

(5) **Subsection (4)** applies despite **subsection (3)(b)**.

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Compare: 2000 No 17 s 29

150 Chairperson of Parliamentary Corporation

The Speaker is the chairperson of the Parliamentary Corporation.

Compare: 2000 No 17 Schedule 4 cl 1

151 Chief executive and secretary

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(1) The chief executive is the chief executive of the Parliamentary Corporation.

(2) The chief executive, as the chief executive of the Parliamentary Corporation, may appoint an employee of a parliamentary agency to be the secretary of the Parliamentary Corporation.

Compare: 2000 No 17 Schedule 4 cl 2

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152 Procedure of Parliamentary Corporation

Part 1 of Schedule 6 contains provisions relating to the procedure of the Parliamentary Corporation.

Compare: 2000 No 17 s 32

153 Regulation of procedure and performance of functions, duties, and powers

Subject to this subpart and **Part 1 of Schedule 6**, the Parliamentary Corporation may regulate its procedure, perform its functions and duties, and exercise its powers in any manner that it considers appropriate.

Compare: 2000 No 17 Schedule 4 cl 8

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Subpart 3—Parliamentary Service Commission

*Parliamentary Service Commission continued***154 Parliamentary Service Commission continued**

The Parliamentary Service Commission established under section 13 of the Parliamentary Service Act 2000 is continued.

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Compare: 2000 No 17 s 13

*Functions, duties, and powers***155 Functions, duties, and powers of Parliamentary Service Commission**

- (1) The functions, duties, and powers of the Parliamentary Service Commission are to—

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

- (i) the nature of the administrative and support services to be provided by the Parliamentary Service under **section 124(1)(a)**:

- (ii) a proposed Speaker's determination to be made under **section 84(1) or 87A**; and

20

- (b) appoint 2 Commission members to the Parliamentary Corporation.

- (2) The Parliamentary Service Commission may require the Speaker or the chief executive to report on, or inquire into, matters relating to the operation of the following provisions:

- (a) **section 46**, to the extent that it relates to the Speaker's exercise of that power in respect of the Parliamentary Service:

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- (b) this Part, except for **sections 130, 135, and 152**:

- (c) **Part 7**.

- (3) The Parliamentary Service Commission has any other function, duty, or power that is conferred or imposed on it by or under this Act or other legislation.

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- (4) The Parliamentary Service Commission does not have a role in relation to—

- (a) business transacted at meetings of the House of Representatives or of committees of the House of Representatives; or

- (b) any other proceedings in Parliament; or

- (c) any matter that is a function, duty, or power of the Clerk.

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Compare: 2000 No 17 s 14

Membership

156 Membership of Parliamentary Service Commission

- (1) The Parliamentary Service Commission consists of the following members:
 - (a) the Speaker:
 - (b) a member representing each party that is represented in the House of Representatives: 5
 - (c) for each party that is represented in the House of Representatives by 30 or more members, an additional member representing that party.
 - (2) A person who, immediately before the dissolution or expiration of a Parliament, is a Commission member continues to be a Commission member until the first meeting of the House of Representatives after the next general election. 10
 - (3) A member who acts as a Commission member is acting in the member's official capacity as a member of the House of Representatives.
 - (4) The chief executive must publish the membership of the Parliamentary Service Commission on an internet site maintained by or on behalf of Parliament. 15
- Compare: 2000 No 17 ss 15, 18(1), (2)

157 Party leader must appoint member or members to represent party

Leader must appoint member or members to represent party

- (1) The leader of each party represented in the House of Representatives (the **leader**) must appoint 1 or 2 members of the House of Representatives (as applicable) to represent the party as Commission members in accordance with **section 156(1)(b) and (c)**. 20
- When leader appoints member or members to represent party*
- (2) The leader must appoint a member or members to represent the party as Commission members— 25
 - (a) as soon as practicable after the first meeting of the House of Representatives following a general election; and
 - (b) if the Commission member who currently represents the party on the Parliamentary Service Commission resigns; and 30
 - (c) in the case of a Commission member appointed in accordance with **section 156(1)(c)**, if that member is appointed as a Minister or a Parliamentary Under-Secretary; and
 - (d) if the parliamentary seat of a Commission member who currently represents that leader's party becomes vacant under section 55 of the Electoral Act 1993. 35
- (3) The leader may revoke an appointment, or appoint a new member to represent the party as a Commission member at any time.

Who may be appointed as Commission member

- (4) A member who is appointed to represent their party as a Commission member in accordance with **section 156(1)(c)** must not be a Minister or a Parliamentary Under-Secretary.

158 Resignation or vacation of office 5

- (1) A Commission member may resign the office by giving written notice to the chairperson of the Parliamentary Service Commission.
- (2) A Commission member vacates the office if—
- (a) the party leader revokes their appointment or appoints another member in their place; or 10
 - (b) in the case of a Commission member appointed in accordance with **section 156(1)(c)**, the member is appointed as a Minister or as a Parliamentary Under-Secretary; or
 - (c) the person's parliamentary seat becomes vacant under section 55 of the Electoral Act 1993. 15

Compare: 2000 No 17 s 17

*Procedure***159 Chairperson of Parliamentary Service Commission**

The Speaker is the chairperson of the Parliamentary Service Commission.

Compare: 2000 No 17 ss 16(1), 18(3) 20

160 Procedure for meetings of Parliamentary Service Commission

Part 2 of Schedule 6 contains provisions relating to the procedure for meetings of the Parliamentary Service Commission.

Compare: 2000 No 17 s 19

161 Regulation of procedure and performance of functions, duties, and powers 25

Subject to this Part and **Part 2 of Schedule 6**, the Parliamentary Service Commission may regulate its procedure and perform its functions, duties, and powers in any manner it considers appropriate.

Compare: 2000 No 17 Schedule 2 cl 10

Part 7

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Parliamentary security**162 Outline of this Part**

- (1) This Part sets out provisions concerning parliamentary security and parliamentary security officers.

- (2) **Subpart 1** specifies where parliamentary security officers' powers may be exercised and where their duties may be performed.
- (3) **Subpart 2** sets out the powers and duties of parliamentary security officers.
- (4) **Subpart 3** sets out the consequences of being denied entry to, or removed from, the parliamentary precincts. 5
- (5) **Subpart 4** provides for limits on the powers and duties of parliamentary security officers.

163 Interpretation of this Part

In this Part,—

electorate and community office— 10

- (a) means premises that are operated by a member to conduct the member's constituency and representative activities using funding appropriated by Parliament; and
- (b) includes the following grounds and areas:
 - (i) the grounds that are immediately adjacent to those premises and that either belong to those premises or service those premises: 15
 - (ii) if those premises are adjacent to a road, any footpath or other area between those premises and the road:
 - (iii) any car parking area in those premises or in the grounds described in **subparagraph (i)** 20

parliamentary meeting includes, without limitation, the following:

- (a) a sitting of the House of Representatives:
- (b) a meeting of a committee

Police officer means a constable within the meaning of section 4 of the Policing Act 2008 25

specified offence means an offence described in **section 164**.

164 Meaning of specified offence

- (1) In this Part, **specified offence** means—
 - (a) an offence against any of the ~~following provisions listed in subsection (2) that is committed in the parliamentary precincts or in an area immediately adjacent to the parliamentary precincts; and~~ 30
 - (i) ~~sections 87, 121, 167, 168, 171 to 177, 188 to 194, 196 to 199, 202A, 202C, and 306 of the Crimes Act 1961;~~
 - (ii) ~~sections 3, 9, 11, 11A, 11B, 13, and 13A of the Summary Offences Act 1981;~~ 35
 - (iii) ~~sections 45 and 46 of the Arms Act 1983;~~
 - (iv) ~~sections 7 and 13 of the Misuse of Drugs Act 1975; and~~

- (b) any other offence—
 - (i) committed in the parliamentary precincts or in an area immediately adjacent to the parliamentary precincts; and
 - (ii) that a parliamentary security officer believes on reasonable grounds—
 - (A) threatens the safety or security of another person or that person's property; or
 - (B) may cause serious damage to the parliamentary precincts; and
- (c) an attempt to commit an offence—
 - (i) against any of the provisions ~~specified in paragraph (a)~~ listed in **subsection (2)** if the offence is not itself specified as an attempt; and
 - (ii) of the kind referred to in **paragraph (b)**.
- (2) The provisions are—
 - (a) the following sections of the Crimes Act 1961:
 - (i) section 87 (which relates to rioting):
 - (ii) section 121 (which relates to assisting escape from lawful custody):
 - (iii) sections 167, 168, and 171 to 177 (which relate to murder and manslaughter):
 - (iv) sections 188 to 194 (which relate to assaults and injuries to the person):
 - (v) sections 196 to 199 (which relate to common assault, disabling, firearm offences, and acid throwing):
 - (vi) section 202A (which relates to possession of offensive weapons or disabling substances):
 - (vii) section 202C (which relates to assault with a weapon):
 - (viii) sections 267 and 268 (which relate to arson and attempted arson):
 - (ix) section 306 (which relates to threatening to kill or do grievous bodily harm); and
 - (b) the following sections of the Summary Offences Act 1981:
 - (i) section 3 (which relates to disorderly behaviour in a public place):
 - (ii) section 7 (which relates to fighting in a public place):
 - (iii) section 9 (which relates to common assault):
 - (iv) section 11 (which relates to wilful damage to property):
 - (v) section 11A (which relates to graffiti vandalism, tagging, and defacing):

- (vi) section 11B (which relates to possessing graffiti implements):
- (vii) section 13 (which relates to things endangering safety in a public place):
- (viii) section 13A (which relates to possessing knives in a public place); and 5
- (c) the following sections of the Arms Act 1983:
 - (i) section 45 (which relates to carrying or possessing firearms, except for a lawful, proper, and sufficient purpose):
 - (ii) section 46 (which relates to carrying an imitation firearm, except for a lawful, proper, and sufficient purpose); and 10
- (d) the following sections of the Misuse of Drugs Act 1975:
 - (i) section 7 (which relates to procuring, possessing, using, supplying, or administering controlled drugs):
 - (ii) section 13 (which relates to possessing utensils for the purpose of committing an offence against that Act). 15

Compare: 1999 No 115 s 2

165 Speaker's authority not affected

The powers in this Part are in addition to, and do not derogate from, the Speaker's authority over the parliamentary precincts in accordance with **sections 55 and 56** and the rules and practice of the House of Representatives. 20

Subpart 1—Application of parliamentary security officers' powers and duties

166 Where parliamentary security officers' powers and duties may be exercised or performed

- (1) The powers and duties conferred on parliamentary security officers by this Part may be exercised or performed only in the parliamentary precincts. 25
- (2) However, those powers and duties may also be exercised or performed—
 - (a) in a specific place on the day when a parliamentary meeting is scheduled to be held, or is held, at that specific place:
 - (b) in an electorate and community office, if the chief executive has authorised their exercise or performance under **section 167**. 30
- (3) If **subsection (2)** applies, all references in this Part to parliamentary precincts must be read as if they were references to the specific place or to the particular electorate and community office, as applicable.
- (4) In this section, **specific place**— 35
 - (a) means a part of a building or structure or a place outdoors that is—
 - (i) in New Zealand; and

- (ii) outside the parliamentary precincts; and
- (iii) being used or scheduled to be used to hold a parliamentary meeting; and
- (b) includes any area that is being used or is scheduled to be used to provide access to the parliamentary meeting or to otherwise facilitate holding the parliamentary meeting (for example, a lobby or a foyer). 5

167 Chief executive may authorise exercise or performance of powers and duties in particular electorate and community office

- (1) The chief executive may authorise 1 or more parliamentary security officers to exercise or perform their powers and duties in a particular electorate and community office. 10
- (2) The chief executive must not authorise the exercise or performance of powers and duties in an electorate and community office unless all of the following conditions have been met:
 - (a) the member who operates the office has asked the chief executive to authorise 1 or more parliamentary security officers to exercise or perform their powers and duties in the office on the basis that there is a threat to 1 or more of the following: 15
 - (i) a member:
 - (ii) any other person working in, visiting, or otherwise in the office: 20
 - (iii) the office:
 - (b) the member who operates the office is the owner or occupier of the office:
 - (c) the chief executive has consulted the Police about the threat:
 - (d) the chief executive believes on reasonable grounds that authorising 1 or more parliamentary security officers to exercise or perform their powers and duties in the office is an appropriate response to the threat. 25

Subpart 2—Powers and duties of parliamentary security officers

Limits on powers and duties

- 168 Limits on parliamentary security officers' powers and duties** 30
- The powers and duties in this subpart are limited by **subpart 4**.

Power to ask for identification

169 Power to ask for identification

- (1) A parliamentary security officer may, if the officer has reasonable grounds for asking for the information, ask any person who wants to enter, or is in, the parliamentary precincts to provide the officer with the following information: 35

- (a) the person's name and address:
 - ~~(b) evidence of the person's name and address:~~
 - (c) the person's reason for either wanting to enter the parliamentary precincts or being in the precincts.
- (1A) A parliamentary security officer who believes on reasonable grounds that any information provided in response to a request under **subsection (1)(a)** is false may require the person concerned to provide satisfactory evidence of the information. 5
- (2) A parliamentary security officer may deny entry to, or remove a person from, the parliamentary precincts if the person— 10
- (a) does not comply with a request under **subsection (1) or (1A)**; or
 - (b) gives a reason under **subsection (1)(c)** that gives the officer reasonable grounds to believe that the person may threaten the security of the parliamentary precincts.
- Compare: 1999 No 115 s 12 15

Search power and related duty

170 Power to ask to search

- (1) A parliamentary security officer may ask any person who wants to enter, or is in, the parliamentary precincts to consent to 1 or more of the following kinds of searches: 20
- (a) in respect of the person,—
 - (i) a search of the person that uses only a scanner or other electronic screening device and that involves no physical contact with the person being searched:
 - (ii) if the officer has reasonable grounds for asking for such a search, an external examination of the person's clothes going only as far as is necessary to detect items carried on the person: 25
 - (b) in respect of any property in the person's possession or control, including a motor vehicle,—
 - (i) a search of the property that uses only a scanner or other electronic screening device and that involves no more than incidental physical contact with the property being searched: 30
 - (ii) if the officer has reasonable grounds for asking for such a search, a search of the property.
- ~~(a) a search of the person using a scanner or other electronic screening device that does not require the touching of the person: 35~~
 - ~~(b) a search of any property in the person's possession or control using a scanner or other electronic screening device that does not require the touching of the property:~~

- (e) ~~an external examination of the person's clothes going only to the extent that is necessary to detect items carried on the person and done by a parliamentary security officer of the same sex as the person, if the officer has reasonable grounds for asking for such a search:~~
- (d) ~~a search of any property in the person's possession or control, including a motor vehicle, by a means other than a scanner or another electronic device, if the officer has reasonable grounds for asking for such a search.~~ 5
- (1A) A search under **subsection (1)(a)(ii)** must be carried out by—
 - (a) a parliamentary security officer who is of the same sex as the person being searched; or 10
 - (b) if the person being searched reasonably requests, an officer of a different sex.
- (2) A parliamentary security officer may deny entry to, or remove a person from, the parliamentary precincts if the person—
 - (a) does not consent to a search requested by the officer; or 15
 - (b) initially consents to a search requested by the officer but subsequently withdraws their consent before the search is finished.

Compare: 1999 No 115 ss 2, 13

171 Duty of parliamentary security officer relating to searches

A parliamentary security officer who makes a request under **section 170(1)** (which relates to the power to ask to search a person or property) must at the same time ~~tell~~ advise the person (orally or in writing) that— 20

- (a) the search will not take place without the person's consent; and
- (b) the person may withdraw their consent before the search is finished; and
- (c) the person may be denied entry to, or removed from, the parliamentary precincts if the person— 25
 - (i) does not consent to the search; or
 - (ii) initially consents to the search but subsequently withdraws their consent before the search is finished.

Compare: 1999 No 115 s 14

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Powers and duty relating to examining and detaining detected items, ~~and detaining items~~ and process to be followed

172 Power to ask to examine detected items

- (1) A parliamentary security officer may ask a person whose person or property is searched under **section 170** to hand over to the officer any item detected during the search so that the officer may examine it. 35
- (2) A parliamentary security officer may exercise the power in **subsection (1)** immediately after the search but no later.

- (3) Depending on the person's response to the request, the parliamentary security officer must follow one of the following processes:
- (a) process A (see **section 172A**, which applies if the person does not comply with the request under **subsection (1)**):
 - (b) process B (see **section 172B**, which applies if the person complies with the request under **subsection (1)** and the item handed over gives the officer reasonable grounds to believe that the person may recently have committed, or may be about to commit, a specified offence): 5
 - (c) process C (see **sections 173 and 173A**, which apply if the person complies with the request under **subsection (1)** and the item handed over gives the officer reasonable grounds to believe that the item is capable of being used to commit a violent offence or that it is otherwise dangerous to allow the person to keep the item): 10
 - (d) process D (see **sections 174 and 175**, which apply if the person complies with the request under **subsection (1)** and the item handed over may constitute a threat to the security of the parliamentary precincts). 15
- (3) If a person does not comply with a request under **subsection (1)**,—
- (a) the parliamentary security officer may deny entry to, or remove, the person from the parliamentary precincts; or
 - (b) the parliamentary security officer may exercise the power in **section 176(1)** (which relates to power to seize items) if the parliamentary security officer has reasonable grounds to believe that the person— 20
 - (i) may recently have committed a specified offence; or
 - (ii) may be about to commit such an offence.
- Compare: 1999 No 115 s 15(1), (2) 25

Process A: person does not hand over detected item

172A Powers if person does not hand over detected item

- (1) This section applies if a person does not comply with a request under **section 172(1)** to hand over a detected item.
- Authority to exercise powers to seize detected item and detain person* 30
- (2) **Subsection (3)** applies if a parliamentary security officer has reasonable grounds to believe that the person—
- (a) may recently have committed a specified offence; or
 - (b) may be about to commit such an offence.
- (3) The parliamentary security officer— 35
- (a) may exercise the power in **section 176(1)** (which relates to the power to seize items) and, if the officer chooses to exercise that power, the

power in **section 176(2)(a) or (b)** (which relates to the power to detain the person or to deny them entry to the parliamentary precincts); or

- (b) may deny the person entry to, or remove the person from, the parliamentary precincts.

Power to deny entry to, or remove person from, parliamentary precincts 5

- (4) **Subsection (5)** applies if a parliamentary security officer does not have the reasonable grounds specified in **subsection (2)**.

- (5) The parliamentary security officer may deny the person entry to, or remove the person from, the parliamentary precincts.

Compare: 1999 No 115 s 15(3)–(5) 10

Process B: item handed over gives officer reasonable grounds to believe person may recently have committed, or be about to commit, specified offence

172B Power to seize detected item connected to specified offence

- (1) This section applies if—

- (a) a person complies with a request under **section 172(1)** to hand over a detected item; and 15

- (b) the item handed over gives the parliamentary security officer reasonable grounds to believe that the person—

(i) may recently have committed a specified offence; or

(ii) may be about to commit such an offence; and 20

- (c) the person does not give the officer a reasonable excuse for being in possession of the item.

- (2) The parliamentary security officer—

- (a) may exercise the power in **section 176(1)** (which relates to the power to seize items) and, if the officer chooses to exercise that power, the power in **section 176(2)(a) or (b)** (which relates to the power to detain the person or to deny them entry to the parliamentary precincts); or 25

- (b) may deny the person entry to, or remove the person from, the parliamentary precincts.

Compare: 1999 No 115 s 16(1)(a), (2) 30

173 Powers to seize or detain detected items

- (1) ~~This section applies if a person complies with a request under **section 172(1)** to hand over a detected item.~~

- (2) ~~A parliamentary security officer may exercise the power in **section 176(1)** (which relates to power to seize items) if—~~ 35

- (a) ~~the item handed over gives the officer reasonable grounds to believe that the person—~~

- (i) may recently have committed a specified offence; or
 - (ii) may be about to commit such an offence; and
- (b) ~~the person does not give the officer a reasonable excuse for the item being on the person's person or property.~~
- (3) A parliamentary security officer may exercise the powers in **subsection (4)** if the item handed over gives the officer reasonable grounds to believe that—
 - (a) ~~it is capable of being used to commit an offence involving violence within the parliamentary precincts; or~~
 - (b) ~~it would otherwise be dangerous to allow the person to keep it with them in the parliamentary precincts.~~
- (4) The parliamentary security officer may—
 - (a) ~~ask the person whether they consent to surrender the item while the person is in the parliamentary precincts; and~~
 - (b) if the person—
 - (i) ~~does not consent, deny the person entry to, or remove the person from, the parliamentary precincts; or~~
 - (ii) ~~does consent, treat the item in accordance with **section 176(3)**.~~

Compare: 1999 No 115 s 16

Process C: item handed over gives officer reasonable grounds to believe item is capable of being used to commit violent offence or is otherwise dangerous

173 Power to ask persons to surrender detected item

- (1) This section applies if—
 - (a) a person complies with a request under **section 172(1)** to hand over a detected item; and
 - (b) the parliamentary security officer considers that **section 172B** (which relates to an item handed over that gives an officer reasonable grounds to believe that a person may recently have committed, or may be about to commit, a specified offence) does not apply; but
 - (c) the item handed over gives the officer reasonable grounds to believe that—
 - (i) it is capable of being used to commit an offence involving violence within the parliamentary precincts; or
 - (ii) it would otherwise be dangerous to allow the person to keep it with them in the parliamentary precincts.
- (2) A parliamentary security officer may ask the person whether they consent to surrender the item while the person is in the parliamentary precincts and,—
 - (a) if the person does not consent, deny the person entry to, or remove the person from, the parliamentary precincts; or

- (b) if the person does consent, treat the item in accordance with **section 176(3) and (4)**.

Compare: 1999 No 115 s 16(1)(b), (3)

173A Duty of parliamentary security officer relating to request to surrender detected item

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A parliamentary security officer who makes a request under **section 173(2)** (which relates to the power to ask a person to surrender an item while in the parliamentary precincts) must at the same time advise the person (orally or in writing) that—

- (a) the item may not be taken from the person without the person's consent; and 10
- (b) the person may withdraw their consent before leaving the parliamentary precincts; and
- (c) the person may be denied entry to, or removed from, the parliamentary precincts if the person— 15
- (i) does not consent to leave the item with the officer; or
- (ii) initially consents to leave the item with the officer but subsequently withdraws their consent before leaving the parliamentary precincts.

Compare: 1999 No 115 s 18

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Process D: item handed over may constitute threat to security of parliamentary precincts

174 Power to ask to take detected items into temporary custody

- (1) This section applies if—
- (a) a person complies with a request under **section 172(1)** ~~(which relates to power to ask a person to hand over an item to an officer for examination) to hand over a detected item~~; and 25
- (b) the item handed over does not give the parliamentary security officer reasonable grounds to believe that the person—
- (i) may recently have committed a specified offence; or 30
- (ii) may be about to commit such an offence; but
- (b) the parliamentary security officer considers that neither of the following sections apply:
- (i) **section 172B** (which relates to an item handed over that gives an officer reasonable grounds to believe that a person may recently have committed, or be about to commit, a specified offence); 35

- (ii) **section 173** (which relates to an item handed over that gives an officer reasonable grounds to believe that the item is capable of being used to commit a violent offence or is otherwise dangerous); but
- (c) the officer has reasonable grounds to believe that the item may otherwise constitute a threat to the security of the parliamentary precincts. 5
- (2) This section also applies if **section 176(3)(c)** (which relates to an item seized from a person who is released from custody) applies.
- (3) A parliamentary security officer may ask the person to leave the item with the officer to be returned when the person leaves the parliamentary precincts. 10
- (4) A parliamentary security officer may exercise the power in **subsection (3)** immediately after the item is handed over but no later.
- (5) A parliamentary security officer may deny entry to, or remove a person from, the parliamentary precincts if the person does not comply with a request under **subsection (3)**. 15
- (6) If a person has left an item with a parliamentary security officer in compliance with a request under **subsection (3)**,—
 - (a) the person may claim the item when leaving the parliamentary precincts or at any time within 10 working days of leaving the item; and
 - (b) a parliamentary security officer may dispose of the item if it has not been claimed within those 10 working days. 20

Compare: 1999 No 115 s 17

175 Duty of parliamentary security officer relating to request to take detected item taking items into temporary custody

~~A parliamentary security officer who makes a request under **section 173(4)(a) or 174(3)** (which relate to powers to ask a person to leave an item with an officer) must at the same time tell the person that—~~ 25

- ~~(a) the item may not be taken from the person without the person's consent; and~~
- ~~(b) the person may withdraw their consent before leaving the parliamentary precincts; and~~ 30
- ~~(c) the person may be denied entry to, or removed from, the parliamentary precincts if the person—~~
 - ~~(i) does not consent to leave the item with the officer; or~~
 - ~~(ii) initially consents to leave the item with the officer but subsequently withdraws their consent before leaving the parliamentary precincts.~~ 35

A parliamentary security officer who makes a request under **section 174(3)** (which relates to the power to ask a person to leave an item with an officer)

must at the same time advise the person (orally or in writing) of the matters specified in **section 173A(a) to (c)**.

Compare: 1999 No 115 s 18

Power to seize item

176 Power to seize items 5

Power to seize item

- (1) A parliamentary security officer may seize an item if the officer detects the item during a search under **section 170** (which relates to the power to ask to search a person or property) and either of the following applies:
- (aaa) the item is not handed over to the officer despite a request under **section 172(1)**, and **section 172A(3)(a)** (which relates to the officer having reasonable grounds to believe a specified offence has been or may be committed) applies: 10
- (a) the item is handed over to the officer in compliance with a request under **section 172(1)**, and **section 173(2) 172B(1)** (which relates to the power to seize items if certain circumstances apply) applies: 15
- (b) the item is not handed over to the officer despite a request under **section 172(1)** and **section 172(3)(b)** (which relates to the officer having reasonable grounds to suspect a specified offence has been or may be committed) applies: 20

Authority to exercise powers to detain and handcuff person

- (2) If the parliamentary security officer seizes an item, the officer—
- (a) must immediately detain the person in accordance with **section 178**; and
- (b) may handcuff the person under **section 179**. 25
- (2) If the parliamentary security officer seizes an item, the officer may—
- (a) exercise the power in **section 178(1)(a)** and detain the person in accordance with **section 178(2) to (4)**; or
- (b) deny entry to, or remove a person from, the parliamentary precincts.
- (2A) A parliamentary security officer may exercise the power in **subsection (2)(a) or (b)** immediately after seizing the item but no later. 30

Requirements for treatment of seized item

- (3) The parliamentary security officer must treat the seized item as follows:
- (a) if the person is ~~arrested~~ detained and subsequently arrested, the officer must hand the item over to the arresting Police officer: 35
- (b) if possession of the item is unlawful, the officer must hand it over to a Police officer:

- (c) if possession of the item is lawful but the item or its possession may constitute a threat to the security of the parliamentary precincts and the person is ~~released from custody~~ detained and then subsequently released from custody, the officer must apply **section 174(3) to (6)** (which relates to the officer's power to ask a person to leave an item with the officer): 5
- (d) in any other case, the officer must return the item to the person unless **subsection (4)** applies.
- (4) If, after making reasonable efforts to do so, the parliamentary security officer is unable to identify or locate the person in order to return the item to them, the officer is not required to comply with **subsection (3)(d)** and may dispose of the item after 10 working days. 10

Compare: 1999 No 115 s 20

Powers to detain persons

177 When power to detain persons may be exercised 15

- (1) This section applies if a parliamentary security officer has reasonable grounds to believe that a person—
 - (a) who wants to enter, or is in, the parliamentary precincts may recently have committed a specified offence or may be about to commit a specified offence; or 20
 - (b) has—
 - (i) refused to leave the parliamentary precincts after having been required to do so by a parliamentary security officer or has attempted to re-enter the parliamentary precincts after being removed or denied entry by a parliamentary security officer; and 25
 - (ii) been warned that they may be detained if they persist with those actions; and
 - (iii) persisted with those actions; or
 - (c) has refused to obey a direction from a parliamentary security officer to do anything that is reasonably necessary to protect the safety or security of any person in the parliamentary precincts; or 30
 - (d) has refused to obey a direction from a parliamentary security officer to stop doing anything that adversely affects the safety or security of any person in the parliamentary precincts.

Parliamentary security officer may detain person 35

- (2) The parliamentary security officer may exercise the powers in ~~sections 178~~ **sections 178(1)(b)** (which relates to the officer's power to detain a person) and **section 179** (which relates to the officer's power to use handcuffs).

Instead of detaining person, parliamentary security officer may refer person to Police

- (3) However, if the parliamentary security officer considers that the person's conduct would more appropriately be referred to a Police officer, the officer may—
 - (a) ask the person to give the parliamentary security officer the person's full name, address, and date of birth (the **requested information**); and 5
 - (b) contact the Police to report the person's conduct.
- (4) If the person does not give the parliamentary security officer the requested information, the officer may—
 - (a) warn the person that, if the person fails to give the officer the requested information, the officer may exercise the powers in **sections 178** (which relates to the officer's power to detain a person) and **section 179** (which relates to the officer's power to use handcuffs); and 10
 - (b) if the person still does not give the officer the requested information, exercise the powers in **sections 178 and 179**. 15

Compare: 1999 No 115 ss 19, 19A

178 Power to detain persons

- (1) ~~If any of the circumstances described in **section 177(1) or (4)** (which relate to when the power to detain a person may be exercised) apply in respect of a person, the parliamentary security officer may detain the person.~~ 20
- (1) A parliamentary security officer may detain a person if either of the following circumstances apply:
 - (a) **section 176(2)(a)** (which relates to when the power to detain a person in relation to a seized item may be exercised) applies in respect of the person; 25
 - (b) **section 177(2) or (4)(b)** (which relates to when the power to detain a person in other circumstances may be exercised) applies in respect of the person.
- (2) The person may be detained for a reasonable period not exceeding 4 hours.
- (3) The parliamentary security officer must— 30
 - (a) promptly contact the Police to arrange the attendance of a Police officer; and
 - (b) if it is reasonably practicable to do so, detain the person in a safe place until the Police officer arrives or the parliamentary security officer is satisfied that the person is not going to be arrested; and 35
 - (c) if—
 - (i) a Police officer wants to arrest the person, transfer the person to the Police officer; or
 - (ii) if no Police officer wants to arrest the person, free the person.

- (4) A parliamentary security officer may direct a detained person to do or not to do a thing if the parliamentary security officer believes on reasonable grounds that the direction is necessary in the circumstances for the purpose of ensuring the safety of the person or the parliamentary security officer or any other person.

Compare: 1999 No 115 s 20

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179 Power to use handcuffs

- (1) A parliamentary security officer may handcuff a detained person if the officer has reasonable grounds to believe that the person—

- (a) may abscond if not handcuffed; or
- (b) may harm themselves or others if not handcuffed.

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- (2) The parliamentary security officer may keep the handcuffs on the person until ~~either one~~ of the following circumstances occurs:

(aaa) the parliamentary security officer becomes aware that the reasonable grounds for believing that **subsection (1)(a) or (b)** applies to the person have ceased to apply, in which case the officer must remove the handcuffs:

15

- (a) a Police officer arrests the person, in which case the Police officer must decide whether the handcuffs are to stay on;
- (b) a Police officer decides that the person will not be arrested, in which case a parliamentary security officer must remove the handcuffs.

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Compare: 1999 No 115 s 20

Other powers

180 General power to deny entry to, or remove person from, parliamentary precincts

- (1) **Subsection (2)** applies if a parliamentary security officer believes on reasonable grounds that a person—

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- (a) is harassing or intimidating, or is likely to harass or intimidate, another person; or
- (b) is causing, or is likely to cause, violence within, or damage to, the parliamentary precincts; or
- (c) is significantly disrupting, or is likely to significantly disrupt, a parliamentary meeting or the administration of the parliamentary precincts.

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- (2) The parliamentary security officer may deny the person entry to, or remove a person from, the parliamentary precincts.

- (3) The power in **subsection (2)** is in addition to any powers that the parliamentary security officer may have—

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- (a) under **section 56** (which relates to powers under the Trespass Act 1980); and

- (b) under ~~this Part~~ the following sections to deny entry to, or remove a person from, the parliamentary precincts:
- (i) **section 169(2)** (which relates to the power to ask for identification):
 - (ii) **section 170(2)** (which relates to the power to ask to search a person or property): 5
 - (iii) **sections 172A(3)(b) and (5) and 172B(2)(b)** (which relate to the power to ask to examine detected items):
 - (iv) **section 173(2)(a)** (which relates to the power to ask persons to surrender detected items): 10
 - (v) **section 174(5)** (which relates to the power to ask to take detected items into temporary custody):
 - (vi) **section 176(2)(b)** (which relates to the power to seize an item).

Compare: 1999 No 115 s 18A

181 Power to use reasonable force 15

A parliamentary security officer may use the amount of force that is reasonable in the circumstances when exercising or performing any of the powers or duties in the following provisions:

- (a) **section 169(2)** (which relates to denying entry to, or removing a person from, the parliamentary precincts following a request for identification): 20
- (b) **section 170(2)** (which relates to denying entry to, or removing a person from, the parliamentary precincts following a request to search):
- (e) ~~sections 172(3)(a), 173(4)(b)(i), and 174(5)~~ (which relate to denying entry to, or removing a person from, the parliamentary precincts in relation to a detected item): 25
- (c) **sections 172A(3)(b) and (5), 172B(2)(b), 173(2)(a), 174(5), and 176(2)(b)** (which relate to denying entry to, or removing a person from, the parliamentary precincts in relation to a detected item):
- (d) ~~sections 176~~ **sections 176(1) and (2)(a), 178, and 179** (which relate to seizing an item and detaining a person): 30
- (e) **section 180** (which relates to denying entry to, or removing a person from, the parliamentary precincts).

Compare: 1999 No 115 s 21

182 ~~Power~~ Powers included in power to deny entry to or remove from parliamentary precincts includes power to deny entry to or remove from part of parliamentary precincts 35

~~In this Part, a parliamentary security officer's power to deny a person entry to, or remove a person from, the parliamentary precincts includes a power to~~

~~deny the person entry to, or remove the person from, a particular part of the parliamentary precincts (for example, a building).~~

In this Part, a parliamentary security officer's power to deny a person entry to, or remove a person from, the parliamentary precincts includes the following powers:

- (a) a power to deny the person entry to, or remove the person from, a particular part of the parliamentary precincts (for example, a building):
- (b) if the person is in the parliamentary precincts and has any property (including a motor vehicle) in their possession or control, a power to direct the person to take that property with them.

Subpart 3—Consequences of denial of entry to, or removal from, parliamentary precincts

183 Entitlement to enter or re-enter parliamentary precincts if denied entry or removed under certain sections

- (1) This section applies to a person denied entry to, or removed from, the parliamentary precincts under any of the following provisions:
 - (a) **section 169(2)(a)** (which relates to denying entry to, or removing a person from, the parliamentary precincts following a request for identification):
 - (b) **section 170(2)** (which relates to denying entry to, or removing a person from, the parliamentary precincts following a request to search):
 - (c) **sections ~~172(3)(a)~~ 172A(5), 173(4)(b)(i)(2)(a), and 174(5)** (which relate to denying entry to, or removing a person from, the parliamentary precincts in relation to a request to hand over a detected item).
- (2) The person is entitled to enter or re-enter the parliamentary precincts if the person—
 - (a) later complies with the relevant request that was made under **section 169(1) or (1A), 170(1), 172(1), 173(2)(a), or 174(3)**; and
 - (b) complies with any further requests made under any of those provisions.

Compare: 1999 No 115 s 22

184 Entitlement to enter or re-enter parliamentary precincts if denied entry or removed ~~under section 180~~ under **section 180 or specific power to deny entry or remove**

- (1) ~~This section applies to a person denied entry to, or removed from, the parliamentary precincts under **section 180**.~~
- (2) ~~The person is entitled to enter or re-enter the parliamentary precincts if a parliamentary security officer is satisfied that the person will not behave in~~

the way described in ~~section 180(1)~~ if allowed to enter the parliamentary precincts.

- (1) This section applies to a person denied entry to, or removed from, the parliamentary precincts under any of the following sections:
 - (a) **section 172A(3)(b), 172B(2)(b), and 176(2)(b)** (which relate to denying entry to, or removing a person from, the parliamentary precincts in relation to an item in the person's possession): 5
 - (b) **section 180** (which relates to the general power to deny entry to, or remove a person from, the parliamentary precincts).
- (2) The person is entitled to enter or re-enter the parliamentary precincts if a parliamentary security officer is satisfied that,— 10
 - (a) in the case of a person denied entry or removed under **section 172A(3)(b), 172B(2)(b), or 176(2)(b)**, the officer no longer has reasonable grounds to believe that the person—
 - (i) may recently have committed a specified offence; or 15
 - (ii) may be about to commit such an offence:
 - (b) in the case of a person excluded under **section 180**, the person will not behave in a way described in **section 180(1)(a) to (c)** if allowed to enter the parliamentary precincts.
- (3) The parliamentary security officer must be an officer who is aware of the reasons why the person was denied entry to, or removed from, the parliamentary precincts. 20
- (4) In this section, **parliamentary precincts** includes, if applicable, a particular part of the parliamentary precincts (for example, a building).

Compare: 1999 No 115 s 22

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185 Duty of parliamentary security officer to inform of consequences when person denied entry or removed

- (1) A parliamentary security officer who denies a person entry to, or removes a person from, the parliamentary precincts under any of the provisions specified in **section 183(1)** must at the same time inform the person of their entitlement under **section 183(2)** (which relates to when a person is entitled to enter or re-enter the parliamentary precincts). 30
- (2) ~~A parliamentary security officer who denies a person entry to, or removes a person from, the parliamentary precincts under **section 180** must at the same time inform the person of their entitlement under **section 184(2)** (which relates to when a person is entitled to enter or re-enter the parliamentary precincts).~~ 35
- (2) A parliamentary security officer who denies a person entry to, or removes a person from, the parliamentary precincts under **section 172A(3)(b), 172B(2)(b), 176(2)(b), or 180** must at the same time inform the person of 40

their applicable entitlement under **section 184(2)(a) or (b)** (which relates to when a person is entitled to enter or re-enter the parliamentary precincts).

Compare: 1999 No 115 s 23

Subpart 4—Limits on powers and duties of parliamentary security officers

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186 Powers and duties not generally applicable in relation to members, officers of House, and other exempted persons

- (1) A parliamentary security officer must not exercise or perform any of the powers or duties in **subpart 2 or 3** in relation to a person who the officer is satisfied is an exempt person. 10
- (2) If a parliamentary security officer exercises the power in **section 169(1)(a)** (which relates to the officer's power to ask for a person's name and address) and the person satisfies the officer that the person is an exempt person, the officer may not exercise the powers in **section 169(1)(b) and (c) and (1A)** (which relates to the officer's powers to ask for evidence of the person's name and address and their a person's reason for entering the parliamentary precincts and for evidence of their name and address). 15
- (3) In this section, **exempt person** means a person who is—
 - (a) a member; or
 - (b) an officer of the House when that officer is acting in the course of the officer's duties; or 20
 - (c) a person or class of persons whom the Speaker exempts under **section 187**. 25

Compare: 1999 No 115 s 24

187 Speaker may exempt person from application of powers and duties under this Part

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The Speaker may exempt any person or class of persons from the application of any or all of the powers and duties in **subpart 2 or 3**.

188 Powers and duties may not be exercised where parliamentary meeting in progress unless person presiding directs exercise

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- (1) A parliamentary security officer may not exercise or perform any of the powers or duties in **subpart 2 or 3** in a room where a parliamentary meeting is in progress.
- (2) However, a person presiding over a parliamentary meeting may direct a parliamentary security officer, in specific or general language, to exercise or perform any of those powers or duties in relation to a person who is in a room where the parliamentary meeting is in progress. 35

- (3) The fact that the person presiding over a parliamentary meeting directs the exercise or performance of a power or duty constitutes reasonable grounds for—
- (a) that person's direction; and
 - (b) a parliamentary security officer's exercise or performance of the power or duty. 5

Compare: 1999 No 115 ss 27, 28

189 Powers not generally applicable if Police involved

- (1) A parliamentary security officer may not exercise or perform any of the powers or duties in **subpart 2 or 3** in relation to a person while a Police officer is dealing with the person. 10
- (2) However, a parliamentary security officer may exercise or perform any of those powers or duties in relation to a person being dealt with by a Police officer if the Police officer requests the parliamentary security officer, in specific or general language, to do so. 15

Compare: 1999 No 115 s 29

190 Powers subject to conditions or limitations in notice of appointment

- (1) A parliamentary security officer's powers are subject to any conditions or limitations specified in the notice of the officer's appointment under **section 136(2)**. 20
- (2) However, the exercise of a power by a parliamentary security officer is not invalid merely because it did not comply with the conditions specified in the notice of the officer's appointment.

Compare: 2015 No 70 s 163

Subpart 5—Reporting requirements 25

190A Parliamentary security officer must report exercise of certain powers

- (1) This section applies to a parliamentary security officer who exercises a power under 1 or more of the following sections:
 - (a) **section 178(1)** (which authorises a parliamentary security officer to detain a person): 30
 - (b) **section 179(1)** (which authorises a parliamentary security officer to handcuff a detained person):
 - (c) **section 181** (which authorises a parliamentary security officer to use reasonable force when exercising or performing certain powers or duties). 35
- (2) The parliamentary security officer must, within 3 working days of exercising the power, give the chief executive a written report of the following matters:

- (a) a short summary of the circumstances surrounding the exercise of the power:
- (b) the reason or reasons why the power was exercised:
- (c) if applicable, the matters that gave rise to the reasonable grounds to believe required in order to exercise the power.

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190B Chief executive must report annually on exercise of specified powers

- (1) The chief executive must include in every annual report prepared by the Parliamentary Service for the purposes of section 43 of the Public Finance Act 1989—

- (a) the number of occasions on which a specified power was exercised in the period covered by the report:
- (b) the following information about any internal complaints process:
 - (i) the number of complaints about the use of powers authorised by this Part received in the period covered by the report:
 - (ii) which power gave rise to each complaint:
 - (iii) progress on considering each complaint:
 - (iv) the outcome of the consideration of each complaint.

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- (3) In this section,—

internal complaints process means a process that—

- (a) is established and operated by the chief executive; and
- (b) can be used by a person who wishes to complain about a parliamentary security officer exercising a power under this Part

20

specified power means—

- (a) a power exercised under any of the following sections:
 - (i) **sections 169(2), 170(2), 172A(3)(b) and (5), 172B(2)(b), 173(2)(a), 174(5), and 180** (which authorise a parliamentary security officer to deny entry to, or remove a person from, the parliamentary precincts):
 - (ii) **section 176(1)** (which authorises a parliamentary security officer to seize an item); and
- (b) a power exercised under a section specified in **section 190A(1)**.

25

30

Part 8

Amendments to Public Finance Act 1989

191 Principal Act

This Part amends the Public Finance Act 1989.

35

192 Section 1A amended (Purpose)

In section 1A(2)(d), after “Offices of Parliament,”, insert “parliamentary agencies,”.

193 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **appropriation administrator**, after paragraph (b), insert:
 - (c) in relation to an appropriation made to a parliamentary agency, means that parliamentary agency
- (2) In section 2(1), definition of **appropriation Minister**, paragraph (b), replace “the Office of the Clerk of the House of Representatives or the Parliamentary Service” with “a parliamentary agency”. 10
- (3) In section 2(1), definition of **chief executive**, after paragraph (c), insert:
 - (d) in the case of a parliamentary agency, the head (as defined in **section 5** of the Parliament Act **2024**) of the agency
- (4) In section 2(1), definition of **Crown** or **the Sovereign**, after paragraph (c)(i), insert: 15
 - (ia) a parliamentary agency; or
- (5) In section 2(1), definition of **department**, replace paragraph (a)(v) to (vii) with:
 - (v) the Parliamentary Counsel Office; but 20
- (6) In section 2(1), definition of **department**, replace paragraph (b)(ii) with:
 - (ii) an Office of Parliament; or
 - (iii) a parliamentary agency
- (7) In section 2(1), definition of **departmental**, paragraphs (a) and (b), replace “a department or an Office of Parliament” with “a department, an Office of Parliament, or a parliamentary agency”. 25
- (8) In section 2(1), definition of **departmental revenue**,—
 - (a) replace “a department or an Office of Parliament” with “a department, an Office of Parliament, or a parliamentary agency”; and
 - (b) replace “the department or Office” with “the department, Office of Parliament, or parliamentary agency”. 30
- (9) In section 2(1), definition of **non-departmental**, replace “a department or an Office of Parliament” with “a department, an Office of Parliament, or a parliamentary agency” in each place.
- (10) In section 2(1), definition of **other expenses**, replace “a department, or an Office of Parliament” with “a department, an Office of Parliament, or a parliamentary agency”. 35

- (11) In section 2(1), definition of **outputs**, replace “Office of Parliament” with “Office of Parliament, parliamentary agency” in each place.
- (12) In section 2(1), insert in its appropriate alphabetical order:
parliamentary agency has the meaning given to it by **section 5** of the Parliament Act **2024** 5
- (13) In section 2(1), definition of **public money**, replace “an Office of Parliament” with “an Office of Parliament or a parliamentary agency”.
- (14) In section 2(1), definition of **responsible Minister**,—
 (a) paragraph (a), replace “an Office of Parliament, to the Office of the Clerk of the House of Representatives, or to the Parliamentary Service” 10
 with “an Office of Parliament or to a parliamentary agency”:
 (b) paragraph (b), replace “any other department” with “a department”:
- (15) In section 2(1), definition of **Vote**, replace paragraph (b)(ii) and (iii) with:
 (ii) a parliamentary agency
- 194 Section 3A amended (Power to amend Schedule 4)** 15
 In section 3A(1)(a)(i), replace “an Office of Parliament” with “an Office of Parliament or a parliamentary agency”.
- 195 Section 4 amended (Expenses or capital expenditure must not be incurred unless in accordance with appropriation or statutory authority)**
 In section 4(1), replace “The Crown or an Office of Parliament” with “The 20
 Crown, an Office of Parliament, or a parliamentary agency”.
- 196 Section 5 amended (Public money must not be spent unless in accordance with statutory authority)**
 In section 5, replace “The Crown or an Office of Parliament” with “The
 Crown, an Office of Parliament, or a parliamentary agency”. 25
- 197 Section 6 amended (Authority to spend public money)**
 In section 6(c) and (d), replace “the Crown or an Office of Parliament” with
 “the Crown, an Office of Parliament, or a parliamentary agency”.
- 198 Section 7C amended (Responsibility for, and administration and use of, appropriations)** 30
- (1) In section 7C(1), replace “the Crown or an Office of Parliament” with “the
 Crown, an Office of Parliament, or a parliamentary agency”.
- (2) Repeal section 7C(3).
- (3) In section 7C(4),—
 (a) replace “an Office of Parliament” with “an Office of Parliament or a 35
 parliamentary agency”:

- (b) replace “that Office of Parliament” with “that Office of Parliament or parliamentary agency”.

199 Section 12A amended (Capital injections must be authorised)

In section 12A(1), replace “or an Office of Parliament” with “, an Office of Parliament, or a parliamentary agency”.

5

200 Section 15C amended (End-of-year performance information requirements)

- (1) In section 15C(2)(c), replace “an Office of Parliament” with “an Office of Parliament, a parliamentary agency”.

- (2) In section 15C(3), replace “an Office of Parliament” with “an Office of Parliament, a parliamentary agency”.

10

201 Section 15D amended (Exemptions from end-of-year performance information requirements for certain categories of expenses and capital expenditure)

In section 15D(2)(a), replace “an Office of Parliament” with “an Office of Parliament, a parliamentary agency”.

15

202 Section 19A amended (Provision of end-of-year performance information other than by Ministers)

In section 19A(1), replace “Office of Parliament” with “Office of Parliament, parliamentary agency”.

20

203 New sections 26EA and 26EB and cross-heading inserted

After section 26E, insert:

Application of this Part to parliamentary agencies

26EA How this Part applies to appropriations administered by parliamentary agencies

25

- (1) **Subsection (2)** applies to an appropriation in a Vote that—

- (a) is administered by the Parliamentary Service; and
- (b) is appropriated for the purpose of authorising the Parliamentary Service to incur—
- (i) capital expenditure in respect of Crown assets managed or controlled by the Parliamentary Service; and
- (ii) associated depreciation expenses.

30

- (2) This Part (apart from **section 26EB**) applies to the appropriation, with all necessary modifications, as if references to a department were references to the Parliamentary Service.

35

- (3) **Section 26EB** applies to every other appropriation in a Vote administered by a parliamentary agency.

26EB House of Representatives may commend estimates or capital injection in relation to parliamentary agencies

- (1) Before an appropriation in a Vote administered by a parliamentary agency may be included in an Appropriation Bill for a financial year, the chief executive of the parliamentary agency must prepare and submit to the House of Representatives the following information: 5
- (a) an estimate of expenses and capital expenditure to be incurred for—
 - (i) each proposed appropriation; and 10
 - (ii) each proposed category of expenses or non-departmental capital expenditure within a multi-category appropriation; and
 - (b) the revenue of the parliamentary agency (including the revenue associated with each proposed expenses appropriation and each proposed category of expenses within a multi-category appropriation). 15
- (2) Before an authorisation for a capital injection to be made to a parliamentary agency may be included in an Appropriation Bill for a financial year, the chief executive of the parliamentary agency must submit to the House of Representatives the amount of the proposed capital injection.
- (3) The chief executive of the parliamentary agency must consult the Secretary before submitting information under **subsection (1) or (2)**. 20
- (4) The House of Representatives, after considering the information provided under **subsections (1) and (2)**, may for each parliamentary agency commend to the Governor-General, by way of an address,—
- (a) the estimates referred to in **subsection (1)(a)**; and 25
 - (b) the capital injection referred to in **subsection (2)**.
- (5) The House of Representatives may, in that address, request that the estimates be included as a Vote, and the capital injection be authorised, in an Appropriation Bill for that year.
- (6) If the Vote or authorisation is included in an Appropriation Bill for that year, this Part applies, with all necessary modifications, as if references to a department were references to a parliamentary agency. 30
- (7) An alteration to the Vote or authorisation during that year is subject to this section.

204 Section 27 amended (Annual financial statements of Government) 35

- (1) In section 27(2)(c)(iv), replace “departments and Offices of Parliament” with “departments, Offices of Parliament, and parliamentary agencies”.
- (2) After section 27(3)(d), insert:

(da) all parliamentary agencies:

205 Section 39 amended (Obligation to publish and present information on strategic intentions)

Replace section 39(7) with:

- (7) Information presented to the House of Representatives under subsection (4) must be accompanied by a statement, signed by the responsible Minister, that the information is consistent with the policies and performance expectations of the Government.

206 Section 45F amended (Application of this Part to Offices of Parliament)

In section 45F(2), replace “Section 39(7)(b)” with “**Section 39(7)**”.

207 New section 45FA inserted (Application of this Part to parliamentary agencies)

After section 45F, insert:

45FA Application of this Part to parliamentary agencies

- (1) This Part applies to a parliamentary agency, subject to **subsection (2)** and with the following (and any other necessary) modifications:
- (a) references to a department must be read as references to a parliamentary agency; and
 - (b) section 40(2)(d) must be read as if a parliamentary agency were not required to comply with the requirement for the information on strategic intentions to set out and explain any other matters that may be specified by the Minister or responsible Minister, but were instead required to have regard to those matters in preparing that information; and
 - (c) section 41 must be read as if the references in that section to the Minister were references to the Speaker.
- (2) **Section 39(7)** (which requires the information on strategic intentions to be accompanied by a statement that the information is consistent with the policies and performance expectations of the Government) does not apply to a parliamentary agency.

208 Section 65ZB amended (Application of this subpart to Offices of Parliament)

- (1) In the heading to section 65ZB, after “**Offices of Parliament**”, insert “**and parliamentary agencies**”.
- (2) In section 65ZB(1), replace—
- (a) “an Office of Parliament” with “an Office of Parliament or a parliamentary agency”; and

(b)	“between the Office” with “between the Office of Parliament or parliamentary agency”.	
(3)	In section 65ZB(2), replace “an Office of Parliament” with “an Office of Parliament or a parliamentary agency”.	
(4)	In section 65ZB(3),—	5
(a)	replace “an Office of Parliament” with “an Office of Parliament or a parliamentary agency” in each place; and	
(b)	replace “the Office” with “the Office of Parliament or the parliamentary agency” in each place.	
209	Section 73 amended (Payment of fines to local authorities and other organisations that conduct prosecutions)	10
	In section 73(1), replace “an Office of Parliament” with “an Office of Parliament, a parliamentary agency”.	
210	Section 74 amended (Unclaimed money)	
(1)	In section 74(1), replace “Office of Parliament” with “Office of Parliament, parliamentary agency”.	15
(2)	In section 74(3), replace “Office of Parliament” with “Office of Parliament, parliamentary agency”.	
211	Section 80 replaced (Treasury instructions)	
	Replace section 80 with:	20
80	Treasury instructions	
(1)	The Treasury may issue instructions for all or any of the purposes specified in section 81(1)(a), (ab), (b), (bc), (bd), and (c) to (e) to—	
(a)	departments; and	
(b)	the Parliamentary Service, but only in respect of any appropriation it administers to which section 26EA applies.	25
(2)	Subsection (1) is subject to the provisions of this Act and of any regulations made under this Act.	
(3)	The following persons must comply with instructions issued under this section:	
(a)	a chief executive of a department, to the extent that the instructions apply to that department:	30
(b)	the chief executive of the Parliamentary Service, to the extent that the instructions apply to the Parliamentary Service.	
(4)	Despite subsections (1) and (3) , the Treasury may issue instructions under this section to an intelligence and security department or to the Parliamentary Service—	35

- (a) only if the Secretary and the chief executive of the department or the Parliamentary Service, as applicable, agree and only to the extent of that agreement; or
- (b) if there is no agreement under **paragraph (a)**, only if the Minister and the responsible Minister jointly decide that the Treasury may issue the instructions. 5
- (5) The Treasury must publish the instructions on an internet site maintained by or on behalf of the Treasury as soon as practicable after issuing them.
- 212 Section 80A amended (Minister of Finance instructions)**
- (1) After section 80A(3)(a)(ii), insert: 10
- (ia) a parliamentary agency; or
- (2) In section 80A(4),—
- (a) replace “an Office of Parliament” with “an Office of Parliament, a parliamentary agency”; and
- (b) replace “department, Office” with “department, Office, agency”. 15
- 213 Section 81 amended (Regulations, Orders in Council, and notices)**
- In section 81(1)(ac), (b), and (ba), replace “Offices of Parliament” with “Offices of Parliament, parliamentary agencies”.
- 214 Section 82 amended (Consultation and approval requirements for regulations or instructions relating to reporting standards)** 20
- In section 82(1)(b), replace “Offices of Parliament” with “Offices of Parliament or parliamentary agencies” in each place.
- 215 Schedule 1 amended**
- In Schedule 1,—
- (a) insert the Part set out in **Schedule 7** of this Act as the last Part; and 25
- (b) make all necessary consequential amendments.

Part 9

Amendments to Citizens Initiated Referenda Act 1993

- 216 Principal Act**
- This Part amends the Citizens Initiated Referenda Act 1993. 30
- 217 Section 2 amended (Interpretation)**
- In section 2, insert in its appropriate alphabetical order:
- notice date** means the date on which the Clerk of the House of Representatives gives notice under **section 13(1A)(a)**

218 Section 6 replaced (Proposal to promote indicative referendum petition)

Replace section 6 with:

6 Proposal to promote indicative referendum petition

- (1) A person who wishes to promote an indicative referendum petition must—
 - (a) submit to the Clerk of the House of Representatives a proposal to promote an indicative referendum petition; and 5
 - (b) pay the fee prescribed by regulations (if any).
- (2) The proposal must include all of the following information:
 - (a) the wording of the indicative referendum petition that the person wishes to promote: 10
 - (b) the names of—
 - (i) the person; and
 - (ii) if applicable, the person's representative:
 - (c) the contact details of the person or their representative, including an address in New Zealand at which the person or their representative can be contacted. 15

219 Section 7 amended (Gazetting of notice of proposal for indicative referendum petition)

- (1) In section 7(1), replace “in such newspapers as he or she considers necessary” with “on an internet site maintained by or on behalf of Parliament”. 20
- (2) In section 7(2)(b), replace “give 3 written copies of those comments” with “provide those comments, by electronic means or by post,”.

220 Section 11 amended (Determination of precise question)

After section 11(2)(a)(iii), insert:

- (iv) fails to respond within 21 days to a communication from the Clerk of the House of Representatives; or 25

221 Section 12 amended (Approval of form)

In section 12(1), replace “shall approve in writing” with “must approve”.

222 Section 13 amended (Notification of determination and approval)

Replace section 13(1) with: 30

- (1) As soon as practicable after approving a form under section 12, the Clerk of the House of Representatives must give notice that they have,—
 - (a) under section 11, determined the wording of the precise question to be put to voters; and
 - (b) under section 12, approved the form to be used for collecting signatures. 35

- (1A) The notice must be given—
- (a) by electronic means, or by post, to the person who submitted the proposal to promote the indicative referendum petition or to that person's representative; and
 - (b) to the public by notice in the *Gazette* and on an internet site maintained by or on behalf of Parliament. 5
- 223 Section 14 amended (Promotion of indicative referendum petition)**
- In section 14(2), replace “on forms approved in writing” with “on printed forms approved”.
- 224 Section 15 amended (Requirements in relation to indicative referendum petition)** 10
- After section 15(5), insert:
- (6) After receiving a petition under subsection (3), the Clerk of the House of Representatives must, as soon as practicable,—
- (a) refer the petition to the Electoral Commission; and 15
 - (b) provide the following information to the Electoral Commission:
 - (i) a copy of the form approved under section 12:
 - (ii) the contact details provided under **section 6(2)(c)**:
 - (iii) the notice date; and
 - (c) notify the promoter that the petition has been referred to the Electoral Commission under this section. 20
- 225 Section 16 amended (Duties of Clerk of House of Representatives on receipt of indicative referendum petition)**
- (1) In the heading to section 16, replace “**Clerk of House of Representatives**” with “**Electoral Commission**”. 25
 - (2) In section 16(1), replace “pursuant to section 15(3), the Clerk of the House of Representatives shall” with “under **section 15(6)(a)**, the Electoral Commission must”.
 - (3) Replace section 16(2) with:
 - (2) The petition lapses if the Electoral Commission finds that the total number of signatures on a petition referred to it under **section 15(6)(a)** is less than the number of eligible electors required to sign a petition before it can be certified correct under **section 18**. 30
- 226 Sections 18 and 19 replaced**
- Replace sections 18 and 19 with: 35

18	Certification of indicative referendum petition	
(1)	Subsection (2) applies if the Electoral Commission receives an indicative referendum petition under section 15(6)(a) that complies with section 14(2).	
(2)	The Electoral Commission must certify that the petition—	
(a)	is correct and—	5
(i)	give it to the Speaker; and	
(ii)	notify the promoter of the petition of the Commission's certification; or	
(b)	is lapsed and—	
(i)	return it to the promoter of the petition; and	10
(ii)	notify the Clerk of the House of Representatives of the lapse.	
(3)	Subject to the provisions of this Act, the Electoral Commission must certify that the indicative referendum petition is correct if the Commission—	
(a)	has followed the procedure set out in section 19 ; and	
(b)	is satisfied that—	15
(i)	the petition has been signed by not less than 10% of the eligible electors; and	
(ii)	the signatures on the petition were collected after the notice date.	
(4)	The Electoral Commission must certify an indicative referendum petition under subsection (2) within 2 months of the receipt date.	20
(5)	Despite subsection (4) , if the 2-month period includes, in whole or in part, an election period, then the Electoral Commission must certify the indicative referendum petition within the period of 2 months that—	
(a)	starts on the receipt date; and	
(b)	excludes the election period.	25
(6)	In this section,—	
	constituency candidate , general election , and writ each have the meanings given in section 3(1) of the Electoral Act 1993	
	election period means the period that, in relation to a general election,—	
(a)	commences on the date beginning with the issue of the writ for the election of members of Parliament for all electoral districts within New Zealand; and	30
(b)	ends with the day appointed as the latest day for the return of the writ containing the names of constituency candidates who are elected	
	receipt date means the date on which the Electoral Commission receives the petition under section 15(6)(a) .	35

19 Procedure in relation to certification

- (1) This section sets out the procedure that the Electoral Commission must follow to ascertain whether to certify that an indicative referendum petition is correct in accordance with **section 18(2)**.
- (2) The Electoral Commission must— 5
- (a) work with the Government Statistician to—
 - (i) calculate the number of signatures that must be checked for the purpose of providing a sample that can, with confidence, be regarded as providing an accurate estimate of the result that would be obtained if all of the signatures were checked; and 10
 - (ii) extract that number of signatures (the **sample signatures**) from the signatures to the petition; and
 - (b) check whether the signatories who provided the sample signatures are eligible electors; and
 - (c) work with the Government Statistician to determine whether the petition has, after the notice date, been signed by at least 10% of the eligible electors. 15

227 Section 21 amended (Duty of Speaker to present indicative referendum petition to House)

In section 21, replace “Clerk of the House of Representatives” with “Electoral Commission”. 20

228 Section 22A amended (Withdrawal of indicative referendum petition)

After section 22A(3), insert:

- (4) If the Clerk of the House of Representatives has referred the petition to the Electoral Commission under **section 15(6)(a)**, the Clerk of the House of Representatives must notify the Electoral Commission of the notice of withdrawal. 25

229 Section 23 replaced (Delegation of functions of Clerk of the House of Representatives)

Replace section 23 with:

- 23 Delegation of functions of Clerk of the House of Representatives** 30
- (1) The Clerk of the House of Representatives must not delegate to any other person (other than the Deputy Clerk of the House of Representatives) any of the Clerk’s functions under section 9, 11, 12, 13, or **15(6)**.
- (2) This section— 35
- (a) applies despite **section 105** of the Parliament Act **2024**;
 - (b) does not affect the operation of **sections 108 to 110** of that Act.

Part 10 Amendments to other Acts

Subpart 1—Amendment to Privacy Act 2020

230 Principal Act

This subpart amends the Privacy Act 2020. 5

231 Section 8 amended (Meaning of New Zealand agency)

Replace section 8(b)(vi) with:

- (vi) the Parliamentary Service, except in relation to the following personal information:
 - (A) personal information about any employee or former employee of the Parliamentary Service in their capacity as an employee: 10
 - (B) personal information obtained by a parliamentary security officer under **Part 7** of the Parliament Act **2024**; or

Subpart 2—Amendments to Public Audit Act 2001 15

232 Principal Act

This subpart amends the Public Audit Act 2001.

233 Section 4 amended (Interpretation)

- (1) In section 4, definition of **Crown**, after paragraph (c)(i), insert:
 - (ia) a parliamentary agency; or 20
- (2) In section 4, insert in its appropriate alphabetical order:

parliamentary agency has the meaning given to it by **section 5** of the Parliament Act **2024**

234 Section 5 amended (Meaning of public entity)

After section 5(1)(b), insert: 25

- (ba) each parliamentary agency:

235 Section 15 amended (Financial report audit)

Replace section 15(2) with:

- (2) In the case of an audit of a department, an Office of Parliament, or a parliamentary agency, the Auditor-General must also audit the appropriations administered by the department, Office, or agency. 30

236 Schedule 2 amended

In Schedule 2,—

- (a) repeal the item relating to the Office of the Clerk of the House of Representatives; and
- (b) repeal the item relating to the Parliamentary Service.

Subpart 3—Minor and consequential amendments to other legislation

237 Minor and consequential amendments 5

Amend the legislation specified in **Schedule 8** of the ~~Parliament~~ this Act **2024** as set out in that schedule.

Part 11

Repeals and revocation

238 Acts repealed 10

The following Acts are repealed:

- (a) Legislative Council Abolition Act 1950 (1950 No 3):
- (b) Clerk of the House of Representatives Act 1988 (1988 No 126):
- (c) Parliamentary Service Act 2000 (2000 No 17):
- (d) Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93): 15
- (e) Parliamentary Privilege Act 2014 (2014 No 58).

239 Resolution revoked

The Revocation of Parliamentary Service (Additional Parliamentary Precinct) Resolution 2009 (LI 2019/7) is revoked. 20

Schedule 1

Transitional, savings, and related provisions

s 7

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Part 1

Provisions relating to this Act as enacted

1 Interpretation of this Part

In this Part,—

1988 Act means the Clerk of the House of Representatives Act 1988 5

2000 Act means the Parliamentary Service Act 2000

2013 Act means the Members of Parliament (Remuneration and Services) Act
2013

commencement date means the day specified in **section 2(1)**.

Subpart 1—Provisions relating to repeal of 1988 Act 10

2 Clerk continued

- (1) This clause applies to the person who, immediately before the commencement date, was the Clerk.
- (2) On and after the commencement date,—
 - (a) the person continues as the Clerk as if that person had been appointed under this Act; and 15
 - (b) the person's appointment under this Act is to be treated as having been made on the date on which the person was appointed as the Clerk under section 2 of the 1988 Act.
- (3) The terms and conditions of appointment of the person are the same as the terms and conditions of their appointment immediately before the commencement date except as amended by this Act. 20
- (4) The person is eligible for reappointment in accordance with this Act.

3 Deputy Clerk continued

- (1) This clause applies to the person who, immediately before the commencement date, was the Deputy Clerk. 25
- (2) The person continues in the office of Deputy Clerk on and after the commencement date in accordance with **subclause (3)**.

- (3) ~~Unless the person resigns or is removed from office or dies, the person continues to hold the office of Deputy Clerk while their term of office is unexpired until—~~
- ~~(a) the end of the day that is 6 months after the commencement date; or~~
 - ~~(b) an earlier date on which the person accepts an offer of appointment from, and agrees to employment arrangements with, the Clerk.~~ 5
- (3) Provided that their term of office is unexpired, the person continues to hold the office of Deputy Clerk as if the 1988 Act were still in force until the earlier of the following dates:
- (a) if the Clerk appoints the person as an employee under **section 113**, a date agreed by the person with the Clerk: 10
 - (b) the end of the day that is 6 months after the commencement date.
- (3A) However, **subclause (3)** does not apply if the person—
- (a) resigns; or
 - (b) is removed from office; or 15
 - (c) dies.
- (4) If the person ceases to hold office under **subclause (3)(a)**, no compensation is payable for loss of office.

4 Officers of the House continued

- (1) This clause applies to a person who, immediately before the commencement date, was an officer of the House appointed as an employee of the Office of the Clerk under section 18 of the 1988 Act. 20
- (2) On and after the commencement date, the person continues as an officer of the House as if that person had been appointed under this Act.
- (3) The terms and conditions of employment of the person are the same as the terms and conditions of their employment immediately before the commencement date except as amended by this Act. 25

5 Superannuation continued

An entitlement of an officer of the House under any superannuation scheme, or arrangement in respect of superannuation, that applied to that officer of the House immediately before the commencement date is not affected by— 30

- (a) the repeal of section 28 of the 1988 Act by **section 238(b)**; or
- (b) the replacement of section 28 by **clause 16 of Schedule 5**.

Subpart 2—Provisions relating to repeal of 2000 Act

*Parliamentary precincts***6 Parliamentary Service (Parliamentary Precincts) Resolution 2021 continued**

The Parliamentary Service (Parliamentary Precincts) Resolution 2021 made under section 25(1) and (2) of the 2000 Act continues in force and— 5

- (a) must be treated as if it had been made under **section 52(1)** of this Act; and
- (b) may be amended or revoked as if it had been made under that section.

Chief executive, employment, and superannuation 10**7 Chief executive continued**

- (1) This clause applies to the person who, immediately before the commencement date, was the chief executive.
- (2) On and after the commencement date,—
 - (a) the person continues as the chief executive as if the person had been appointed under this Act; and 15
 - (b) the person's appointment under this Act is to be treated as having been made on the date on which the person was appointed as the chief executive under clause 1(1) of Schedule 1 of the 2000 Act.
- (3) The person's appointment is to be treated as having been made for a term of 5 years, in accordance with clause 4 of Schedule 1 of the 2000 Act, and **clause 8(1)(a) of Schedule 4** of this Act does not apply to the person. 20
- (4) All other terms and conditions of appointment of the person are the same as the terms and conditions of their appointment immediately before the commencement date except as amended by this Act. 25
- (5) The person is eligible for reappointment in accordance with this Act.

8 Employees of Parliamentary Service continued

- (1) This clause applies to a person who, immediately before the commencement date, was an employee of the Parliamentary Service.
- (2) On and after the commencement date, the person continues as an employee of the Parliamentary Service as if that person had been appointed under this Act. 30
- (3) The terms and conditions of employment of the person are the same as the terms and conditions of their employment immediately before the commencement date except as amended by this Act.

9 Superannuation continued

An entitlement of an employee under any superannuation scheme, or arrangement in respect of superannuation, that applied to that employee immediately before the commencement date is not affected by—

- (a) the repeal of clause 10 of Schedule 1 of the 2000 Act by **section 238(c)**; or 5
- (b) the replacement of clause 10 by **clause 16 of Schedule 5**.

*Parliamentary Corporation***10 Membership of Parliamentary Corporation continued**

- (1) This clause applies to a person who, immediately before the commencement date, was a member of the Parliamentary Corporation. 10
- (2) On and after the commencement date, the person continues as a member of the Parliamentary Corporation as if that person had been appointed under this Act.

*Parliamentary Service Commission***11 Membership of Parliamentary Service Commission continued** 15

- (1) This clause applies to a person who, immediately before the commencement date, was a member of the Parliamentary Service Commission.
- (2) On and after the commencement date, the person continues as a member of the Parliamentary Service Commission as if the person had been appointed under this Act. 20

*Appropriations review committee***12 Transitional arrangement for appropriations review committee**

- (1) Sections 20 to 22 of the 2000 Act continue to apply as if this Act had not been enacted if—
 - (a) the Speaker has, before the commencement date, established an appropriations review committee under section 20 of the 2000 Act; and 25
 - (b) the appropriations review committee has not yet reported to the Speaker under section 22 of the 2000 Act.
- (2) This clause is repealed on the close of 31 December ~~2026~~ 2029.

Subpart 3—Provisions relating to repeal of 2013 Act 30**13 ~~Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023~~ continued**

- (1) ~~The Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023 (the 2023 determination) made under section 17 of the 2013 Act continues in force.~~ 35

- (2) The 2023 determination must be—
- (a) ~~treated as if the 2013 Act were still in force, in relation to matters determined under—~~
 - (i) ~~section 17(1)(a) of that Act; and~~
 - (ii) ~~section 17(1)(d) of that Act, to the extent to which services continue to be provided under section 17(1)(a) after a member of Parliament vacates their seat; and~~ 5
 - (b) ~~treated as if it had been made under **section 71** of this Act, in relation to matters determined under—~~
 - (i) ~~section 17(1)(b) of the 2013 Act; and~~ 10
 - (ii) ~~section 17(1)(d) of the 2013 Act, to the extent to which services continue to be provided under section 17(1)(b) after a Minister ceases to be a member of the Executive Council; and~~
 - (c) ~~treated as if it had been made under **section 71** of this Act, in relation to matters determined under—~~ 15
 - (i) ~~section 17(1)(c) of the 2013 Act; and~~
 - (ii) ~~section 17(1)(d) of the 2013 Act, to the extent to which services continue to be provided under section 17(1)(c) to family members after a member of Parliament vacates their seat or a Minister ceases to be a member of the Executive Council.~~ 20
- (3) The 2023 determination, to the extent that it relates to the matters described in **subclause (2)(a)**,—
- (a) ~~may be amended or revoked as if the 2013 Act were still in force; and~~
 - (b) ~~is revoked on the day on which a determination made by the Speaker under **section 84(1)** of this Act for the purpose set out in **section 85(1)(a)** comes into force.~~ 25
- (4) The 2023 determination, to the extent that it relates to the matters described in **subclause (2)(b) and (c)**, may be amended or revoked as if made under **section 71** of this Act.
- 14 Other secondary Secondary legislation made by Remuneration Authority continued** 30
- (1) The Parliamentary Salaries and Allowances Determination 2024 made under section 8 of the 2013 Act continues in force and—
- (a) ~~must be treated as if it had been made under **section 70** of this Act; and~~
 - (b) ~~may be amended or revoked as if it had been made under that section.~~ 35
- (1A) The Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023 made under section 17 of the 2013 Act continues in force and—
- (a) must be treated as if the 2013 Act were still in force; and

-
- (b) may be amended or revoked as if the 2013 Act were still in force; and
- (c) is revoked on the day after polling day for the first general election that takes place on or after the commencement date.
- (2) The Parliamentary Annuities Determination ~~2023~~ 2024 made under section 43 of the 2013 Act continues in force and— 5
- (a) must be treated as if it had been made under **section 72** of this Act; and
- (b) may be amended or revoked as if it had been made under that section.
- (3) The Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 made under section 44 of the 2013 Act continues in force and— 10
- (a) must be treated as if it had been made under **section 73** of this Act; and
- (b) may be amended or revoked as if it had been made under that section.
- (4) This clause is subject to section 19 of the Remuneration Authority Act 1977.
- 15 Secondary legislation made by Speaker continued**
- (1) The Speaker's Directions 2023 made under section 23 of the 2013 Act continues in force and— 15
- ~~(a) must be treated as if it had been made under **section 84(1)** of this Act; and~~
- ~~(b) may be amended or revoked as if it had been made under that section.~~
- (a) must be treated as if the 2013 Act were still in force; and
- (b) may be amended or revoked as if the 2013 Act were still in force; and 20
- (c) are revoked on the day after polling day for the first general election that takes place on or after the commencement date.
- (2) The Members of Parliament (Official Inter-Parliamentary Relations Programme) Travel and Accommodation Services Determination 2019 made under sections 34 and 35 of the 2013 Act continues in force and— 25
- (a) must be treated as if it had been made under **section 88** of this Act; and
- (b) may be amended or revoked as if it had been made under that section.
- 16 Secondary legislation made by Minister Responsible for Ministerial Services continued**
- The Ministers' Travel Services within New Zealand Determination 2023 made under section 27 of the 2013 Act continues in force and— 30
- ~~(a) must be treated as if it had been made under **section 95** of this Act; and~~
- ~~(b) may be amended or revoked as if it had been made under that section.~~
- (a) must be treated as if the 2013 Act were still in force; and
- (b) may be amended or revoked as if the 2013 Act were still in force; and 35

- (c) is revoked on the day after polling day for the first general election that takes place on or after the commencement date.

Subpart 4—Provisions relating to repeal of Legislative Council Abolition Act 1950

17 How to read certain historic references to Parliament and House of Representatives 5

On or after the commencement date,—

- (a) a reference to the Legislature in any legislation other than the Constitution Act 1986 must, unless the context otherwise requires, be read as a reference to the Parliament of New Zealand: 10
- (b) each of the following references in any legislation must, unless the context otherwise requires, be read as a reference to the House of Representatives:
 - (i) the Legislative Council and House of Representatives:
 - (ii) both Houses of Parliament: 15
 - (iii) both Houses of the General Assembly.

Guidance note

See *also* section 29(2) of the Constitution Act 1986, which provides for references to the General Assembly in legislation to be read as references to the Parliament of New Zealand. 20

Compare: 1950 No 3 s 2(3), (4)

Subpart 5—Other provisions

18 Code of conduct continued

- (1) This clause applies to a code of conduct that—
 - (a) applies to a parliamentary agency (the **affected parliamentary agency**); and 25
 - (b) was issued by the Clerk, the chief executive, or both; and
 - (c) is current immediately before the commencement date.
- (2) On and after the commencement date, the code of conduct—
 - (a) continues to apply to the affected parliamentary agency as if it were a minimum standard set under **clause 18 of Schedule 5** of this Act; but 30
 - (b) ceases to apply to the affected parliamentary agency if replaced by a minimum standard set under **clause 18 of Schedule 5** of this Act.

Schedule 2

Parliamentary precincts

ss 53, 54

Part 1

Land vested in Sovereign for purposes related to Parliament

Buildings and grounds

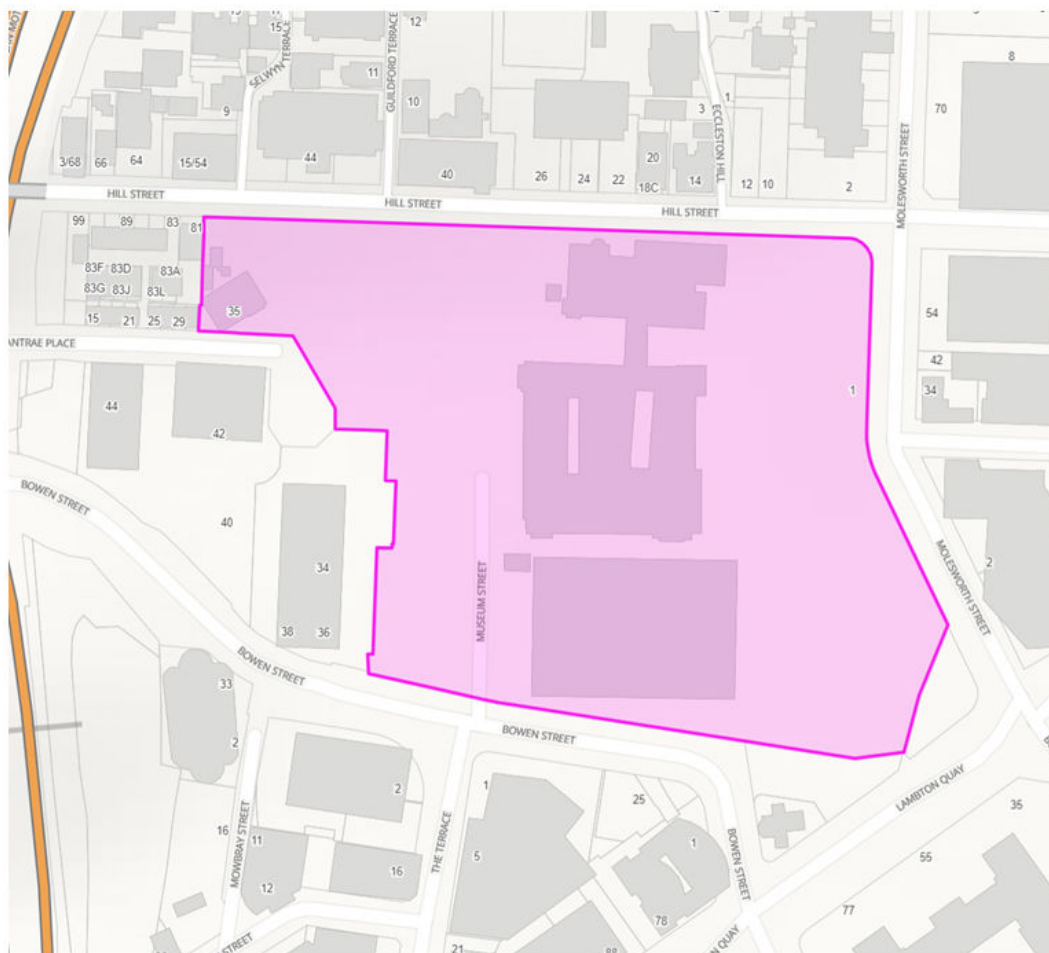
5

All that parcel of land comprising 4.5592 hectares more or less being Section 1 Survey Office Plan 38114 as the same is comprised and described in record of title 10240 (Wellington Land Registration District).

Part 2

Map of parliamentary precincts

10



Schedule 3

Administration of salaries, allowances, annuities, expenses, and services for members and others

s 58

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1 Outline of this schedule

- (1) **Part 1** of this schedule sets out provisions relating to administering salaries, allowances, and annuities, additional to those in **Part 4** of this Act.

- (2) **Part 2** of this schedule sets out provisions relating to administering expenses and services, additional to those in **Part 4** of this Act.
- (3) **Part 3** of this schedule provides for travel rebates for former members who held office before the 1999 general election.

Part 1

5

Administration of salaries, allowances, and annuities

2 Period for which salaries and allowances of members payable

- (1) The salary and allowance of each member are payable for the period—
 - (a) starting on the day after polling day for the election at which the member is elected; and 10
 - (b) ending on the earlier of the following days:
 - (i) polling day for the next general election:
 - (ii) the day on which the member's seat becomes vacant.
- (2) However, if the member is returned at a by-election that is not contested,—
 - (a) **subclause (1)(a)** does not apply; and 15
 - (b) the member's salary and allowance are payable starting on the day of the return of the writ for the by-election under section 185 of the Electoral Act 1993.
- (3) If the member is declared to be elected to fill a vacancy in the seat of a member elected from a party list,— 20
 - (a) **subclause (1)(a)** does not apply; and
 - (b) the member's salary and allowance are payable starting on the day on which the member is returned under section 138(a) of the Electoral Act 1993.

Compare: 2013 No 93 s 10

25

Certain circumstances in which salaries and allowances payable

3 Additional salary payable if member does not stand or is not re-elected at general election

- (1) This clause applies to a person who is a member immediately before the dissolution of a Parliament and— 30
 - (a) is not a candidate at the next general election; or
 - (b) is an unsuccessful candidate at that general election.
- (2) A salary is payable to the person for the period—
 - (a) starting on the day after the day on which the salary payable to the person under **clause 2** ceases to be payable; and 35

- (b) ending on the day that is 3 months after polling day (the **end date**).
- (3) ~~However, if the person dies before the end date,—~~
- (a) ~~**subclause (2)(b)** does not apply; and~~
- (b) ~~a salary is payable to the person ending on the day of the person's death.~~
- (4) If the person is, before the end date, declared to be elected as a member following a by-election,— 5
- (a) **subclause (2)(b)** does not apply; and
- (b) a salary is payable to the person for the period ending on the day before the day of the return of the writ for the by-election under section 185 of the Electoral Act 1993. 10
- (5) If the person is, before the end date, declared to be elected as a member following a vacancy arising in the seat of a member elected from a party list,—
- (a) **subclause (2)(b)** does not apply; and
- (b) a salary is payable to the person for the period ending on the day before the day on which the member is returned under section 138(a) of the Electoral Act 1993. 15
- (6) If the person dies before the end date, **clause 8** applies, starting on the day after the date on which the member dies.
- Compare: 2013 No 93 s 11(1), (2)
- 4 Rate at which additional salary payable** 20
- (1) A salary under **clause 3** is payable at the previous ordinary member rate, unless **subclause (2) or (3)** applies.
- (2) If, on polling day, the person held office as Speaker or Deputy Speaker, the person's salary under **clause 3** is payable—
- (a) at the particular member rate for the period starting on the day after polling day and ending on the day of the first meeting of the House of Representatives after the general election; and 25
- (b) at the previous ordinary member rate for the period starting on the day after the day of the first meeting of the House of Representatives after the general election and ending on the day that is 3 months after polling day. 30
- (3) If, on polling day, the person held office as a Minister or as a Parliamentary Under-Secretary, the person's salary under **clause 3** is payable—
- (a) at the particular member rate for the period starting on the day after polling day and ending on the day on which the person ceases to hold that office; and 35
- (b) at the previous ordinary member rate for the period starting on the day after the day on which the person ceases to hold that office and ending on the day that is 3 months after polling day.

- (4) **Subclause (5)** applies to a person to whom **subclause (2) or (3)** applies if any of the circumstances described in **clause 3(3), (4), or (5)** subsequently apply to that person.
- (4) In respect of a person to whom **subclause (2) or (3)** applies,—
- (a) if the circumstances described in **clause 3(4) or (5)** subsequently apply to that person, the salary payable under **subclause (2) or (3)**, as the case may be, ceases to be payable on the day specified in **clause 3(4)(b) or (5)(b)**, whichever is applicable: 5
- (b) if the circumstances described in **clause 3(6)** subsequently apply to that person,— 10
- (i) the salary payable under **subclause (2) or (3)** ceases to be payable on the day of the person's death; and
- (ii) **clause 8** applies, starting on the day after the date on which the member dies.
- (5) Despite **subclauses (2) and (3)**, the salary payable under **subclause (2) or (3)**, as the case may be, ends on the day specified in **clause 3(3)(b), (4)(b), or (5)(b)**, whichever is applicable. 15
- (6) In this clause,—
- ordinary member rate** means the rate at which the salary determined under **section 70** was payable, as at polling day, to an ordinary member 20
- particular member rate** means the rate at which the salary determined under **section 70** was payable, as at polling day, to the holder of the office of the Speaker, the Deputy Speaker, a Minister, or a Parliamentary Under-Secretary, as applicable.
- (6) In this clause, **particular member rate** means the rate at which the salary determined under **section 70** was payable, as at polling day, to the holder of the office of the Speaker, the Deputy Speaker, a Minister, or a Parliamentary Under-Secretary, as applicable. 25
- Compare: 2013 No 93 s 11(3)
- 5 Salaries and allowances payable in case of election petition** 30
- (1) This clause applies if an election petition relating to a member's election to the House of Representatives is presented to the court in accordance with Part 8 of the Electoral Act 1993.
- Salary payable to person not duly elected or returned*
- (2) **Subclause (3)** applies if the court determines at the end of the trial of an election petition that— 35
- (a) a person elected or returned was not duly elected or returned; or
- (b) the election at which the person was elected or returned was void.

- (3) The person must be paid the salary and allowance to which the person would have been entitled if the person had been duly elected or returned as a member for the period—
- (a) starting on—
 - (i) the day after polling day; or 5
 - (ii) in the case of a by-election that is not contested, the day of the return of the writ for the by-election under section 185 of the Electoral Act 1993; and
 - (b) ending on the earlier of the following days:
 - (i) the day on which the House of Representatives gives section 246 10 directions for the altering of the return:
 - (ii) the day on which the seat becomes vacant.

Salary payable to person duly elected

- (4) **Subclause (5)** applies if—
- (a) the court determines at the end of the trial of an election petition that a 15 person other than the person elected or returned was duly elected; and
 - (b) the return is altered in accordance with section 246 directions to carry out the court's determination.
- (5) The person determined to be duly elected must be paid the salary and allowance to which the person would have been entitled if that person's name had 20 been endorsed on the writ or return when it was first returned.

- (6) In this clause,—

court means the High Court or the Court of Appeal

election petition has the meaning given to it by section 229(1) of the Electoral Act 1993 25

section 246 directions means directions under section 246(2) of the Electoral Act 1993.

Compare: 2013 No 93 s 12

Certain circumstances in which salaries and allowances not payable

- 6 Deductions from salary payments if member absent from House of Representatives** 30
- (1) If a member has been absent from the House of Representatives for a total of 3 sitting days since the start of a calendar year, an amount must be deducted from the member's gross salary for the fourth and each subsequent sitting day on which the member is absent during the calendar year. 35
 - (2) The amount to be deducted must be calculated in accordance with the following formula:

$$a \times b$$

where—

a is 0.2%

b is the gross yearly salary payable to that member as at the date of the member's absence.

5

(3) The deduction must be made as soon as practicable after the sitting day for which the deduction is required to be made.

(4) However, before a deduction is made, the Speaker must certify that—

(a) the circumstances described in **subclause (1)** apply to the member concerned; and

10

(b) the member's gross salary must be deducted in accordance with this clause.

(5) A member is only to be treated as absent on a particular day if the member is, on that day, absent without permission in accordance with the rules and practice of the House of Representatives.

15

Compare: 2013 No 93 s 13

7 Deductions from salary payments if member suspended from service of House of Representatives

(1) If the House of Representatives suspends a member from the service of the House of Representatives, an amount must be deducted from the member's gross salary for each day that the member is suspended.

20

(2) The amount to be deducted must be calculated in accordance with the following formula:

$$a \times b$$

where—

25

a is 0.2%

b is the gross yearly salary payable to that member as at the date of the member's suspension.

(3) The deduction must be made as soon as practicable after the day on which the member is suspended.

30

(4) However, before a deduction is made, the Speaker must certify that—

(a) the member has been suspended from the House of Representatives; and

(b) the member is suspended for a specified period (which must be stated in the certificate); and

(c) the member's gross salary must be deducted in accordance with this clause.

35

Compare: 2013 No 93 s 14

Member dying in office: entitlements of family members

- 8 Salary payments to spouse, partner, dependent child, or adult dependant of member dying in office**
- (1) ~~This clause applies if a member dies while in office.~~
- (1) This clause applies if a member dies— 5
- (a) while in office; or
- (b) during the period described in **clause 3(2)**.
- (2) If the member is survived by a spouse or partner, the spouse or partner must be paid the specified sum of money.
- (3) If the member is not survived by a spouse or partner but is survived by a dependent child or an adult dependant, the specified sum of money must be paid— 10
- (a) to the dependent child or adult dependant; or
- (b) if the member is survived by more than 1 dependent child or adult dependant, to those children or dependants in equal shares. 15
- (4) If all or part of a specified sum of money is payable under this clause to a person who is under the age of 18 years, the money may be paid, by direction of the Speaker, to—
- (a) that person; or
- (b) a guardian or caregiver of that person, to be applied solely for the maintenance, education, advancement, or benefit of that person. 20
- (5) Receipt of the money by the guardian or caregiver is a good discharge to the Speaker for the payment of the specified sum of money or for that part of the specified sum of money that was payable.
- (6) ~~The specified sum of money to be paid under this clause is calculated by—~~ 25
- (a) ~~calculating the salary payable to an ordinary member for the 3-month period starting on the day after the date on which the member died (the gross amount); and~~
- (b) ~~treating the gross amount as the member's income for tax purposes.~~
- (6) The specified sum of money to be paid under this clause is calculated by whichever of the following methods is applicable: 30
- (a) in the case of a member who dies while in office,—
- (i) calculating the salary payable at the ordinary member rate for the 3-month period starting on the day after the date on which the member dies (the gross amount); and 35
- (ii) treating the gross amount as the member's income for tax purposes:

- (b) in the case of a member who dies during the period described in **clause 3(2)**,—
- (i) calculating the salary payable at the previous ordinary member rate for the remainder of that period (the **remaining amount**); and
- (ii) treating the remaining amount as the member's income for tax purposes. 5

Compare: 2013 No 93 s 45

9 Conflicting claims by family members to payment

- (1) If more than 1 person claims to be entitled to a payment under **clause 8(2) or (3)**, the chief executive must decide— 10
- (a) whether more than 1 person is entitled to the payment; and
- (b) if so, the proportion of the payment payable to each person entitled to it.
- (2) The chief executive must make, or arrange for, the payment in accordance with the decision.
- (3) If more than 1 person is entitled to the payment, the total amount paid to the persons entitled to it must not exceed the amount that would have been paid if only 1 person were entitled to it. 15
- (4) A person who claims to be entitled to a payment and who is dissatisfied with the chief executive's decision under this clause about the payment may appeal against the decision to the High Court. 20
- (5) The High Court Rules 2016 and sections 126 to 130 of the District Court Act 2016 apply, with all necessary modifications, to the appeal as if it were an appeal under section 124 of that Act.
- (6) The provisions of the Senior Courts Act 2016 relating to appeals to the Court of Appeal against decisions of the High Court apply to an order or a decision of the High Court on the appeal. 25

Compare: 2013 No 93 s 46

Annuity payments to former Prime Ministers and surviving spouses or partners

10 Payment of annuity to former Prime Minister and surviving spouse or partner 30

- (1) An annuity is not payable to a person under **section 72(1)** during any period in which the person—
- (a) holds an office for which a salary (other than ~~the a salary of an payable at the~~ ordinary member rate) is payable under—
- (i) a determination made under **section 70**; or 35
- (ii) the Governor-General Act 2010; or
- (b) receives an additional salary (other than ~~the a salary of an payable at the~~ previous ordinary member rate) under **clause 3**.

- (2) The annuity payable to a surviving spouse or partner under **section 72(4)** is payable—
- (a) whether or not the spouse or partner remarries or re-partners; and
 - (b) until the spouse or partner dies.
- Compare: 2013 No 93 s 43(1)(b), (2)(b), (3)

5

11 Conflicting claims by family members to annuity

If more than 1 person claims to be entitled to an annuity under **section 72(4)**, **clause 9** applies as if—

- (a) a reference to a payment were a reference to an annuity; and
- (b) a reference to the chief executive were a reference to a person authorised to make decisions under this clause by the Minister Responsible for Ministerial Services.

10

Compare: 2013 No 93 s 46

Part 2

Administration of expenses and services

15

Subpart 1—Rules relating to expenses and services

Cost of publication of election and referendum advertisements

12 Public money generally not to be used for publication of advertisements during regulated period

- (1) Public money must not be used to pay for the publication of the following advertisements:
- (a) an election advertisement that is published during the regulated period for a general election:
 - (b) a referendum advertisement that is published during the regulated period for a government-initiated referendum.

25

- (2) This clause and **clause 13** apply regardless of when any expense in relation to the advertisement is incurred or paid.

Compare: 2000 No 17 s 3B(2)(b), (c), (3)

13 Public money may be used for publication of certain advertisements overlapping with regulated period

30

- (1) This clause applies if an advertisement can be publicly funded under a determination made under **section 84(1)** for the purpose set out in **section 86(1)** and—
- (a) that advertisement is an election advertisement that is published—

- (i) before the regulated period for the general election or by-election concerned and continues to be published during the regulated period; or
 - (ii) both before and during that regulated period; or
 - (b) that advertisement is a referendum advertisement that is published— 5
 - (i) before the regulated period for the government-initiated referendum concerned and continues to be published during the regulated period; or
 - (ii) both before and during that regulated period.
 - (2) Public money may be used to pay for only the portion of the expenses that is attributed to publishing the advertisement before the regulated period. 10
 - (3) The chief executive must apportion the expenses for the publication of the advertisement between—
 - (a) the period before the regulated period; and
 - (b) the regulated period. 15
- Compare: 2000 No 17 s 3C

No payments for period in which person receives salary as head of mission or post

- 14 No payments for period in which person receives salary as head of mission or post** 20
- (1) A person who receives a salary as head of mission or head of post (within the meaning of the Foreign Affairs Act 1988) in respect of any period may not receive payment under a determination made under **section 70, 71, 84, 88, or 95** in respect of that period.
 - (2) This clause applies despite anything in this schedule or **Part 4**. 25
- Compare: 2013 No 93 s 15

Conversion of expenses and services

- 15 Members of Parliament may apply to convert expenses and services**
- Member may ask chief executive to approve conversion*
- (1) If **subclause (2) or (3)** applies, a member may ask the chief executive to approve the conversion of the relevant expense or service into an expense or a service costing a lesser amount. 30
 - (2) **Subclause (1)** applies if—
 - (a) a member (including a Minister) is able to use authorised funding and services determined by the Speaker under **section 84(1)** for the purpose set out in **section 85(1), 86, or 87(1)**; and 35

- (b) the cost of doing a particular activity in a different way is less than the cost of the equivalent expenses and services that the member is able to use under the determination.
- (3) **Subclause (1)** applies if—
- (a) a family member of a member (including a Minister) is able to use travel expenses determined by the Remuneration Authority under **section 71(1)(a)**; and 5
- (b) the cost of carrying out the travel in a different way is less than the cost of the travel expenses determined by the Remuneration Authority.
- Minister may ask chief executive responsible for Ministerial Services to approve conversion* 10
- (4) If **subclause (5)** applies, a Minister may ask the chief executive responsible for Ministerial Services to approve the conversion of the relevant expense or a service into an expense or a service costing a lesser amount.
- (5) **Subclause (4)** applies if— 15
- (a) a Minister is able to use—
- (i) accommodation expenses determined by the Remuneration Authority under **section 71(1)(b)**; or
- (ii) travel expenses determined by the Minister Responsible for Ministerial Services under **section 95(1)**; and 20
- (b) the cost of doing a particular activity in a different way is less than the cost of the equivalent expenses and services that the member is able to use under the applicable determination.
- Compare: 2013 No 93 s 31
- 16 Chief executive or chief executive responsible for Ministerial Services may approve application for conversion** 25
- (1) The chief executive or the chief executive responsible for Ministerial Services, as applicable, may approve an application for an expense or a service to be converted into an expense or a service costing a lesser amount only if satisfied that— 30
- (a) the expense or service is authorised funding and services; and
- (b) the cost of the expense or service represents a fair value for the expense or service provided.
- (2) The chief executive or the chief executive responsible for Ministerial Services, as applicable, must inform the following persons in writing of any conversion that they approve: 35
- (a) the Remuneration Authority, in respect of expenses determined by the Remuneration Authority under **section 71(1)**:

- (b) the Speaker, in respect of expenses or services determined by the Speaker under **section 84(1)**;
- (c) the Minister Responsible for Ministerial Services, in respect of expenses determined by that Minister under **section 95(1)**.

Compare: 2013 No 93 s 31

5

Recovery of amounts not eligible to be paid

17 Recovery of amounts paid

- (1) This clause applies if—
 - (a) the Parliamentary Service, under a determination made under **Part 4** of this Act, makes a payment out of public money against a claim for expenses; and 10
 - (b) it is later established that the person or party to or for whom the payment was made should not have been paid those expenses under this Act.
- (2) The Parliamentary Service may recover the amount paid from the person or party as a debt due to the Parliamentary Service. 15

Compare: 2000 No 17 s 35A

Subpart 2—Reporting on expenses and services

18 Chief executive to report on travel and accommodation expenses

- (1) The chief executive must, as soon as practicable after the end of each quarter,— 20
 - (a) report the expenses specified in **subclause (2)**; and
 - (b) publish the report on an internet site maintained by or on behalf of Parliament.
- (2) The following expenses are to be reported in respect of each member and each party: 25
 - (a) the total cost incurred against the appropriation in **section 83(b)(i)** to provide each category of travel expenses determined by the Remuneration Authority under **section 71(1)(a)**;
 - (b) the total cost of providing each category of travel expenses and accommodation expenses determined by the Speaker under **section 84(1)** for the purpose set out in **section 85(1)**. 30
- (3) The Parliamentary Service's annual financial statements must include the total cost of providing, in respect of each former member and any spouse or partner of that former member, each type of travel expenses provided for in **Part 3** of this schedule. 35

- (4) **Subclause (3)** is in addition to the requirements in section 45B(2) of the Public Finance Act 1989.
Compare: 2013 No 93 ss 33, 42
- 19 Chief executive responsible for Ministerial Services to report on travel and accommodation expenses** 5
- The chief executive responsible for Ministerial Services must, as soon as practicable after the end of each quarter,—
- (a) report, in respect of each Minister,—
- (i) the total cost incurred against the appropriation in **section 83(b)(ii)** to provide accommodation expenses determined by the Remuneration Authority under **section 71(1)(b)**; and 10
- (ii) the total cost of providing travel expenses determined by the Minister Responsible for Ministerial Services under **section 95**; and
- (b) publish the report on an internet site maintained by or on behalf of the department responsible for Ministerial Services. 15
- Compare: 2013 No 93 s 33
- 20 Clerk to report on travel and accommodation expenses**
- The Clerk must, as soon as practicable after the end of each quarter,—
- (a) report, in respect of each member and each party, the total cost incurred to provide the travel expenses and accommodation expenses determined by the Speaker under **section 88**; and 20
- (b) publish the report on an internet site maintained by or on behalf of Parliament. 25
- Compare: 2013 No 93 s 37

Part 3

Travel rebates for members in office before 1999 general election

- 21 Who this Part applies to**
- This Part applies in relation to the travel expenses of—
- (a) a former member; and 30
- (b) if applicable, the spouse or partner of that former member.
- Compare: 2013 No 93 s 39(1)

Subpart 1—Entitlement to travel rebates

- 22 Interpretation of this Part**
- In this Part, unless the context otherwise requires,— 35

corrupt practice has the meaning given to it by section 3(1) of the Electoral Act 1993

fare, in relation to travel,—

- (a) includes any tax and service fees payable in respect of the travel; but
- (b) does not include any amounts paid as cancellation fees or for accommodation 5

former member travel rebate means a rebate of the cost of fares for travel payable under this Part to a former member or the spouse or partner of a former member

private business purposes, in relation to a person's travel,— 10

- (a) means purposes relating to the person's own business interests or the business interests of any other person, trust, company, or organisation (including a charity); and
- (b) includes purposes relating to the political activities or the management, administration, or governance of a political party (regardless of whether that political party is a party within the meaning of this Act) 15

spouse or partner, in relation to a former member, means a person who—

- (a) was the spouse or partner of the former member at the time the former member ceased to be a member; and
- (b) is the spouse or partner of the former member at the time of claiming a rebate under this Part. 20

Compare: 2013 No 93 s 40(4), Schedule 2 cl 8(2)

23 Travel rebates for former members

- (1) The Parliamentary Service must, in accordance with this Part, pay former member travel rebates to a former member— 25
 - (a) on and after the date on which they cease to be a member; and
 - (b) at all times while they are no longer a member.
- (2) **Subclause (1)** applies regardless of whether the former member ceases to be a member before or after the commencement of this schedule.

Compare: 2013 No 93 s 39(1)–(3) 30

24 Travel rebates for spouses or partners of former members

- (1) The Parliamentary Service must—
 - (a) pay to the spouse or partner of a former member the same former member travel rebates that are payable to the former member; and
 - (b) pay those rebates on the same conditions as apply to payments to the former member. 35
- (2) Rebates continue to be payable to a spouse or partner of a former member after the death of the former member—

-
- (a) if the spouse or partner was the spouse or partner of the former member at the date of the former member's death; and
- (b) regardless of whether the surviving spouse or partner remarries or re-partners.
- (3) For the purposes of this clause, **former member** also includes a person who was a member of Parliament before the 1999 general election and who died while in office, becoming a former member within the meaning of **section 60** on the date of their death. 5
- Compare: 2013 No 93 Schedule 2 cls 5(2), (3), 6, 7
- 25 Disqualification of certain former members and spouses or partners** 10
- (1) Despite **clauses 23 and 24**, a former member travel rebate is not payable to a former member, or the spouse or partner of a former member if, at the time of the travel,—
- (a) the former member has been convicted of either of the following, committed while the former member was a candidate, a member, or a former member: 15
- (i) an offence punishable by imprisonment for a term of 2 years or more;
- (ii) a corrupt practice; or
- (b) the former member has been reported by the High Court in its report under section 244 of the Electoral Act 1993 on the trial of an election petition to have been proved guilty of a corrupt practice that was committed while the former member was a candidate, a member, or a former member. 20
- (2) A former member travel rebate is not payable to the spouse or partner of a former member if, at the time of the travel,— 25
- (a) the spouse or partner has been convicted of either of the following, committed after the former member left Parliament:
- (i) an offence punishable by imprisonment for a term of 2 years or more: 30
- (ii) a corrupt practice; or
- (b) the spouse or partner has been reported by the High Court in its report under section 244 of the Electoral Act 1993 on the trial of an election petition to have been proved guilty of a corrupt practice that was committed after the former member left Parliament. 35
- (3) In this clause, **candidate** means—
- (a) a constituency candidate or a list candidate; or

- (b) a person who has declared their intention of becoming a constituency candidate or a list candidate.

Compare: 2013 No 93 s 40

26 Claims for travel rebates

- (1) A former member, or the spouse or partner of a former member, who incurs an expense for which a travel rebate is payable must ask the chief executive to approve the payment of the rebate. 5
- (2) A request for a rebate must be in the form, and contain the information, required by the chief executive.

27 Resolving issues about former member travel rebates 10

- (1) The Remuneration Authority must establish a procedure for resolving issues about a person's eligibility for a former member travel rebate or how any provision of this Part is to be interpreted or applied.
- (2) The procedure must provide for—
 - (a) at least the following 2 stages: 15
 - (i) an assessment of the issue, including whether the issue is able to be resolved by agreement:
 - (ii) if required, a final decision by the Remuneration Authority; and
 - (b) the participation of the chief executive.

Compare: 2013 No 93 s 41 20

Subpart 2—Applicable travel services and amounts of travel rebates

28 Travel services for which rebates are payable

- (1) Former member travel rebates are payable under this Part for the following travel services:
 - (a) scheduled air services (domestic and international): 25
 - (b) scheduled rail services:
 - (c) scheduled road travel services:
 - (d) scheduled inter-island travel on inter-island ferries.
- (2) However, rebates are not payable for the following:
 - (a) suburban rail travel: 30
 - (b) suburban road travel:
 - (c) the carriage of a motor vehicle, or the use of a cabin, on an inter-island ferry.
- (3) Rebates are—
 - (a) payable in accordance with the rules set out in **clause 29**; and 35

(b) subject to the limitations set out in **clauses 30 to 32**.

Compare: 2013 No 93 Schedule 2 cls 1(1), 4, 6, 7

29 Rebate rules

- (1) This clause sets out the rules according to which former member travel rebates are payable. 5
- (2) The rules concerning fares that are eligible for a rebate are as follows:
 - (a) a rebate is payable if the former member paid the fare personally (without relying on public funds or any other source of funding);
 - (b) no rebate is payable for travel for private business purposes;
 - (c) if a former member travels for a mixture of personal purposes and private business purposes, the rebate is payable only for the part of the fare that is additional to the cost that would have been incurred if only the private business part of the journey had been undertaken. 10
- (3) The rules concerning the amount of rebate payable are as follows:
 - (a) the amount of rebate that is payable is the appropriate percentage, set out in the table following this subclause, of the eligible fare: 15
 - (b) the eligible fare for domestic travel is the fare for economy-class travel available at the time the travel is booked (or the actual fare paid, if less);
 - (c) the eligible fare for international air travel is the fare for business-class travel available at the time the travel is booked (or the actual fare paid, if less). 20

Table of rebates applicable

Number of complete terms of Parliament through which former member in office	Percentage of fare payable as rebate
Less than 2	0%
2	If former member has served as a Speaker or as a Minister (other than but not as a Parliamentary Under-Secretary): 50% Other cases: 0%
2 (and part of a third)	If former member has served as a Speaker or as a Minister (other than but not as a Parliamentary Under-Secretary): 50% Other cases: 0%
3	60%
3 (and part of a fourth)	60%
4	75%
4 (and part of a fifth)	75%
5 or more	90%

- (4) The rebate that is payable under this clause is subject to **clauses 30 to 32**.

Compare: 2013 No 93 Schedule 2 cls 1, 4

30 Limitations in relation to domestic ~~air~~ travel

- (1) A rebate is payable for the cost of fares for up to 12 return air trips between any 2 points within New Zealand in each financial year.

(1A) A rebate is payable for the cost of fares for up to 12 return trips by any, or any combination, of the following scheduled surface travel services between any 2 points within New Zealand in each financial year: 5

(a) rail travel:

(b) road travel:

(c) inter-island travel on inter-island ferries.

- (2) A one-way ~~air~~-trip by air, rail, road, or inter-island ferry is to be treated as one-half of a return ~~air~~-trip. 10

Compare: 2013 No 93 Schedule 2 ~~el-2~~cls 2, 4

31 Limitation in relation to international air travel

- (1) The total amount of rebates paid to a former member for international air travel in each year must not exceed the amount of rebate to which the former member would have been entitled if they had flown between Auckland and London using the lowest-cost online business-class return air fare as at 1 July in the relevant year. 15

- (2) Rebates are paid for travel in respect of the relevant year.

Compare: 2013 No 93 Schedule 2 cl 3

20

32 Terms in office after 3 October 2008 not included in calculation of amount of rebate

For the purpose of determining the appropriate percentage of an eligible fare under **clause 29(3)(a)**, the number of terms the former member has been in office does not include any term after 3 October 2008. 25

Compare: 2013 No 93 s 39(4), (5)

Schedule 4

Additional conditions of Clerk holding office and chief executive's appointment

ss 107, 130

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1	Outline of this schedule	5
(1)	Part 1 of this schedule sets out conditions of the Clerk holding office, additional to those in subpart 1 of Part 5 of this Act.	
(2)	Part 2 of this schedule sets out conditions of the employment of the chief executive, additional to those in subpart 1 of Part 6 of this Act.	
	Part 1	10
	Conditions of Clerk holding office	
2	Term of office	
(1)	The Clerk—	
(a)	is appointed for a term of 7 years; and	
(b)	is eligible to be reappointed.	15

- (2) When the term for which a person has been appointed as Clerk expires, the person continues to hold office (unless sooner vacating or removed from office) until—
- (a) the person is reappointed; or
 - (b) a successor to the person is appointed. 5
- Compare: 1988 No 126 s 10
- 3 Remuneration and conditions of appointment**
- (1) The Remuneration Authority must determine the remuneration of the Clerk under section 12(1)(a)(v) of the Remuneration Authority Act 1977.
- (2) The Speaker may determine any other terms and conditions of appointment of the Clerk that are additional to those specified in this Act. 10
- Compare: 1988 No 126 s 8
- 4 Clerk must not hold other office or undertake other paid employment**
- (1) A person who holds office as Clerk cannot be a member.
- (2) A person who holds office as Clerk must not, without the approval of the Speaker,— 15
- (a) hold any other paid or unpaid office; or
 - (b) undertake any paid employment outside the person's office as Clerk.
- Compare: 1988 No 126 s 9
- 5 Vacation of office by resignation** 20
- (1) A person holding office as Clerk may resign.
- (2) The person must give written notice of their resignation to—
- (a) the Speaker; or
 - (b) the Deputy Speaker, if the Deputy Speaker is performing or exercising the functions, duties, and powers of the Speaker under **section 47**. 25
- (3) However, the person must instead give written notice to the Governor-General—
- (a) if—
 - (i) the office of Speaker is vacant or the Speaker is absent from duty; and 30
 - (ii) the office of Deputy Speaker is vacant or the Deputy Speaker is absent from duty; and
 - (iii) there is no member with authority to act as Speaker; or
 - (b) if the person resigns during the period following a general election. 35
- Compare: 1988 No 126 s 11(1)

6 Suspension or removal from office

- (1) On an address from the House of Representatives, the Governor-General may suspend or remove the Clerk from office for any of the following reasons:
- (a) inability to perform the functions, duties, and powers of the office:
 - (b) bankruptcy: 5
 - (c) neglect of duty:
 - (d) misconduct.
- (2) When Parliament is not in session, the Governor-General may suspend the Clerk for any of those reasons proved to the satisfaction of the Governor-General. 10
- (3) A suspension by the Governor-General under **subclause (2)** does not continue in force later than 2 months after the beginning of the next session of Parliament.
- Compare: 1988 No 126 s 11(2), (3)

7 Superannuation

15

- (1) **Subclauses (2) to (4)** apply to a person who, immediately before being appointed as the Clerk, is a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 (the **1956 Act**).
- (2) The Clerk is, for the purposes of the 1956 Act, to be treated as if the Clerk is employed in the Government service while the person is the Clerk. 20
- (3) However, if the Clerk ceases to be a contributor to the Government Superannuation Fund after their appointment, the Clerk may not resume making contributions to the Fund.
- (4) For the purposes of applying the 1956 Act to the Clerk under this section, **controlling authority**, in relation to the Clerk, means the Clerk. 25
- Compare: 1988 No 126 s 28; 2020 No 31 s 16(2)–(5)

Part 2**Conditions of chief executive's appointment****8 Term of office**

30

- (1) The chief executive—
- (a) is appointed for a term of 7 years; and
 - (b) is eligible to be reappointed.
- (2) When the term for which a person has been appointed as chief executive expires, the person continues to hold office (unless sooner vacating or removed from office) until— 35
- (a) the person is reappointed; or

- (b) a successor to the person is appointed.

Compare: 2000 No 17 Schedule 1 cl 4

9 Remuneration and conditions of appointment

- (1) The Remuneration Authority must determine the remuneration of the chief executive under section 12(1)(a)(v) of the Remuneration Authority Act 1977. 5
- (2) The Speaker may determine any other terms and conditions of appointment of the chief executive that are additional to those specified in this Act.

Compare: 2000 No 17 Schedule 1 cl 3

10 Chief executive must not hold other office or undertake other paid employment 10

- (1) A person appointed as chief executive cannot be a member.
- (2) A person appointed as chief executive must not, without the approval of the Speaker,—
- (a) hold any paid or unpaid office; or
- (b) undertake any paid employment outside the person's appointment as chief executive. 15

Compare: 1988 No 126 s 9

11 Vacation of office by resignation

- (1) A person appointed as chief executive may resign.
- (2) The person must give written notice of their resignation to— 20
- (a) the Speaker; or
- (b) the Deputy Speaker, if the Deputy Speaker is performing or exercising the functions, duties, and powers of the Speaker under **section 47**.
- (3) However, the person must instead give written notice to the Governor-General— 25
- (a) if—
- (i) the office of Speaker is vacant or the Speaker is absent from duty; and
- (ii) the office of Deputy Speaker is vacant or the Deputy Speaker is absent from duty; and 30
- (iii) there is no member with authority to act as Speaker; or
- (b) if the person resigns during the period following a general election.

Compare: 1988 No 126 s 11(1)

12 Suspension or removal from office

- (1) The Speaker may suspend or remove the chief executive from office— 35
- (a) for just cause or excuse; and

- (b) with the agreement of the Governor-General.
- (2) The Speaker must consult the Parliamentary Service Commission before suspending or removing the chief executive.
- (3) **Subclause (1)** does not apply during the period following a general election.
- (4) During that period, the Governor-General may suspend the chief executive from office for just cause or excuse. 5
- (5) A suspension under **subclause (4)** continues in force until whichever of the following occurs first:
 - (a) the Speaker removes the chief executive:
 - (b) the expiry of a period of 2 months after the first meeting of the House of Representatives after the general election. 10

Compare: 2020 No 40 Schedule 7 cl 8

13 Superannuation

- (1) **Subclauses (2) to (4)** apply to a person who, immediately before being appointed as the chief executive is a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 (the **1956 Act**). 15
- (2) The chief executive is, for the purposes of the 1956 Act, to be treated as if the chief executive is employed in the Government service while the person is the chief executive. 20
- (3) However, if the chief executive ceases to be a contributor to the Government Superannuation Fund after their appointment, the chief executive may not resume making contributions to the Fund.
- (4) For the purposes of applying the 1956 Act to the chief executive under this section, **controlling authority**, in relation to the chief executive, means the chief executive. 25

Compare: 2000 No 17 Schedule 1 cl 10; 2020 No 31 s 16(2)–(5)

Schedule 5

Employment in parliamentary agencies

ss 116, 135

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Superannuation

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Part 3**Specific functions, duties, and powers of heads of parliamentary agencies***Head of parliamentary agency may set minimum standards of integrity and conduct*

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1 Outline of this schedule

- (1) This schedule sets out provisions concerning employment in the parliamentary agencies.
- (2) **Part 1** provides for matters relating to appointing parliamentary agency employees. 5
- (3) **Part 2** sets out general employment provisions relating to the parliamentary agencies, including the application of the Employment Relations Act 2000, personal grievances and disputes, transferring employees between parliamentary agencies, redundancy payments, and superannuation.
- (4) **Part 3** provides for matters relating to the Clerk and the chief executive, as heads of the parliamentary agencies. 10

Part 1**Parliamentary agency employees***Appointing employees*

2	Appointments on merit	15
(1)	When appointing an employee under this Act, the head of a parliamentary agency must give preference to the person who is best suited to the position.	

- (2) This clause does not apply if the chief executive is appointing a parliamentary party employee.

Compare: 1988 No 126 s 19; 2020 No 40 s 72

3 Obligation to notify vacancies

- (1) If the head of a parliamentary agency intends to fill a position that is vacant or is to become vacant, the head of the parliamentary agency must, if it is reasonably practicable to do so, notify the vacancy or prospective vacancy using 1 or more means that enable suitably qualified people to apply for the position. 5

- (2) This clause does not apply if the position is for a parliamentary party employee. 10

Compare: 1988 No 126 s 20; 2020 No 40 Schedule 8 cl 1

4 Acting appointments

- (1) If an employee is absent from duty (for whatever reason) or a vacancy in a position in a parliamentary agency exists (for whatever reason), the head of the parliamentary agency affected may direct another employee to perform the functions and duties and exercise the powers of the relevant position. 15

- (2) A direction, or the acts of an employee acting under the direction, cannot be questioned in proceedings on any of the following grounds:

- (a) there was no absence or vacancy: 20
- (b) there is no longer an absence or a vacancy:
- (c) the employee acting under the direction was not appointed to the relevant position.

Compare: 2020 No 40 Schedule 8 cl 2

5 Evidence of appointments 25

- (1) An appointment to an office or a position in a parliamentary agency must be made, confirmed, or approved by the head of the agency that made the appointment.

- (2) An instrument issued by a head of a parliamentary agency stating that a person named in the instrument was appointed to an office or a position in the agency from and including a particular date is sufficient evidence of the appointment unless the contrary is proved. 30

Compare: 2020 No 40 Schedule 8 cl 3

6 Obligation to notify appointments

- (1) The head of a parliamentary agency must notify the agency's employees of appointments made by the head of the agency. 35

- (2) This clause does not apply to appointments of—

- (a) acting, temporary, or casual employees; or

- (b) parliamentary party employees.

Compare: 1988 No 126 s 21; 2020 No 40 Schedule 8 cl 4

7 Review of appointments

- (1) The head of a parliamentary agency must put into place a procedure for reviewing any appointment made to the agency that is the subject of a complaint by an employee of the agency. 5
- (2) This clause does not apply to acting appointments or to appointments of parliamentary party employees.

Compare: 1988 No 126 s 22; 2020 No 40 Schedule 8 cl 5

Applicants for employment may be asked about political activities 10

8 Applicants for certain positions may be asked about political activity

- (1) This clause applies if the head of a parliamentary agency is seeking to fill a position that is vacant or is to become vacant (the **vacant position**) for—
- (a) an officer of the House; or
- (b) a corporate employee. 15
- (2) The head of a parliamentary agency may appoint a person to the vacant position only if the head of the parliamentary agency is satisfied that the person is capable of performing the functions and duties and exercising the powers associated with the vacant position in a politically impartial manner.
- (3) For that purpose, the head of the parliamentary agency may ask an applicant for the vacant position to identify any political activity that the applicant has undertaken. 20
- (4) However, the head of the parliamentary agency may not ask the applicant to provide information about the applicant's political affiliations, opinions, or views. 25
- (5) In this clause,—
- corporate employee** means an employee—
- (a) who is employed by the Parliamentary Service; and
- (b) who is not—
- (i) a member support employee; or 30
- (ii) a parliamentary party employee; or
- (iii) an employee who is employed by the Parliamentary Service to work directly for the Office of the Speaker

local election has the meaning given to **election** in section 5(1) of the Local Electoral Act 2001 35

member support employee means an employee who is employed by the Parliamentary Service to work directly for 1 or more members, if the member

exercises control or direction over the employee in a manner that is similar or substantially similar to the control or direction that an employer exercises, or is entitled to exercise, in relation to the employee

political activity means the following activity:

- (a) activity carried out on behalf of a political party, regardless of whether that political party is a party within the meaning of this Act: 5
- (b) activity carried out on behalf of a candidate in a general election, a by-election, or a local election.

Part 2

General employment provisions 10

Application of Employment Relations Act 2000 to parliamentary agencies

9 Application of Employment Relations Act 2000 to parliamentary agencies

- (1) The Employment Relations Act 2000 applies to the parliamentary agencies.
- (2) **Subclause (1)** is subject to the provisions of this Act.

Compare: 1988 No 126 s 25; 2020 No 40 s 76 15

Negotiation of collective agreements

10 Negotiation of collective agreements

- (1) The head of each parliamentary agency is responsible for negotiating under the Employment Relations Act 2000 all collective agreements that apply to the parliamentary agency. 20
- (2) The head of each parliamentary agency must conduct the negotiations with those unions of which the agency's employees are members.
- (3) Each collective agreement that is entered into between the head of a parliamentary agency and a union and that relates to the parliamentary agency is binding on— 25
 - (a) the head of the parliamentary agency; and
 - (b) the employees of the parliamentary agency who are or become members of the union and whose work comes within the coverage clause in the collective agreement.

Compare: 1988 No 126 s 26; 2000 No 17 Schedule 1 cl 7(4); 2020 No 40 ss 78(3)(a), 79(2) 30

Power to transfer employees between parliamentary agencies

11 Power to transfer employees between parliamentary agencies

- (1) This clause applies if functions are transferred from one parliamentary agency (**agency A**) to another parliamentary agency (**agency B**).

- (2) The head of agency A may in consultation with the head of agency B, and subject to the relevant employment agreements, transfer any employee who was performing the relevant functions in agency A to a position in agency B, if the position in agency B—
- (a) consists of the same duties and responsibilities as those of the employee's position in agency A immediately before the transfer; and 5
 - (b) is in substantially the same general locality or a locality within reasonable commuting distance; and
 - (c) is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and 10
 - (d) is on terms that treat service within the parliamentary agencies as if it were continuous service.
- (3) Before transferring an employee under this clause, the head of agency A must consult the employee about the proposed transfer.
- (4) **Clause 15** applies to an employee who is transferred under this clause. 15
- (5) **Clauses 2 to 7** do not apply in relation to the transfer of an employee under this clause.
- (6) This clause overrides Part 6A of the Employment Relations Act 2000 (which relates to continuity of employment if employees' work is affected by restructuring). 20
- Compare: 2020 No 40 ss 86, 89

Restrictions on redundancy payments

- 12 No redundancy payment for employee transferred under clause 11**
- An employee who is to be transferred under **clause 11** is not entitled to a redundancy payment. 25
- Compare: 2020 No 40 s 87(1)
- 13 Other restrictions on redundancy payments**
- (1) An employee who has received a notice of termination by reason of redundancy is not entitled to a redundancy payment if, before the employee's employment has ended, the employee— 30
- (a) is offered and accepts another position as an employee in the employee's current parliamentary agency or in the other parliamentary agency that—
 - (i) begins before, on, or immediately after the date on which the employee's current position ends; and
 - (ii) is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and 35
 - (iii) is on terms that treat service within the parliamentary agencies as if it were continuous service; or

- (b) is offered an alternative position as an employee in the employee's current parliamentary agency or in the other parliamentary agency that—
 - (i) begins before, on, or immediately after the date on which the employee's current position ends; and
 - (ii) is a position with comparable duties and responsibilities to those of the employee's current position; and 5
 - (iii) is in substantially the same general locality or a locality within reasonable commuting distance; and
 - (iv) is on terms and conditions of employment (including redundancy and superannuation conditions) that are no less favourable; and 10
 - (v) is on terms that treat service within the parliamentary agencies as if it were continuous service.
- (2) **Clause 15** applies to an employee to whom **subclause (1)(a)** applies and who is moving from a position as an employee in a parliamentary agency to a position as an employee in the other parliamentary agency. 15
- (3) This clause overrides Part 6A of the Employment Relations Act 2000 (which relates to continuity of employment if employees' work is affected by restructuring).

Compare: 2020 No 40 s 88

Employment in parliamentary agencies continuous for purpose of certain legislation 20

14 Application of clause 15

- (1) **Clause 15** applies to an employee if—
 - (a) the employee moves from a position as an employee in a parliamentary agency (**agency A**) to a position as an employee in the other parliamentary agency (**agency B**); and 25
 - (b) the position as an employee in agency B begins before, on, or immediately after the date on which the employee's position as an employee with agency A ends.
- (2) Without limiting **subclause (1)**, **clause 15** applies to an employee who— 30
 - (a) is transferred under **clause 11** from a position as an employee in a parliamentary agency to a position as an employee in the other parliamentary agency; or
 - (b) moves from one parliamentary agency to the other in the circumstances to which **clause 13(1)(a)** applies. 35

Compare: 2020 No 40 s 90

15 Employment in parliamentary agencies continuous for purposes of certain legislation

- (1) The employment of an employee to whom this clause applies is to be treated as continuous for the purposes of—
 - (a) entitlements under the following provisions in Part 2 of the Holidays Act 2003:
 - (i) subpart 1 (annual holidays); and
 - (ii) subpart 3 (public holidays and alternative holidays); and
 - (iii) subpart 4 (sick leave and bereavement leave); and
 - (iv) subpart 5 (family violence leave); and
 - (b) entitlements to leave under the Parental Leave and Employment Protection Act 1987; and
 - (c) the KiwiSaver Act 2006.
- (2) For the purposes of **subclause (1)(a)**,—
 - (a) the period of employment of the employee in agency A that ends with the date on which the employee moves to agency B must be treated as a period of employment with agency B for the purpose of determining the employee's entitlement to annual holidays, sick leave, bereavement leave, and family violence leave; and
 - (b) the head of agency A must not pay the employee for annual holidays, or alternative holidays, not taken before the date on which the employee moved to the position in agency B; and
 - (c) the head of agency B must recognise the employee's entitlement to—
 - (i) any sick leave, including any sick leave carried over under section 66 of the Holidays Act 2003, not taken before the date on which the employee moved to the position in agency B; and
 - (ii) any annual holidays not taken before the date on which the employee moved to the position in agency B; and
 - (iii) any alternative holidays not taken or exchanged for payment under section 61 of that Act before the date on which the employee moved to the position in agency B; and
 - (iv) any holidays not taken before the date on which the employee moved to the position in agency B in relation to which there was an agreement between the employee and agency A under section 44A or 44B of that Act.
- (3) For the purposes of **subclause (1)(b)**,—
 - (a) the period of employment of the employee in agency A that ends with the date on which the employee moves to agency B must be treated as a period of employment with agency B; and

- (b) the head of agency B must treat any notice given to or by the head of agency A under the Parental Leave and Employment Protection Act 1987 as if it had been given to or by the head of agency B.
- (4) If the employee's position with agency B begins before the date on which the employee's position with agency A ends, **subclauses (2) and (3)** must be applied as if the position with agency A ends on the date on which the employee's position with agency B begins. 5
- (5) For the purposes of **subclause (1)(c)**, the employment of the employee in the position with agency B is not new employment within the meaning of that term in the KiwiSaver Act 2006. 10
- (6) In this clause,—
agency A means the parliamentary agency that an employee moves from
agency B means the parliamentary agency that an employee moves to from agency A. 15
 Compare: 2020 No 40 s 91

Superannuation

16 Superannuation

- (1) **Subclauses (2) to (4)** apply to a person who, immediately before becoming an employee of a parliamentary agency, is a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 (the **1956 Act**). 20
- (2) The person is, for the purposes of the 1956 Act, to be treated as if the person is employed in the Government service while the person is an employee of a parliamentary agency.
- (3) However, if the person ceases to be a contributor to the Government Superannuation Fund after their appointment, the person may not resume making contributions to the Fund. 25
- (4) For the purposes of applying the 1956 Act to a person under this clause, **controlling authority**, in relation to the person, means the head of the relevant parliamentary agency. 30
 Compare: 1988 No 126 s 28; 2000 No 17 Schedule 1 cl 10

Employee is State servant for purposes of Electoral Act 1993

17 Employee is State servant for purposes of Electoral Act 1993

For the purposes of sections 52 and 53 of the Electoral Act 1993, an employee of a parliamentary agency is a **State servant**. 35

Part 3

Specific functions, duties, and powers of heads of parliamentary agencies

Head of parliamentary agency may set minimum standards of integrity and conduct 5

18 Head of agency may set minimum standards of integrity and conduct

- (1) The head of a parliamentary agency may set minimum standards of integrity and conduct that are to apply in that parliamentary agency.
- (2) The heads of the parliamentary agencies may agree to set joint minimum standards of integrity and conduct that are to apply in both parliamentary agencies. 10
- (3) The head of a parliamentary agency may set those minimum standards by issuing a code of conduct to the parliamentary agency.

Compare: 1988 No 20 s 57; 2020 No 40 s 17

Head of parliamentary agency must be good employer

19 Head of parliamentary agency must be good employer 15

- (1) The head of a parliamentary agency must—
 - (a) operate an employment policy that complies with the principle of being a good employer; and
 - (b) make that policy (including the equal employment opportunities programme) available to the parliamentary agency's employees; and 20
 - (c) ensure the parliamentary agency's compliance with that policy (including the equal employment opportunities programme); and
 - (d) report in the parliamentary agency's annual report on the extent of the parliamentary agency's compliance.
- (2) The heads of the parliamentary agencies may operate a joint employment policy that meets the requirements of this clause for each parliamentary agency to which the policy applies. 25
- (3) In this clause, **good employer** means an employer who operates an employment policy that contains provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions for— 30
 - (a) the impartial selection of suitably qualified people for appointment (except in the case of parliamentary party employees); and
 - (b) good and safe working conditions; and
 - (c) an equal employment opportunities programme; and 35
 - (d) recognition of—

	(i) the aims and aspirations of Māori; and	
	(ii) the employment requirements of Māori; and	
	(iii) the need for greater involvement of Māori in the parliamentary agencies; and	
	(e) opportunities to enhance the abilities of individual employees; and	5
	(f) recognition of the aims and aspirations, employment requirements, and cultural differences of ethnic and minority groups; and	
	(g) recognition of the employment requirements of women; and	
	(h) recognition of the employment requirements of people with disabilities; and	10
	(i) recognition of the importance of achieving pay equity between female and male employees; and	
	(j) recognition of the importance of decisions about remuneration being free from bias including, but not limited to, gender bias.	
	Compare: 1988 No 126 s 24; 2020 No 40 s 73	15
20	Head of agency's functions and duties include promoting, developing, and monitoring equal employment opportunities programmes and policies	
(1)	The functions and duties of the head of each parliamentary agency include developing, promoting, and monitoring equal employment opportunities programmes and policies for that agency.	20
(2)	The head of each parliamentary agency may adopt, in whole or in part, an equal employment opportunities programme or policy promoted or developed by the Public Service Commissioner under section 74(1) of the Public Service Act 2020.	
(3)	The heads of the parliamentary agencies may develop, promote, and monitor joint equal employment opportunities programmes and policies that meet the requirements of this clause for each of the parliamentary agencies to which the programmes and policies apply.	25
	Compare: 1988 No 126 s 24; 2020 No 40 s 74(1)	
21	Head of parliamentary agency to promote diversity and inclusiveness	30
	The head of a parliamentary agency must—	
(a)	be guided by the principle that the group comprising all employees of the agency should reflect the makeup of society; and	
(b)	in employment policies and practices, foster a workplace that is inclusive of all groups.	35
	Compare: 2020 No 40 s 75(1)	

Schedule 6

Procedure of Parliamentary Corporation and Parliamentary Service Commission

ss 152, 160

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Part 1

5

Procedure of Parliamentary Corporation

1 Calling of meetings

Meetings of the Parliamentary Corporation are held at the times and places determined by the Parliamentary Corporation or its chairperson.

Compare: 2000 No 17 Schedule 4 cl 3(1)

10

2 Chairperson, chief executive, and Corporation members required to be present at meetings

Every meeting of the Parliamentary Corporation requires the presence of—

- (a) the chairperson; and
- (b) the chief executive or a deputy appointed by the chief executive under **clause 4**; and 5
- (c) at least 1 Corporation member who—
 - (i) is appointed in accordance with **section 149(1)(c)**; or
 - (ii) is a deputy, appointed under **clause 4**, of a Corporation member.

Compare: 2000 No 17 Schedule 4 cl 3(2) 10

3 Person presiding

The chairperson presides at all meetings of the Parliamentary Corporation.

Compare: 2000 No 17 Schedule 4 cl 4

4 Deputies of Corporation members

- (1) This clause applies to a person (**A**) who is a Corporation member. 15
- (2) A may, by written notice, appoint a person (**B**) to attend 1 or more meetings of the Parliamentary Corporation as A's deputy.
- (3) B's appointment ceases if A—
 - (a) revokes the appointment by written notice; or
 - (b) ceases to be a Corporation member. 20
- (4) At any meeting of the Parliamentary Corporation, B—
 - (a) has all the rights, privileges, and duties of A; and
 - (b) is to be treated as a Corporation member.

Compare: 2000 No 17 Schedule 4 cl 5

5 Voting 25

- (1) If the members of the Parliamentary Corporation attending a meeting of the Parliamentary Corporation cannot reach consensus on a question, the question must be decided by a majority of the votes cast at the meeting.
- (2) Each person attending the meeting has 1 vote and, if the votes are equal, the chairperson also has a casting vote. 30

Compare: 2000 No 17 Schedule 4 cl 6

6 Unanimous written resolutions

- (1) A resolution signed, or assented to in writing, by all members of the Parliamentary Corporation who are entitled to vote on the matter is as valid and effectual as if it had been passed at a meeting of the Parliamentary Corporation. 35

- (2) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members of the Parliamentary Corporation.

Compare: 2000 No 17 Schedule 4 cl 7

7 Seal 5

- (1) The Parliamentary Corporation may determine the form of its common seal and must provide for its safe custody.
- (2) The common seal may be used only if authorised by resolution of the Parliamentary Corporation.
- (3) Except as provided by this clause, 2 members of the Parliamentary Corporation must sign each document to which the common seal is affixed. 10
- (4) A member of the House of Representatives may sign the document in the place of the Speaker if the member is authorised by a delegation under **section 41(1)** to sign the document or documents of the kind concerned.
- (5) A person may sign the document in the place of the chief executive if the person is authorised by a delegation made under **section 128** to sign the document or documents of the kind concerned. 15
- (6) All courts and persons acting judicially must take judicial notice of the seal of the Parliamentary Corporation.

Compare: 2000 No 17 Schedule 4 cl 9

20

8 Enforceable obligations

- (1) The Parliamentary Corporation may enter into any enforceable obligation in writing under the Parliamentary Corporation's common seal.
- (2) An enforceable obligation that, if entered into by an individual, would be required to be by deed may only be entered into by the Parliamentary Corporation in writing under the Parliamentary Corporation's common seal. 25
- (3) An enforceable obligation that, if entered into by an individual, would be required to be in writing may be entered into by the Parliamentary Corporation by a person acting under the Parliamentary Corporation's express or implied authority. 30
- (4) An enforceable obligation that, if entered into by an individual, would not be required to be in writing may be entered into on behalf of the Parliamentary Corporation in writing or orally by a person acting under the Parliamentary Corporation's express or implied authority.
- (5) An enforceable obligation entered into by the Parliamentary Corporation, under the authority of a general or specific resolution of the Parliamentary Corporation, is not invalid merely because of a failure to enter into the obligation in accordance with this clause. 35

- (6) In this clause, **enforceable obligation** means a contract or other enforceable obligation.

Compare: 2000 No 17 Schedule 4 cl 10

9 Records

- (1) The Parliamentary Corporation must keep a record of all decisions made by the Parliamentary Corporation. 5
- (2) The Parliamentary Corporation is not required to keep or produce financial statements in respect of the Parliamentary Corporation.

Compare: 2000 No 17 Schedule 4 cl 11

Part 2

10

Procedure of Parliamentary Service Commission

10 Calling of meetings

- (1) Meetings of the Parliamentary Service Commission are held at the times and places determined by the Commission or its chairperson.
- (2) A special meeting of the Commission may be called— 15
- (a) by the chairperson; or
- (b) by any 3 Commission members.

Compare: 2000 No 17 Schedule 2 cl 1

11 Person presiding

- (1) The chairperson, if present, presides at all meetings of the Parliamentary Service Commission. 20
- (2) If the chairperson is absent from a meeting, the Commission members present must appoint a Commission member who is present to preside.

Compare: 2000 No 17 Schedule 2 cl 2

12 Deputies

25

- (1) This clause applies to a person (A) who is a Commission member.
- (2) A may, by written notice, appoint a member of the House of Representatives (B) to attend 1 or more meetings of the Parliamentary Service Commission as A's deputy.
- (3) If A holds office under **section 156(1)(c)**, A may not appoint as A's deputy a person who holds office as a Minister or as a Parliamentary Under-Secretary. 30
- (4) B's appointment ceases if A—
- (a) revokes the appointment by written notice; or
- (b) ceases to be a Commission member.
- (5) At any meeting of the Parliamentary Service Commission, B— 35

- (a) has all the rights, privileges, and duties of A; and
- (b) is to be treated as a Commission member.

Compare: 2000 No 17 Schedule 2 cl 7

13 Quorum

- (1) The quorum at any meeting of the Parliamentary Service Commission is,— 5
 - (a) if there is an even number of parties represented in the House of Representatives, half that number plus 1; or
 - (b) if there is an odd number of parties represented in the House of Representatives, half that number, rounded up to the nearest whole number.
- (2) The quorum must include at least 1 Commission member who is a member of a party in opposition. 10

Compare: 2000 No 17 Schedule 2 cl 3

14 Decisions made by majority

- (1) Each question arising at a meeting of the Parliamentary Service Commission is decided by a majority of the valid votes recorded on the question. 15
- (2) Voting must be conducted in accordance with **clause 15**.

Compare: 2000 No 17 Schedule 2 cl 4

15 Voting

- (1) At a meeting of the Parliamentary Service Commission, a Commission member— 20
 - (a) may vote on a question only if authorised by a party to vote on behalf of the party; and
 - (b) votes on the question on behalf of that party; and
 - (c) casts as many votes as there are members of the House of Representatives who belong to that party. 25
- (2) Only 1 Commission member may vote on behalf of each party.
- (3) The fact that a Commission member votes at a meeting on behalf of a party is, in the absence of proof to the contrary, sufficient evidence that the Commission member is authorised to vote on behalf of the party at the meeting.

Compare: 2000 No 17 Schedule 2 cls 5, 6

30

16 Advisory committees established to assist Parliamentary Service Commission

- (1) The Parliamentary Service Commission may appoint an advisory committee of persons to assist the Parliamentary Service Commission on any matter.
- (2) The Parliamentary Service Commission may appoint a person to be a member of an advisory committee under this clause only if satisfied that the person 35

is competent to assist the Parliamentary Service Commission on the matter concerned.

- (3) A person who is appointed to be a member of an advisory committee under this clause is not required to be a Commission member.
- (4) Subject to any directions of the Parliamentary Service Commission, an advisory committee appointed under this clause may regulate its procedure in any manner it considers appropriate. 5

Compare: 2000 No 17 Schedule 2 cl 8

17 Speaker may commission experts

- (1) The Speaker may commission 1 or more experts to make any inquiries, conduct any research, or prepare any reports that may be necessary for the efficient and effective performance of the Parliamentary Service Commission's functions, duties, or powers. 10
- (2) The Speaker must consult the Parliamentary Service Commission before commissioning an expert under this clause. 15
- (3) The Speaker may delegate the Speaker's functions under **subclause (1)** to any person.

Compare: 2000 No 17 Schedule 2 cl 9

18 Annual report

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

Compare: 2000 No 17 Schedule 2 cl 11

Schedule 7
New ~~Part 4~~ 5 inserted into Schedule 1

s 215

Part 45
Provisions relating to ~~Parts 8 to 11 of Parliament Act 2024~~ of
Parliament Act 2024

12 Interpretation

In this Part,—

2025/26 financial year means the financial year commencing on 1 July 2025 and ending with 30 June 2026

2026/27 financial year means the financial year commencing on 1 July 2026 and ending with 30 June 2027

amendment Act means the ~~Parliament Act~~ **Parts 8 to 11 of the Parliament Act 2024**

specified person means—

- (a) the House of Representatives, to the extent that it is acting under **section 26EB(4) and (5)** as inserted by the amendment Act;
- (b) the Speaker, to the extent that the Speaker is acting in relation to an appropriation administered by a parliamentary agency;
- (c) a chief executive of a parliamentary agency that administers an appropriation in a Vote;
- (d) the Secretary.

13 Application of amendment Act during 2025/26 financial year

- (1) This clause applies during the 2025/26 financial year.
- (2) This Act, as amended by the amendment Act, applies only to the extent that is necessary or desirable to enable a specified person to perform a function or duty or exercise a power for the purpose of ensuring that, in the 2026/27 financial year, an appropriation in a Vote administered by a parliamentary agency complies with the requirements of this Act as amended by the amendment Act.
- (3) Except to the extent provided in **subclause (2)**, this Act continues to apply as if it had not been amended by the amendment Act.

Schedule 8

Minor and consequential amendments to other legislation

s 237

Part 1

Minor and consequential amendments to Acts 5

Chatham Islands Council Act 1995 (1995 No 41)

Repeal section 12(c)(iii).

Christ Church Cathedral Reinstatement Act 2017 (2017 No 52)

In section 12(1)(c), replace “the Parliamentary Privilege Act 2014” with “**Part 2** of the Parliament Act **2024**”. 10

Constitution Act 1986 (1986 No 114)

Repeal section 25.

Copyright Act 1994 (1994 No 143)

In section 50(1), definition of **prescribed library**, replace paragraph (b) with:

- (b) the Parliamentary Service, to the extent that it provides library, information, research, and reference services under **section 124(1)(e)** of the Parliament Act **2024**; or 15

Replace the heading to section 58 with “**Copying by Parliamentary Service for members of Parliament**”.

In section 58(1) and (2), replace “An officer of the Parliamentary Library” with “An employee of the Parliamentary Service”. 20

Before section 58(3)(a), insert:

- (aaa) that the employee of the Parliamentary Service is engaged in supplying the library, information, research, and reference services provided by the Parliamentary Service under **section 124(1)(e)** of the Parliament Act **2024**; and 25

In section 93(2)(m), replace “Library” with “Service”.

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

In section 12(1), replace “department or Office of Parliament” with “department, an Office of Parliament, the Office of the Clerk of the House of Representatives, or the Parliamentary Service”. 30

Defamation Act 1992 (1992 No 105)

In section 13(4), replace “section 10 of the Parliamentary Privilege Act 2014” with “**section 13** of the Parliament Act **2024**”.

Electoral Act 1993 (1993 No 87)

In section 3(1), definition of **public servant**, paragraph (d)(i), replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

In section 3(1), definition of **Speaker**, paragraph (c), replace “an Acting Speaker of the House of Representatives who is able to act” with “a member with authority to act as Speaker (within the meaning of **section 48(3)** of the Parliament Act **2024**)”. 5

Employment Relations Act 2000 (2000 No 24)

In Schedule 1A, after paragraph (g)(iii)(C), insert:

- (D) a parliamentary security officer (as defined in **section 5** of the Parliament Act **2024**). 10

Epidemic Preparedness Act 2006 (2006 No 85)

In section 12(3)(c), replace “the Parliamentary Privilege Act 2014” with “**Part 2** of the Parliament Act **2024**”.

In section 15(3)(c), replace “the Parliamentary Privilege Act 2014” with “**Part 2** of the Parliament Act **2024**”. 15

Films, Videos, and Publications Classification Act 1993 (1993 No 94)

In section 131(4)(k), replace “the National Librarian, any other employee in the department responsible for the administration of that Act, or any person employed in the Parliamentary Library” with “the National Librarian or any other employee in the department responsible for the administration of that Act”. 20

Financial Reporting Act 2013 (2013 No 101)

In section 5(1), definition of **entity**, paragraph (g), replace “or an office of Parliament” with “an office of Parliament, or a parliamentary agency”.

Fire and Emergency New Zealand Act 2017 (2017 No 17) 25

In section 6, definition of **Crown**, after paragraph (c)(i), insert:

- (ia) a parliamentary agency within the meaning of **section 5** of the Parliament Act **2024**; or

Gangs Act 2024 (2024 No 36)

In section 4, definition of **public place**, paragraph (b), replace “section 3 of the Parliamentary Service Act 2000” with “**section 5** of the Parliament Act **2024**”. 30

Goods and Services Tax Act 1985 (1985 No 141)

In section 6(3)(c)(i), replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

Government Superannuation Fund Act 1956 (1956 No 47)

In section 82(1), definition of **member**, replace “section 8 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 70** of the Parliament Act **2024**”.

In section 82(1), replace the definition of **ordinary member** with:

5

ordinary member has the meaning given to it by **section 5** of the Parliament Act **2024**

In section 82(1), definition of **ordinary member**, replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

10

In section 82(1), definition of **salary**, replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

In section 95(1)(a), replace “or Offices of Parliament” with “Offices of Parliament, or parliamentary agencies”.

Health Act 1956 (1956 No 65)

15

In section 70(1A)(b), replace “section 3 of the Parliamentary Service Act 2000” with “**section 5** of the Parliament Act **2024**”.

Imperial Laws Application Act 1988 (1988 No 112)

In Schedule 1, item relating to the Bill of Rights 1688, replace “section 9 of the Parliamentary Privilege Act 2014” with “**section 17** of the Parliament Act **2024**”.

20

Income Tax Act 2007 (2007 No 97)

In section CW 31(a)(i), replace “section 17, 23, 27, 31, 34, or 35 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 71, 84, 88, or 95 or clauses 15 and 16 of Schedule 3** of the Parliament Act **2024**”.

In section CW 31(a)(ii), replace “a qualifying electoral candidate” with “an eligible candidate”.

25

Replace section CW 31(b) and (c) with:

- (b) the travel rebates of a former member of Parliament (including the travel rebates that apply in respect of a former member’s spouse or partner) and is paid—
 - (i) under section 39 of the Members of Parliament (Remuneration and Services) Act 2013 after 30 June 2014 and before the day after the date on which the Parliament Act **2024** receives Royal assent:
 - (ii) under **clause 23 or 24 of Schedule 3** of the Parliament Act **2024** on and after the date on which that schedule came into force:

30

35

Income Tax Act 2007 (2007 No 97)—continued

- (c) the travel expenses of a former Prime Minister (including the travel expenses that apply in respect of a former Prime Minister's spouse or partner) and is paid in accordance with a determination made under **section 73** of the Parliament Act **2024**:

In section CW 31, list of defined terms, replace “qualifying electoral candidate” with “eligible candidate”. 5

In section CX 33B, replace “Members of Parliament (Remuneration and Services) Act 2013” with “Parliament Act **2024**”.

In section YA 1, definition of **family member**, replace “section 5 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 67** of the Parliament Act **2024**”. 10

In section YA 1, insert in its appropriate alphabetical order:

eligible candidate means an eligible candidate as defined in **section 66** of the Parliament Act **2024**

In section YA 1, repeal the definition of **qualifying electoral candidate**. 15

Intelligence and Security Act 2017 (2017 No 10)

In section 191(6), definition of **communication**, replace “section 5(1) of the Parliamentary Privilege Act 2014” with “**section 12** of the Parliament Act **2024**”.

In section 191(6), definition of **proceedings in Parliament**, replace “section 10 of the Parliamentary Privilege Act 2014” with “**section 13** of the Parliament Act **2024**”. 20

In section 199(1), replace “the Parliamentary Privilege Act 2014” with “**Part 2** of the Parliament Act **2024**”.

In section 199(2), delete “(as defined in section 10 of the Parliamentary Privilege Act 2014)”.

After section 199(2), insert: 25

- (3) In this section,—

Article 9 of the Bill of Rights 1688 has the meaning given to it by ~~section 12~~**section 12** of the Parliament Act **2024**

proceedings in Parliament has the meaning given to it by ~~section 13~~**section 13** of the Parliament Act **2024**. 30

In section 227(4), definition of **communication**, replace “section 5(1) of the Parliamentary Privilege Act 2014” with “**section 12** of the Parliament Act **2024**”.

In section 227(4), definition of **proceedings in Parliament**, replace “section 10 of the Parliamentary Privilege Act 2014” with “**section 13** of the Parliament Act **2024**”.

Legislation Act 2019 (2019 No 58) 35

In section 5, repeal the definition of **central government entity**.

In section 102, repeal the definition of **central government entity**.

Legislation Act 2019 (2019 No 58)—continued

In section 102, replace the definition of **relevant policy agency** with:

- relevant policy agency** means,—
- (a) in relation to any Government Bill, Government amendment, or secondary legislation made by the Governor-General or a Minister, whichever of the following that is primarily involved in developing the legislation (excluding the PCO, unless the PCO is also the administering agency):
 - (i) a department (within the meaning of section 2(1) of the Public Finance Act 1989):
 - (ii) a parliamentary agency (within the meaning of **section 5** of the Parliament Act **2024**):
 - (iii) the Reserve Bank of New Zealand:
 - (iv) a Crown entity that is a statutory entity (as those terms are defined in section 7(1) of the Crown Entities Act 2004); and
 - (b) in relation to any other secondary legislation, the maker

In Schedule 3, repeal the item relating to the Members of Parliament (Remuneration and Services) Act 2013.

In Schedule 3, repeal the item relating to the Parliamentary Service Act 2000.

In Schedule 3, insert in its appropriate alphabetical order:

Parliament Act 2024		
Section 52	Exemption applies	See s 115(a)
Section 70	Exemption applies	Exemption applies
Section 71	Exemption applies	Exemption applies
Section 72	Exemption applies	Exemption applies
Section 73	Exemption applies	Exemption applies
Section 84		Exemption applies
Section 87A		<u>Exemption applies</u>
Section 88		Exemption applies
Section 95		Exemption applies

Private Security Personnel and Private Investigators Act 2010 (2010 No 115)

After section 22(c), insert:

- (ca) requires any employee of a parliamentary agency to hold a licence or certificate of approval in respect of—
 - (i) any act performed in the course of their employment by the parliamentary agency; or
 - (ii) any act performed by any other employee of the parliamentary agency in the course of their employment by the parliamentary agency; or

In section 22, insert as subsection (2):

Private Security Personnel and Private Investigators Act 2010 (2010 No 115)—
continued

(2) In this section, **parliamentary agency** has the meaning given to it in **section 5** of the Parliament Act **2024**.

Receiverships Act 1993 (1993 No 122)

In Schedule 1, clause 11(3), replace “the Secretary for Local Government, the Controller and Auditor-General, and the Parliamentary Library” with “the Secretary for Local Government and the Controller and Auditor-General”. 5

Remuneration Authority Act 1977 (1977 No 110)

In section 12(1)(a)(i), replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

In section 16(2), replace “section 8(6) of the Members of Parliament (Remuneration and Services) Act 2013 (which provides that a determination under section 8” with “**section 70(5)** of the Parliament Act **2024** (which provides that a determination under **section 70**”. 10

In section 17A(a), replace “section 16(2) of the Members of Parliament (Remuneration and Services) Act 2013” with “**sections 93 and 99** of the Parliament Act **2024**”. 15

In section 17A(a)(ii), replace “directions issued by the Speaker under section 23 or 34 of that Act or a determination made by the Minister Responsible for Ministerial Services under section 27” with “determinations made by the Speaker under **section 84(1) or 88(1)** of that Act or a determination made by the Minister Responsible for Ministerial Services under **section 95**”. 20

In section 17A(b)(ii), replace “section 16(2)(a) of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 79(2)** of the Parliament Act **2024**”.

In section 24(2), replace “section 16 or 17 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 68 or 71** of the Parliament Act **2024**”. 25

In Schedule 4, replace the item relating to the Clerk of the House of Representatives and the Deputy Clerk of the House of Representatives with:

The Clerk of the House of Representatives

Part 2

Minor and consequential amendments to secondary legislation 30

Citizens Initiated Referenda (Fees) Regulations 1993 (SR 1993/391)

In regulation 2, replace “section 6(2)(b)” with “**section 6(1)(b)**”.

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023 (SL 2023/195)

In clause 3(2), replace “Section 17 of the Act” with “**Section 71** of the Act”.

In clause 3(2) and (3)(a), replace “qualifying electoral candidates” with “eligible candidates”.

5

In clause 3(3)(a), replace “section 23(1) of the Act” with “**section 84(1)** of the Act”.

In clause 3(3)(b), replace “section 23(1)(f) of the Act” with “**section 88(1)(a)(iii)** of the Act”.

In clause 3(3)(c), delete “(see section 23(3) of the Act)”.

In clause 3(3)(d), replace “section 27 of the Act” with “**section 95** of the Act”.

10

In clause 3(3)(e), replace “section 34 of the Act” with “**section 88(1)(a)(i)** of the Act”.

In clause 4(4), replace “qualifying electoral candidates” with “eligible candidates”.

Replace the heading above clause 5(8) with:

Eligible candidates

15

In clause 5(8), replace “qualifying electoral candidates” with “eligible candidates”.

In clause 6(1), definition of **Act**, replace “Members of Parliament (Remuneration and Services) Act 2013” with “Parliament Act **2024**”.

In clause 6(1), definition of **Deputy Speaker**, replace “section 3 of the Parliamentary Service Act 2000” with “**section 5** of the Parliament Act **2024**”.

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In clause 6(1), replace the definition of **parliamentary purpose** with:

parliamentary purpose has the same meaning as in **section 60** of the Parliament Act **2024**

In clause 6(1), definition of **Parliamentary Service**, replace “section 3 of the Parliamentary Service Act 2000” with “**section 5** of the Parliament Act **2024**”.

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In clause 6(1), definition of **Speaker**, replace “section 3 of the Parliamentary Service Act 2000” with “**section 5** of the Parliament Act **2024**”.

In clause 6(2), after “**dependent child**,”, insert “**eligible candidate**,”.

In clause 6(2), replace “**polling day**, and **qualifying electoral candidate**” with “and **polling day**”.

30

Revoke clause 8.

Replace clause 13 with:

13 Resolution of issues

If an issue arises about the interpretation or application of Part 2 or 3, the issue is to be resolved in accordance with the procedure established by the Remuneration Authority under **section 82** of the Act.

35

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023 (SL 2023/195) —continued

In clause 20(7)(a), replace “the Parliamentary Service Act 2000” with “**section 5** of the Parliament Act **2024**”.

Replace the cross-heading above clause 39 with:

Eligible candidates

In the heading to clause 39, replace “**qualifying electoral candidates**” with “**eligible candidates**”. 5

In clause 40,—

- (a) replace “a qualifying electoral candidate” with “an eligible candidate” in each place: 10
- (b) replace “the qualifying electoral candidate” with “the eligible candidate” in each place.

In clause 40(1), replace “item 1 or 2 of Schedule 1 of the Act” with “**section 66(1)(a), (3)(a), or (5)(a)** of the Act during the period described in **section 66(2), (4), or (6)** respectively”.

In clause 40(4), replace “item 3, 4, or 5 of Schedule 1 of the Act” with “**section 66(1)(b), (3)(b), or (5)(b)** of the Act during the period described in **section 66(2), (4), or (6)** respectively”. 15

In clause 41(4), replace “section 7 of the Parliamentary Service Act 2000” with “**section 124** of the Parliament Act **2024**”.

Replace the cross-heading above clause 49 with: 20

Eligible candidates

In clause 49,—

- (a) replace “a qualifying electoral candidate” with “an eligible candidate” in each place: 25
- (b) replace “the qualifying electoral candidate” with “the eligible candidate” in each place.

In clause 49(1), replace “item 1 or 2 of Schedule 1 of the Act” with “**section 66(1)(a), (3)(a), or (5)(a)** of the Act during the period described in **section 66(2), (4), or (6)** respectively”.

In clause 49(3),— 30

- (a) replace “The qualifying electoral candidate” with “The eligible candidate”;
- (b) delete “described in item 1 or 2 of Schedule 1 of the Act”.

In clause 49(5), replace “item 3, 4, or 5 of Schedule 1 of the Act” with “**section 66(1)(b), (3)(b), or (5)(b)** of the Act during the period described in **section 66(2), (4), or (6)** respectively”. 35

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2023 (SL 2023/195) —continued

In clause 50(4), replace “section 7 of the Parliamentary Service Act 2000” with “**section 124** of the Parliament Act **2024**”.

In the Part 3 heading, replace “**qualifying electoral candidates**” with “**eligible candidates**”.

In clause 51(1)(b), replace “directions made by the Speaker under section 23 of the Act” with “a determination made by the Speaker under **section 84(1)** of the Act”. 5

In clause 52(5), definition of **child**, replace “paragraphs (b) and (c) of the definition of family member in section 5 of the Act” with “**paragraph (b)** of the definition of family member in **section 67** of the Act”.

In clause 55(3) and (4), replace “directions made by the Speaker under section 23 of the Act” with “a determination made by the Speaker under **section 84(1)** of the Act”. 10

In the cross-heading above clause 56, replace “*qualifying electoral candidates*” with “*eligible candidates*”.

In the heading to clause 56, replace “**qualifying electoral candidates**” with “**eligible candidates**”. 15

In the heading above clause 56(1), replace “*Qualifying electoral candidates*” with “*Eligible candidates*”.

In clause 56,—

(a) replace “a qualifying electoral candidate” with “an eligible candidate” in each place: 20

(b) replace “the qualifying electoral candidate” with “the eligible candidate” in each place.

In clause 56(1), replace “item 1 or 2 of Schedule 1 of the Act” with “**section 66(1)(a), (3)(a), or (5)(a)** of the Act during the period described in **section 66(2), (4), or (6)** respectively”. 25

In clause 56(3)(b), replace “the qualifying electoral candidate’s” with “the eligible candidate’s”.

In the heading above clause 56(4), replace “*qualifying electoral candidates*” with “*eligible candidates*”. 30

In clause 56(4), replace “item 3, 4, or 5 of Schedule 1 of the Act” with “**section 66(1)(b), (3)(b), or (5)(b)** of the Act during the period described in **section 66(2), (4), or (6)** respectively”.

Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261) 35

In clause 3(1), definition of **Act**, replace “Members of Parliament (Remuneration and Services) Act 2013” with “Parliament Act **2024**”.

Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261)—*continued*

In clause 5, replace “section 44(3) of the Act” with “**section 82** of the Act”.

In clause 10(2), replace “Section 44(2) of the Act” with “**Section 73** of the Act”.

In clause 10(2)(a), replace “section 44(1) of the Act” with “**section 73** of the Act”.

Parliamentary Annuities Determination 2023 (SL 2023/291)

In clause 3, replace “section 43(1)(a) of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 72(1)** of the Parliament Act **2024**”. 5

Parliamentary Salaries and Allowances Determination 2024 (SL 2024/121)

In clause 5(1), replace “section 8 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 70** of the Parliament Act **2024**”.

In clause 6(1), replace “section 8 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 70** of the Parliament Act **2024**”. 10

In clause 6(2), replace “Members of Parliament (Remuneration and Services) Act 2013” with “Parliament Act **2024**”.

In clause 6(3), replace “section 8 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 70** of the Parliament Act **2024**”. 15

In the Schedule 1 heading, replace “**section 8 of Members of Parliament (Remuneration and Services) Act 2013**” with “**section 70** of Parliament Act **2024**”.

In the Schedule 2 heading, replace “**section 8 of Members of Parliament (Remuneration and Services) Act 2013**” with “**section 70** of Parliament Act **2024**”.

In the heading to Part 1 of Schedule 2, replace “**section 8 of Members of Parliament (Remuneration and Services) Act 2013**” with “**section 70** of Parliament Act **2024**”. 20

In the heading to Part 2 of Schedule 2, replace “**section 8 of Members of Parliament (Remuneration and Services) Act 2013**” with “**section 70** of Parliament Act **2024**”. 25

Parliamentary Superannuation Determination 2003 (SR 2003/306)

In clause 3, definition of **member**, replace “section 8 of the Members of Parliament (Remuneration and Services) Act 2013” with “**section 70** of the Parliament Act **2024**”.

In clause 3, replace the definition of **ordinary member** with: 30

ordinary member has the meaning given to it by **section 5** of the Parliament Act **2024**

In clause 3, definition of **ordinary member**, replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

Parliamentary Superannuation Determination 2003 (SR 2003/306)—*continued*

In clause 3, definition of **salary**, replace “the Members of Parliament (Remuneration and Services) Act 2013” with “**Part 4** of the Parliament Act **2024**”.

Legislative history

5 September 2024
24 September 2024

Introduction (Bill 71–1)
First reading and referral to Parliament Bill Committee