
Legislative statement

Parliament Bill

Introduction and first reading

September 2024

Presented to the House of Representatives
under Standing Orders 272 and 381(1)

Hon Chris Bishop
Leader of the House
Minister in charge of the bill

Introduction

- 1 This legislative statement sets out information that the Minister in charge considers is relevant and important for the House when considering the first reading of the Parliament Bill. It supports the bill, as introduced, which can be found on the Legislation website [here](#). The bill includes an explanatory note, which provides a detailed explanation of the provisions in the bill. Links to further information about the bill are set out in the last section of this legislative statement.

Overview of bill

- 2 The Parliament Bill brings together four different Acts to provide a modern legislative framework for Parliament and the agencies that support it. In doing so, the bill clarifies the independence of Parliament from the executive, protects the privileges of Parliament, specifies the funding arrangements to support members and their work, and sets out an adaptive and collaborative relationship between the parliamentary agencies.
- 3 Policy changes in the bill include:
 - 3.1 providing a statutory basis for security arrangements on the parliamentary precincts, including introducing limited search and seizure powers
 - 3.2 allowing for these statutory powers to be exercised to provide security where necessary at electorate and community offices (ECOs), and at parliamentary meetings that occur outside the parliamentary precincts (generally select committee meetings, but also the House itself if it needed to meet at another venue)
 - 3.3 setting out a funding model for the parliamentary agencies so their appropriations are commended by the House, rather than determined by the executive, based on the model used for the Offices of Parliament
 - 3.4 making the system for funding members' work-related expenses clearer and more family-friendly, and transferring responsibility for determining members' accommodation services from the Remuneration Authority to the Speaker
 - 3.5 setting out consistent arrangements for when functions, powers, and duties of the Speaker may be carried out by the Deputy Speaker, other members authorised to act as Speaker, and the Governor-General
 - 3.6 transferring to the Electoral Commission the Clerk's function under the Citizens Initiated Referenda Act 1993 of determining whether a petition carries the required number of signatures to trigger a referendum
 - 3.7 modernising the statutory functions of the Clerk of the House.

- 3.8 aligning provisions relating to the appointment and conditions of the Clerk of the House and the Chief Executive of the Parliamentary Service, including the following:
- removing the Clerk’s mandatory retirement age of 68 years
 - lengthening the maximum term of the Chief Executive from five to seven years, with eligibility for reappointment
 - providing for the Chief Executive to be suspended
- 3.9 making the Parliamentary Library a standard business unit in the Parliamentary Service, with the role of Parliamentary Librarian becoming an ordinary employee of the Parliamentary Service
- 3.10 changing the role of the Deputy Clerk from a statutory officer to an employee of the Office of the Clerk
- 3.11 updating and aligning provisions relating to employment in the parliamentary agencies.

These policy changes are set out in further detail below.

Consolidation of statutory framework for Parliament

- 4 At present, the arrangements for Parliament are primarily found in four statutes. Three Acts provide operational arrangements, and another Act provides for constitutional matters. These Acts are described in the following table:

Parliamentary Privilege Act 2014	<ul style="list-style-type: none"> • Provides legislative recognition for some of the privileges, immunities, and powers that the House of Representatives, its committees, and its members may exercise. • Reaffirms constitutional protections against legal liability for Parliament’s proceedings.
Members of Parliament (Remuneration and Services) Act 2013	<ul style="list-style-type: none"> • Provides for the remuneration of members of Parliament. • Ensures members are provided with funding and services to carry out their roles and functions, and establishes a system for determining that funding and those services. • Provides travel services for family of members.
Clerk of the House of Representatives Act 1988	<ul style="list-style-type: none"> • Provides for the appointment of the Clerk and other officers of the House. • Establishes the Office of the Clerk.
Parliamentary Service Act 2000	<ul style="list-style-type: none"> • Provides governance arrangements for the Parliamentary Service. • Provides for ownership and control of land and assets for parliamentary purposes. • Establishes mechanisms for providing services and delivering funding for parliamentary purposes. • Provides for regular and independent reviews of monetary amounts appropriated for services and funding to support parliamentary operations of members, parties, and qualifying electoral candidates.

- 5 The part structure of the bill reflects different topics covered by those Acts:
- Part 1 contains preliminary provisions
 - Part 2 affirms parliamentary privilege
 - Part 3 relates to the functions, duties, and powers of the Speaker, particularly in respect of the parliamentary precincts
 - Part 4 provides for salaries, allowances, expenses, and services for members and others
 - Part 5 concerns the role of the Clerk of the House and the Office of the Clerk
 - Part 6 deals with the Parliamentary Service and its Chief Executive, and other bodies associated with the Service
 - Part 7 sets out parliamentary security arrangements.
- 6 Parts 8 to 10 amend other Acts as follows:
- Part 8 amends the Public Finance Act 1989 to implement a new funding model for parliamentary agencies
 - Part 9 amends the Citizens Initiated Referenda Act 1993 in respect of the Clerk's functions under that Act
 - Part 10 makes amendments to other legislation, including an amendment to the Privacy Act 2020 relating to personal information obtained by a parliamentary security officer, amendments to the Public Audit Act 2001 that follow from the amendments to the Public Finance Act 1989, and minor and consequential amendments to other legislation.
- 7 Part 11 repeals and revokes legislation replaced by provisions in Parts 1 to 7.
- 8 Parts 8 to 11 and Schedules 7 and 8 will be divided to form a separate bill, which is proposed to be titled the **Parliament (Repeals and Amendments) Bill**.
- 9 Other constitutional matters relating to Parliament will remain in other Acts, such as the [Constitution Act 1986](#), the [Electoral Act 1993](#), and the [Public Finance Act 1989](#). The bill amends the latter Act, but not in terms of the Government's accountability to the House for the spending of public money. The bill's amendments to the Public Finance Act 1989 are focused on the mechanism for determining appropriations administered by parliamentary agencies (see paragraphs [20] to [32]).
- 10 The bill repeals two other Acts because they are spent. [The Legislative Council Abolition Act 1950](#) remains in force but is redundant, as the only substantive matter it contains is the abolition of the Legislative Council. The bill includes a savings provision that ensures changes in terminology under that Act are preserved (Schedule 1, Subpart 4). The other Act to be repealed is the [Parliamentary Agencies Delegations Legislation Act 2019](#), which amended the Clerk of the House of Representatives Act 1988 and Parliamentary Service Act 2000 to enable the delegation of functions between the two parliamentary agencies. Those amendments are fully incorporated into the bill.

Main policy proposals

Statutory powers for parliamentary security (Part 7, and clauses 136–141 of Part 6)

- 11 The bill gives parliamentary security officers (PSOs) statutory powers of consent search, denial of entry, temporary seizure of specified items, and temporary detention (subject to statutory limitations).¹ It also provides immunity for good-faith execution by PSOs of their functions and powers,² and extends immunity to people assisting them. Obstructing a PSO in the exercise of their powers would be an offence liable to a fine of no more than \$1,000 or to imprisonment for no longer than three months.³
- 12 The policy objective of these provisions is to ensure Parliament's safety and security are adequately protected, including a capacity to deal with serious threats to the health and life of members of Parliament, staff, and visitors. At the same time, the proposal aims to uphold Parliament's current level of openness and accessibility to the public, as far as is practicable in light of the threat assessment at any given time.
- 13 Currently, PSOs have neither specific statutory powers of search, seizure, or detention, nor specific immunities for the appropriate execution of their duties. They currently rely on the common law and the rights of an "occupier" under the [Trespass Act 1980](#) (on delegation from the Speaker) to carry out their duties.
- 14 PSOs are expected to intervene to protect people and assets in the parliamentary precinct until the Police arrive. Their current lack of legislative authority to protect members, staff, and visitors from serious threats could place those on the parliamentary precincts at risk. An external independent review in 2019 contrasted the lack of statutory powers for parliamentary security with legislation that empowers the protection of other important public facilities, such as courts and airports. Legislation that provides court security officers with their powers has been used as a model for the bill,⁴ with some changes to reflect the parliamentary environment.
- 15 PSOs would be able to use their powers on the parliamentary precincts.⁵ The bill also provides for PSOs to exercise powers in respect of electorate and community offices,⁶ and at parliamentary meetings that occur outside the parliamentary precincts.⁷ The term **parliamentary meeting** would be defined as a sitting of the House or a meeting of a committee of the House.⁸ In practice, it primarily would mean a select committee meeting, but if for some reason the House met outside the precincts then that sitting would be covered too.

¹ Part 7, Subpart 2.

² Clause 138.

³ Clause 141.

⁴ [Courts Security Act 1999](#).

⁵ Clause 166(1).

⁶ Clauses 163 (**electorate and community office**), 166(2)(b), and 167.

⁷ Clause 166(2)(a) and (4).

⁸ Clause 163 (**parliamentary meeting**).

- 16 Powers to be available to PSOs under the bill include the following:
- power to ask for information from a person who wants to enter the precincts, including their name and address and their reason for entry (clause 169)
 - powers to ask to search a person and/or property in their possession or control (clause 170)
 - powers to ask to examine detected items, and, in some circumstances, to detain or seize detected items (clauses 172 to 176)
 - power to detain persons in some circumstances, including a power to use handcuffs (clauses 177 to 179)
 - powers to deny entry to, or remove a person from, the precincts (clause 180, and also clauses 169(2), 170(2), 172(3)(a), 173(4)(b)(i), 174(5) and 182)
 - power to use reasonable force (clause 181).
- 17 Various limits and duties are to be associated with the use of these powers,⁹ including duties for PSOs to provide information to persons concerned.¹⁰ Specific limits will apply in particular circumstances, such as when a person is detained, in which case the detention may be only for a reasonable period not exceeding four hours and the Police must be contacted promptly.¹¹ PSOs will not be able to use the statutory powers in relation to members of Parliament, officers of the House, or individuals or groups exempted by the Speaker.¹² During a parliamentary meeting, a PSO may exercise powers only as directed by the member presiding over the meeting.¹³ A PSO may exercise powers and duties at an electorate and community office only as authorised by the Chief Executive at the request of the member who operates the office, and only when the Chief Executive believes on reasonable grounds that this is an appropriate response to a threat.¹⁴ When appointing a PSO under the bill, the Chief Executive may specify conditions or limitations relating to their appointment, and their exercise of statutory powers is subject to such conditions or limitations.¹⁵ In addition, PSOs would have to complete training relevant to their role, including in respect of the application of the New Zealand Bill of Rights Act 1990, before they may exercise any statutory powers or duties.
- 18 The bill's policy has been developed in consultation with the New Zealand Police, who support the approach taken as complementing the current arrangement in which a policing presence is provided on the parliamentary precincts when necessary. The use by PSOs of some of the powers under the bill would require the Police to be contacted as soon as reasonably practicable to assist where necessary, including to make any determination as to arrest.

⁹ Clauses 168, 171, 175, 176(3), 178(3), 185, and 186 to 190 (Subpart 4).

¹⁰ Clauses 171, 175, and 185.

¹¹ Clause 178.

¹² Clauses 186 and 187.

¹³ Clause 188.

¹⁴ Clause 167.

¹⁵ Clauses 136(2) and 190.

- 19 For comparison, parliaments in Australia, Canada, and the United Kingdom maintain a strong police presence on the parliamentary precincts. On that basis, they do not have specific statutory powers in place for security officers. The policy set out in the bill seeks to reduce the need for a police presence on the precincts.

Funding model for parliamentary agencies (Part 8)

- 20 Part 8 of the bill establishes a model for the House to determine the funding of the parliamentary agencies, similar to that used for deciding the appropriations for Offices of Parliament. The objective of this policy proposal is for parliamentary funding to be—
- adequate, appropriate, effective, and efficiently delivered in order to promote a healthy and thriving democracy
 - determined in a way that upholds the House’s right to control its own affairs, while also being fiscally responsible
 - shaped by input from members, the Treasury, and independent advisers
 - transparent in the way it is determined.
- 21 The Parliamentary Service and the Office of the Clerk are not part of executive Government but are the agencies that directly support the operation of Parliament. They are defined as departments for the purposes of the Public Finance Act 1989 and administer Votes containing appropriations for outputs as if they were Government departments.¹⁶ Funding for the two agencies is determined using the same contestable process applied to all departments. The agencies may be invited to submit Budget bids, in the same way as Government departments, for Treasury to consider. The Government considers whether the bids align with its priorities.
- 22 This means Parliament is financially dependent on the Government. From a constitutional perspective, this arguably weakens the separation of powers between the legislature and the executive.
- 23 Under the bill, the Parliamentary Service and the Office of the Clerk are designated as **parliamentary agencies** that administer appropriations without being categorised as “departments” under the Public Finance Act 1989.¹⁷ The pre-Budget process for determining appropriations for the parliamentary agencies, as provided for in the bill,¹⁸ resembles that already used to consider proposed funding for the Offices of Parliament.¹⁹ That process involves the proposed funding being considered and recommended to the House by the

¹⁶ Public Finance Act 1898, [section 2\(1\)](#) **department**, **appropriation administrator**, and **Vote**.

¹⁷ Clause 193.

¹⁸ Clause 203, proposed new section 26EA.

¹⁹ The Offices of Parliament are the Auditor-General, the Ombudsman, and the Parliamentary Commissioner for the Environment, and the organisations that support each of them. Public Finance Act 1898, [section 2\(1\)](#) **Office of Parliament** and **Auditor-General**; and Public Audit Act 2001, [section 4](#) **Auditor-General**.

- Officers of Parliament Committee, after which the House commends the appropriations to the Crown for inclusion in the Budget.²⁰
- 24 A select committee will be given responsibility for conducting a similar process in respect of the Estimates of Appropriations for the parliamentary agencies. The following procedure is therefore proposed:
- the parliamentary agencies consult the Treasury
 - the proposed Estimates are submitted to the House, which in practice will mean they are provided directly to the relevant select committee
 - the committee considers the proposed Estimates and may seek advice as it sees fit
 - the committee reports to the House recommending Estimates for the parliamentary agencies
 - the recommendations are proposed for the House to adopt and commend in an address to the Crown.
- 25 The Treasury was consulted about this policy and expressed concerns about the executive's fiscal control of what can be sizeable appropriations, including substantial provision for the development and maintenance of the Parliament Buildings, which are Crown assets. The bill takes account of these concerns by providing for capital expenditure in respect of Crown assets managed or controlled by the Parliamentary Service, and associated depreciation expenses, to be dealt with separately through the usual Budget process.²¹
- 26 The proposed funding model will require implementation through changes to the Standing Orders to give a select committee responsibility for considering draft appropriations for the House to commend. The bill's use of the term "parliamentary agencies" will also need to be recognised in the Standing Orders to ensure the agencies remain subject to the annual review procedure.
- 27 The auditing arrangements for the parliamentary agencies will not change—the Auditor-General will continue to be the auditor for both the Office of the Clerk and the Parliamentary Service because they are public entities under the Public Audit Act 2001.²² Other requirements under the Public Finance Act 1989 remain unchanged too. The Speaker will still be the responsible Minister accountable to the House for expenditure from the appropriations of the parliamentary agencies.²³ The parliamentary agencies would continue to publish and present annual reports and information on their strategic intentions.
- 28 It is proposed that Part 8 come into force on 1 July 2025,²⁴ with transitional provisions applying to the 2025/26 financial year.²⁵

²⁰ See David Wilson (ed), *Parliamentary Practice in New Zealand*, 5th ed (2023—Wellington), at [45.3.6](#).

²¹ Clause 203, proposed new section 26EB.

²² Public Audit Office 2001, [section 5](#) and [Schedule 2](#).

²³ Clause 193(2).

²⁴ Clause 2(2)(b).

²⁵ Schedule 7.

Advice on appropriations

- 29 The bill does not continue the triennial process for the Speaker to establish an Appropriations Review Committee (ARC) to consider whether funding for the Parliamentary Service and its operations is being used efficiently, and whether it is adequate to enable members, parties, and qualifying electoral candidates to effectively perform their functions. Currently, the Parliamentary Service Act 2000 requires the establishment of the ARC every three years.²⁶
- 30 The ARC was introduced as a mechanism to check that funding is adequate for Parliament to carry out its constitutional functions. Currently, there is no expectation that the Government will implement the ARC's recommendations through its Budget decisions. Once the bill is passed, it is expected that the select committee that considers the draft appropriations for the parliamentary agencies will be responsible for ensuring that Parliament is adequately funded.
- 31 An ARC has recently been established by the Speaker, as required under the Parliamentary Service Act 2000. The bill does not affect the process for that current review.²⁷
- 32 It is expected that independent advice may be commissioned to support decisions relating to draft appropriations. Such independent advice could be provided by a semi-permanent expert advisory board appointed by the Speaker (as recommended by the seventh ARC in 2018²⁸) or by individual advisers appointed by the select committee. The commissioning by the Speaker of independent advice would be subject to a requirement to consult the Parliamentary Service Commission.²⁹ Advice provided to the select committee would become available to the public after the committee reports on the draft appropriations, as is always the case for advice to select committees.³⁰

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

(Part 4 and Schedule 3)

- 33 The bill incorporates the Members of Parliament (Remuneration and Services) Act 2013, which ensures that the House of Representatives and its members are properly supported in a way that maintains confidence in the integrity of Parliament. In doing so, that Act includes:
- providing for the remuneration of members of Parliament
 - ensuring that members of Parliament are provided with the funding and services that they require to enable them to carry out their roles and functions
 - establishing an efficient and effective system for determining the funding and services to be provided to members of Parliament
 - providing for travel services for family members of members of Parliament.

²⁶ Parliamentary Service Act 2000, [sections 20 to 22](#).

²⁷ Schedule 1, clause 12.

²⁸ Appropriations Review Committee, [Towards a World-Leading Democracy Ahu Atu Ai ki Tētahi Ao-Manapori Arataki—Report of the Seventh Triennial Appropriations Review Committee](#), (17 August 2018) [2017–2020] NZPP A.14, at 20.

²⁹ Schedule 6, clause 17(2).

³⁰ [Standing Order 243](#).

- 34 Guiding principles are set out in the bill, both for the determination of expenses and services, and for the use by members and others of authorised funding and services.³¹ In terms of the making of such determinations by the Remuneration Authority, the Speaker, and the Minister Responsible for Ministerial Services, the principles include:³²
- maintaining confidence in the integrity of Parliament
 - the need for public understanding of the work of members, Ministers, and parties and the services they require to perform their roles
 - transparency, independence, and fairness
 - efficient and effective delivery of funding and services
 - clarity about eligibility for funding and services.
- 35 For the use by members, Ministers, and eligible candidates of funding and services provided under the bill, the principles relate to appropriateness, accountability, openness, transparency, and financial prudence.³³
- 36 Members are required to be in Wellington when the House is sitting, which means those based outside Wellington are separated from their families for long periods. This can be especially difficult for members with young families. Enabling children to travel to be with their parents is a key way in which the system supports members when they are away from home for work.
- 37 Recommendations from a statutory review of the Act, presented to the House of Representatives in 2020,³⁴ are implemented in the bill. The policy objective of these provisions is to make the system for funding members' work-related expenses clearer and more family-friendly.
- 38 The bill incorporates the review's recommendation to provide greater flexibility for members' travel services by expanding the definition of **family member** so that determinations providing for travel services may recognise a caregiver.³⁵ This would allow a caregiver to—
- support a member's dependent child or adult dependant who is travelling to be with the member
 - support a member's spouse or partner who has a disability
 - support a member who has a disability.
- 39 Members' spouses or partners may not always be able to take time away from their own careers and other obligations to accompany their children to Wellington. The expanded definition of **family member** enables a caregiver to accompany a member's dependent family members to Wellington.

³¹ Part 4, Subpart 2.

³² Clause 68.

³³ Clause 69.

³⁴ Speaker of the House of Representatives and the Minister Responsible for Ministerial Services, [Report on the review of the operation of the Members of Parliament \(Remuneration and Services\) Act 2013](#), presented on 21 July 2020.

³⁵ Clause 67.

- 40 The bill incorporates the review's recommendation to expand the definition of **dependent child** to include children over the age of 18 who are still in secondary education.³⁶ A new definition of **adult dependant** includes a family member who is over the age of 18 but who, by reason of a disability, is dependent on the member for their on-going daily care.³⁷
- 41 The objective of these changes is to enable members to better balance their parliamentary duties with family commitments and to support a diverse Parliament, while ensuring that public funding is used appropriately.

Responsibility for determining accommodation services

- 42 Members who travel to Wellington to undertake their parliamentary work need to be accommodated while attending to their duties. Similarly, members need accommodation when they travel for other parliamentary business, particularly select committee meetings outside Wellington.
- 43 Under the bill, responsibility for determining members' and eligible electoral candidates' accommodation services is transferred from the Remuneration Authority to the Speaker. The objective of this change is to make members' travel and accommodation services more accessible by having a single decision-maker who issues all directions relating to the support provided for members' parliamentary functions. It means the Speaker will make secondary legislation covering members' travel, accommodation, and communication services; and funding allocations for administrative support. Determining all these matters together will provide improved accessibility and greater clarity for members to resolve issues when they arise.
- 44 An alternative option is for the Remuneration Authority to be the single decision-maker for members' travel and accommodation services. This option has not been preferred because of the importance of maintaining the House's exclusive authority to control its own affairs. It is not desirable for an outside authority to make determinations that affect how members may carry out their parliamentary functions.
- 45 The Members of Parliament (Remuneration and Services) Act 2013 currently gives permanent legislative authority for expenses to be incurred for services determined by the Remuneration Authority, without further appropriation being needed.³⁸ With the Speaker having responsibility for determining accommodation services, parliamentary approval for funding these services will be needed each year through an appropriations bill, rather than there being permanent legislative authority.

³⁶ Clause 63.

³⁷ Clause 61.

³⁸ Members of Parliament (Remuneration and Services) Act 2013, [section 22](#).

Functions, duties, and powers of Speaker (Part 3)

- 46 The four Acts that the bill consolidates set out functions, duties, and powers of the Speaker. Those Acts differ in the way that they provide for the Deputy Speaker to act as Speaker, and in their provision for the exercise of the Speaker's functions in the period between terms of Parliament. They are also inconsistent in how they provide for the Governor-General to exercise some functions. The bill therefore seeks to implement consistent arrangements for when functions, duties, and powers of the Speaker may be carried out by the Deputy Speaker, other members authorised to act as Speaker, and the Governor-General, with the policy objective of resolving those differences between the four Acts.
- 47 Currently, the Clerk of the House of Representatives Act 1988 provides for the Governor-General to receive the resignation of the Clerk, or to appoint an acting Clerk, when the Speaker cannot exercise these functions³⁹—there is no provision in that Act for the Deputy Speaker to act for the Speaker. The 1988 Act also provides for the Governor-General to exercise these functions in the period after polling day for a general election.⁴⁰ On the other hand, under the Parliamentary Service Act 2000 the Deputy Speaker may act as Speaker if the Speaker is not available.⁴¹ During the period after polling day at a general election, the person who was the Speaker or Deputy Speaker may receive the Chief Executive's resignation or appoint an acting Chief Executive.⁴²
- 48 The bill resolves such inconsistencies by providing generally that the Deputy Speaker acts as Speaker when the Speaker is absent or the office of Speaker is vacant. The Deputy Speaker is empowered under the bill to act for the Speaker in some situations where, under current law, the Governor-General would exercise functions in the Speaker's absence.
- 49 Under the Constitution Act 1986, the Speaker continues in office despite the dissolution or expiration of Parliament, and ceases to hold office from the close of polling day at a general election.⁴³ The bill clarifies that, like the Speaker, the Deputy Speaker continues in office between the end of the term of Parliament and polling day.⁴⁴
- 50 The bill generally provides that, during the period after polling day, references to the Speaker are regarded as references to the person who was the Speaker (or Deputy Speaker) at the end of the term of Parliament.⁴⁵ This provision reflects current legislation and allows for continuity in the administration of the precincts, parliamentary appropriations, member and party funding and services, and parliamentary privilege.

³⁹ Clerk of the House of Representatives Act 1988, sections [11\(1\)](#) and [6\(3\)](#).

⁴⁰ Clerk of the House of Representatives Act 1988, sections [11\(1\)](#) and [6\(3\)](#). These provisions provide that the Governor-General exercises these functions when “there is no Speaker of the House of Representatives”. The Act does not provide for references to the Speaker after polling day (unlike the Parliamentary Service Act 2000), and so for the purposes of the Act the Speaker ceases to hold office at the close of polling day in accordance with [section 13](#) of the Constitution Act 1986.

⁴¹ Parliamentary Service Act 2000, [section 33](#).

⁴² Parliamentary Service Act 2000, [section 3](#), definitions of **Speaker** and **Deputy Speaker**.

⁴³ Constitution Act 1986, [section 13](#).

⁴⁴ Clause 49.

⁴⁵ Clause 50.

- 51 Some specific functions of the Speaker are one-off actions of constitutional importance that are appropriately carried out by a current officeholder. Under the bill, the Governor-General will therefore exercise these functions, if required, in the period after polling day at a general election, instead of the person who was the Speaker. These functions are:
- receiving a letter of resignation from the Clerk or the Chief Executive⁴⁶
 - appointment of an acting Clerk or an acting Chief Executive⁴⁷
 - suspension of the Chief Executive (see paragraph [61], below).⁴⁸
- 52 Some of the Speaker's functions will not be exercisable at all after polling day at a general election. These functions are the making of recommendations to the Governor-General for appointment of the Clerk and the Chief Executive,⁴⁹ and the removal from office (rather than suspension) of the Chief Executive.⁵⁰ These functions are not exercisable until after the opening of Parliament.

Delegation by Speaker (Clauses 41 to 45)

- 53 The Speaker's functions, duties, and powers under the bill can generally be delegated to the Deputy Speaker.⁵¹ Some functions are important for the Speaker to undertake and cannot be delegated.⁵² These functions are as follows:
- making determinations about authorised funding and services, including travel and accommodation expenses
 - recommending to the Governor-General the appointment of the Clerk or the Chief Executive
 - appointing an acting Clerk or an acting Chief Executive
 - removing or suspending the Chief Executive from office.
- 54 The bill provides that the Speaker does not have a general power of delegation to persons other than the Deputy Speaker. The Speaker can delegate to another person only as expressly authorised under the bill. Examples of functions that are authorised to be delegated by the Speaker include:
- functions, duties, or powers held by the Speaker under the Public Finance Act 1989 relating to appropriations administered by parliamentary agencies⁵³
 - control and administration of the parliamentary precincts⁵⁴
 - powers of the occupier of the parliamentary precincts under the Trespass Act 1980⁵⁵

⁴⁶ Clause 50(3)(e) and (f), and Schedule 4, clauses 5 and 11.

⁴⁷ Clauses 50(3)(b) and (d), 110, and 131.

⁴⁸ Clause 50(3)(g) and Schedule 4, clause 12(4).

⁴⁹ Clauses 50(3)(a) and (c), 102(3), and 126(4).

⁵⁰ Clause 50(3)(g) and Schedule 4, clause 12(3).

⁵¹ Clause 42(1).

⁵² Clause 42(2).

⁵³ Clause 43.

⁵⁴ Clause 55(2).

⁵⁵ Clause 56(2).

- signing, instead of the Speaker, a document to which the common seal of the Parliamentary Corporation is affixed⁵⁶
- commissioning experts to support the Parliamentary Service Commission.⁵⁷

Clerk of the House, Office of the Clerk, and Chief Executive, Parliamentary Service, and other parliamentary bodies (Parts 5 and 6)

- 55 The bill updates, modernises, and aligns provisions relating to the Clerk of the House, the Office of the Clerk, and the Parliamentary Service.
- 56 The Clerk of the House's current statutory functions do not include their key role as adviser on matters of parliamentary procedure and law, nor do they reflect other functions that have developed as the role has matured. The bill takes account of how the Clerk's role has evolved over time, so that, in addition to their current statutory functions,⁵⁸ they are responsible for:⁵⁹
- advice on matters of parliamentary procedure and law
 - communication of the proceedings of the House of Representatives
 - education about Parliament and support for the public to engage with Parliament
 - supporting Parliament to engage with other parliaments.
- 57 The statutory functions of the Chief Executive of the Parliamentary Service are also updated to mirror relevant functions of the Clerk.⁶⁰
- 58 The bill removes the requirement for the Clerk of the House to resign on reaching the age of 68 years.⁶¹ The Clerk of the House is appointed for a term of seven years, with eligibility for reappointment.⁶² An age limit is unnecessary on account of the seven-year term, as the Clerk's ongoing suitability for the role can be considered before they are reappointed. No retirement age applies for the Chief Executive of the Parliamentary Service or any public service chief executive.
- 59 The bill retains the Clerk's current seven-year term, which reflects the strong expectation of their impartiality as a constant source of parliamentary and constitutional advice to the Speaker and members across the House. The term spans more than two terms of Parliament. It also pragmatically recognises the highly specialised nature of the role, the need for deep experience of the practice and precedents of Parliament, and the relatively limited number of people with suitable experience and expertise to fill the position.
- 60 The term of the Chief Executive of the Parliamentary Service is increased to seven years, with eligibility for reappointment.⁶³ Currently the Chief Executive's term is five years, the same as for chief executives in the public service. The reason for the proposal is to align the Chief Executive's term with that of the

⁵⁶ Schedule 6, clause 7(4). This function may be delegated by the Speaker only to a member.

⁵⁷ Schedule 6, clause 17(2).

⁵⁸ Clerk of the House of Representatives Act 1988, [section 3](#).

⁵⁹ Clause 103.

⁶⁰ Clause 127.

⁶¹ This age limit is set out in the Clerk of the House of Representatives Act 1988, [section 11\(1\)](#).

⁶² Schedule 4, clause 2(1).

⁶³ Schedule 4, clause 8(1).

- Clerk of the House. The role of Chief Executive has a strong expectation of impartiality in the provision of services to Parliament. As is the case for the Clerk's term, the longer term would span more than two terms of Parliament.
- 61 Currently, the Chief Executive may be removed from office by the Speaker for just cause or excuse,⁶⁴ but cannot be suspended. The bill provides that, in addition to the power of removal, the Speaker may suspend the Chief Executive for just cause or excuse.⁶⁵ This aligns with the provision for the suspension of the Clerk. It also allows for a situation where the Speaker may suspend the Chief Executive while investigating or considering whether removal is warranted. Under the bill, the Speaker could remove or suspend the Chief Executive only with the agreement of the Governor-General.
- 62 Bespoke employment provisions for the Office of the Clerk and the Parliamentary Service are incorporated into the bill, aiming to make the provisions as consistent as possible. This includes changing some employment provisions—for example, by providing statutory immunity for good-faith acts and omissions to staff of the Office of the Clerk.⁶⁶ The Public Service Commissioner is removed from most employment matters in respect of the parliamentary agencies, although the Commissioner's performance of certain functions may be requested by the Speaker.⁶⁷ The bill also includes some new employment provisions; for example, requiring the Parliamentary Service to take into account the wishes of parties when appointing parliamentary party employees,⁶⁸ and giving the parliamentary agencies the ability to ask potential appointees for corporate roles about their political activities in order to maintain organisational neutrality and reputation.⁶⁹
- 63 The current statutory arrangements for the appointment and roles of the Deputy Clerk of the House and the Parliamentary Librarian,⁷⁰ and for the establishment and functions of the Parliamentary Library,⁷¹ are inflexible and inconsistent with the structure, management, and employment practices of the Office of the Clerk and the Parliamentary Service. The bill makes the role of the Deputy Clerk that of an employee of the Office of the Clerk, with remuneration set by the Clerk directly.⁷² Future appointments to the Deputy Clerk role will be made by the Clerk, and the appointment of that role would be specified in legislation to assure the Speaker and the House that a Deputy Clerk would assume responsibility in the absence of the Clerk.⁷³

⁶⁴ Parliamentary Service Act 2000, [Schedule 1](#), clause 5.

⁶⁵ Schedule 4, clause 12.

⁶⁶ Clause 117.

⁶⁷ Clause 46. Schedule 1, clause 7 of the Parliamentary Service Act 2000, which applies some provisions of the Public Service Act 2020 to employment in the Parliamentary Service, is not continued in the bill. Under Schedule 5, clause 20, the head of a parliamentary agency may adopt all or part of an equal employment opportunities programme or policy developed under the Public Service Act 2020.

⁶⁸ Clause 133 and Schedule 5, clause 2(2).

⁶⁹ Schedule 5, clause 8.

⁷⁰ Clerk of the House of Representatives Act 1988, [section 7](#); and Parliamentary Service Act 2000, [Schedule 1](#), clause 13.

⁷¹ Parliamentary Service Act 2000, [Schedule 1](#), clauses 11 and 12.

⁷² Clause 113.

⁷³ Clauses 108 and 109.

- 64 The Parliamentary Librarian and Library will no longer be specified in legislation. Instead, the Parliamentary Librarian will be an ordinary employee and the Library a standard business unit in the Parliamentary Service. The bill will, however, specify that the Parliamentary Service provides library and research services.⁷⁴

Membership of Parliamentary Service Commission

- 65 Along with the Speaker, the Leader of the House and the Leader of the Opposition (or their nominees) are automatically members of the Parliamentary Service Commission. In addition, each party has a representative appointed to the Commission by the House.⁷⁵
- 66 The bill adjusts the process for determining the Commission's membership so that it occurs simply through parties nominating members in writing to the Speaker.⁷⁶ The House's involvement in appointing members is unnecessary, as the Commission is not a body of the House but essentially an advisory body to the Speaker. Under the bill, every recognised party continues to have at least one member on the Commission, with each party consisting of 30 or more members being able to nominate a second member.⁷⁷ As at present, that second member cannot be a Minister or Parliamentary Under-Secretary.⁷⁸ Membership of the Commission will be published on the Parliament website.⁷⁹
- 67 During the period following the end of a term of Parliament, the membership of the Commission currently reduces so the only members are the Speaker and a member of each of the two largest parties.⁸⁰ The bill provides that the Commission's membership remains unchanged following the dissolution or expiration of a Parliament.⁸¹

Certification of petition under the Citizens Initiated Referenda Act 1993 (Part 9)

- 68 The bill amends the Citizens Initiated Referenda Act 1993 (CIR Act) to shift from the Clerk to the Electoral Commission the responsibility for certifying whether a petition for a referendum has obtained sufficient signatures. The policy objective is to allocate functions under the CIR Act to the bodies whose constitutional roles and operational capabilities are most suitable to carry them out.
- 69 The CIR Act enables people to propose non-binding referendums on almost any issue. If a person submits a petition signed by 10 percent of all registered electors, their question will be put to electors in a national referendum. The Act is administered by the Ministry of Justice and includes duties for the Clerk, the Electoral Commission, and the Government Statistician.
- 70 The Clerk's duties under the CIR Act are to:
- receive a proposal to initiate a referendum

⁷⁴ Clause 124(e).

⁷⁵ Parliamentary Service Act 2000, [section 15](#).

⁷⁶ Clause 157.

⁷⁷ Clause 156(1).

⁷⁸ Clause 157(4).

⁷⁹ Clause 156(4).

⁸⁰ That is, the Leader of the House and the Leader of the Opposition, or a person nominated by each of them (Parliamentary Service Act 2000, [section 18](#)).

⁸¹ Clause 156(2).

- consult on the wording of a proposed question
 - determine the wording of a proposed question
 - approve the form to be used to collect signatures
 - certify whether the petition has met the threshold of 10 percent of registered electors.
- 71 The bill shifts responsibility for the last of these duties—certifying a petition—from the Clerk to the Electoral Commission. The process for certifying whether a petition for a referendum has obtained sufficient signatures is an electoral rather than a parliamentary function. As such, it does not fit logically alongside the parliamentary functions of the Clerk of the House. The process involves the logistical operation of counting signatures and sampling them for checking against the electoral roll. The Electoral Commission is already closely involved, as it is contracted by the Clerk to check the sampled signatures.
- 72 On the other hand, the bill maintains the Clerk’s other functions relating to determining the wording of a proposed question and approving the form for gathering signatures.
- 73 Smaller policy changes are made relating to the Clerk’s functions of receiving a proposal and determining a question under the CIR Act. These changes address specific administrative inefficiencies that have been identified.
- 73.1 The CIR Act requires the Clerk to give notice in newspapers about processes under the Act. The bill replaces these requirements with a requirement to give notice on a website maintained by or on behalf of the Clerk.⁸²
- 73.2 At present, a petitioner or submitter must provide documents about the proposed wording of the question to the Clerk in hard copy. This places an additional burden on submitters and slows down communications with the petitioners and submitters. The bill allows comments to be received by electronic means or by post.⁸³
- 73.3 The Clerk is required to consult the petitioner before determining the referendum question within three months of receiving the proposal. Meeting this deadline can prove difficult if a petitioner stops engaging with the Clerk. The bill provides that the three-month deadline will not apply when a person has failed to respond within 21 days to a communication from the Clerk.⁸⁴

Important or unusual features of bill

- 74 The bill relates to Parliament but avoids dealing directly with parliamentary procedures. For example, the procedure for the House to commend appropriations for the parliamentary agencies will involve the establishment or reconfiguration of a select committee for this purpose. This is a matter for the House to implement through its rules and practice.

⁸² Clause 219(1) and clause 222, proposed new section 13(1A).

⁸³ Clause 219(2).

⁸⁴ Clause 220.

- 75 An unusual feature of the bill is that it is a Government bill for which primary policy work has not been undertaken by a Government department. The Office of the Clerk and the Parliamentary Service appreciate the co-operation of several agencies (listed in paragraphs [79] to [85]) during the policy development process.

Development of bill

Milestones

- 76 Initial work towards consolidating parliamentary legislation into a single statute began in October 2015 at the invitation of Hon Christopher Finlayson QC, Attorney-General. He noted some substantive policy matters that could be addressed, including the introduction of statutory powers and immunities for parliamentary security officers, and the transfer of some functions relating to citizens-initiated referendums from the Clerk of the House to the Electoral Commission.
- 77 The Revision Bill Programme 2018–2020 included a Parliament Revision Bill. However, substantive policy issues were identified that could not be accommodated within the revision bill process set out in the Legislation Act 2019. The bill therefore was removed from the Revision Bill Programme in March 2020.
- 78 The previous Cabinet gave policy approval for the bill in April 2022. In June 2024, the current Cabinet approved further policy changes that emerged during the process of drafting the bill.

Consultation

- 79 The following Government agencies were consulted during the preparation of the Cabinet paper about the initial policy proposals for the bill:
- Crown Law Office
 - Department of Internal Affairs (Ministerial Entitlements and Policy Group)
 - Electoral Commission
 - Government Communications Security Bureau
 - Ministry of Business, Innovation and Employment
 - Ministry of Defence
 - Ministry of Justice
 - Ministry of Transport
 - Ministry for Women
 - New Zealand Police
 - New Zealand Security Intelligence Service
 - Office of Disability Issues
 - Office of the Privacy Commissioner
 - Public Service Commission
 - Remuneration Authority
 - Te Arawhiti
 - Te Puni Kōkiri
 - The Treasury.

- 80 The Department of the Prime Minister and Cabinet and the Parliamentary Counsel Office were also informed during initial consultation.
- 81 During the 53rd Parliament, the Clerk provided information about the bill to parties represented in the House at the time. The Green Party supported the overall purpose of the bill, and sought assurances relating to proposed security arrangements, in terms of ensuring safeguards for search and training for staff. The Green Party expressed concern about the removal of the Parliamentary Library from statute, and wished to include ministerial staff in the employment provisions proposed in the bill (this could not occur as the bill focuses on employment arrangements within the parliamentary agencies, rather than the executive branch). No other party raised concerns during that consultation process.
- 82 The Clerk was invited to consult the former Attorney-General, Hon Christopher Finlayson, as he was the original proponent of this bill. He indicated that he supported the proposed bill, and particularly the arrangements relating to parliamentary security. Mr Finlayson also supported the inclusion of the Parliamentary Privilege Act 2014 in a new Parliament Bill.
- 83 Staff from the Office of the Clerk and the Parliamentary Service, and the unions representing some staff, the Public Service Association (PSA) and E tū, were also consulted. The feedback from the PSA's Office of the Clerk representatives was incorporated. E tū were generally supportive; the PSA's Parliamentary Service representatives held some concerns about member influence on staffing and removal of Public Service Commission oversight.
- 84 Further consultation on the policy proposals for parliamentary security was undertaken with the Department of Internal Affairs, the Government Communications Security Bureau, the Ministry of Justice, the New Zealand Police, the New Zealand Security Intelligence Service, the Office of the Privacy Commissioner, and the Treasury. The union representing security staff was also consulted. The external independent review of parliamentary security, which developed the policy approach, was supported by parliamentary representatives in the 52nd Parliament.
- 85 In relation to proposed changes to the Citizens Initiated Referenda Act 1993, consultation was undertaken with the Ministry of Justice, the Department of the Prime Minister and Cabinet, and the Electoral Commission, as well as parties represented in Parliament.

Procedural matters

- 86 The Parliament Bill is an omnibus bill approved by the Business Committee under Standing Order 267(1)(c). One policy change was identified as not fitting within the bill's single broad policy of providing a modern legislative framework for Parliament: the proposal to transfer the Clerk's certification role under the Citizens Initiated Referenda Act 1993 to the Electoral Commission (Part 9—see paragraphs [68] to [73], above). The Business Committee's approval was obtained so this policy could be included in the bill as introduced.

- 87 The Minister intends to move that the House establish a select committee to consider the bill.
- 88 At the committee of the whole House, it is intended that the bill be divided. The relevant motion will keep Parts 1 to 7 and Schedules 1 to 6 together as the Parliament Bill, while dividing Parts 8 to 11 and Schedules 7 and 8 to become the **Parliament (Repeals and Amendments) Bill**, a separate bill to repeal and amend other Acts.
- 89 Implementation of the bill will require consideration of changes to the Standing Orders (see paragraph [74]).

Further information

- 90 Key documents relating to the bill can be found as follows:
- Parliament Bill (71–1) on the Legislation website.
 - The following regulatory impact statements, which are available on the Parliament website at <https://www.parliament.nz/en/footer/about-us/parliament-bill/> and can also be found and downloaded on the Treasury website at <https://www.treasury.govt.nz/publications/legislation/regulatory-impact-assessments>:
 - Office of the Clerk and Parliamentary Service, *Regulatory Impact Statement 1: Parliament Bill—Overview*, 6 September 2021.
 - Office of the Clerk and Parliamentary Service, *Regulatory Impact Statement 2: Parliament Bill—Organisational Matters for the Parliamentary Agencies*, 6 September 2021.
 - Office of the Clerk and Parliamentary Service, *Regulatory Impact Statement 3: Parliament Bill—Operation of the Parliamentary Precinct*, 6 September 2021.
 - Office of the Clerk and Parliamentary Service, *Regulatory Impact Statement 4: Parliament Bill – Funding Arrangements for Parliament*, 6 September 2021
 - Office of the Clerk and Parliamentary Service, *Regulatory Impact Statement 5: Provision of Funding for Members’ Work Expenses*, 6 September 2021.
 - Office of the Clerk and Parliamentary Service, *Supplementary Analysis Report: Funding Arrangements for Parliament*, 22 September 2022.
 - Proactively released Cabinet papers, which are available on the Parliament website at <https://www.parliament.nz/en/footer/about-us/parliament-bill/>.
 - Appropriations Review Committee, [*Parliamentary Appropriations—Report of the Sixth Triennial Appropriations Review Committee*](#), (6 November 2015) [2014–2017] NZPP A.14.
 - Appropriations Review Committee, [*Towards a World-Leading Democracy Ahu Atu Ai ki Tētahi Ao-Manapori Arataki—Report of the Seventh Triennial Appropriations Review Committee*](#), (17 August 2018) [2017–2020] NZPP A.14.

- Speaker of the House of Representatives and the Minister Responsible for Ministerial Services, [*Report on the review of the operation of the Members of Parliament \(Remuneration and Services\) Act 2013*](#), presented on 21 July 2020.
- Departmental disclosure statement on the bill, which is available on the New Zealand Legislation website at <https://disclosure.legislation.govt.nz/bill/government/2024/71>.