

FIRST PRINT

PARLIAMENT MANAGEMENT BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Parliamentary Remuneration (Amendment) Bill 1992 is cognate with this Bill. The object of this Bill is to provide a legislative framework for the management of Parliament.

Within this context, it establishes the following bodies:

- the Parliament Commission of New South Wales (consisting of 14 commissioners, being 7 members of each House of Parliament)
- the Parliament Executive Committee (consisting of the Presiding Officers and chief executive officers of the three Parliamentary Departments)
- the Legislative Council Management Board (consisting of those commissioners who are members of the Legislative Council)
- the Legislative Assembly Management Board (consisting of those commissioners who are members of the Legislative Assembly)
- the Parliamentary Service (consisting of the Parliamentary Departments, being the Office of the Clerk of the Legislative Council, the Office of the Clerk of the Legislative Assembly and the Joint Services Department).

The Bill provides for the existing administrative structure of Parliament (including departments, offices and sections) to be abolished and replaced by the Parliamentary Service, an independent body which is not an agency or authority of the Government.

The structure of the Parliamentary Service is generally to be determined by the Parliament Commission. The Commission is to exercise general control over the Service while the Executive Committee is to have the day to day management of the affairs of the Commission. The Commission will also be responsible for the general administration and management of facilities for the Houses of Parliament and for providing administrative and support services for Members of Parliament. These include the Parliamentary Library, building services, catering, printing, information technology, security and parliamentary and house attendants.

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The Bill provides for the Legislative Council Management Board and the Legislative Assembly Management Board to supervise the administration of the services provided by the Parliamentary Departments. The Boards also provide advice to the Presiding Officers and Clerks of the Houses of Parliament and exercise functions in relation to the staff establishment of the Departments for which they have responsibility, and are generally responsible for arranging parliamentary reporting services.

The Bill provides for the Clerk of the Legislative Council and the Clerk of the Legislative Assembly to be responsible for providing services to their respective Houses and the Members of the Houses in relation to the functioning and procedure of the Houses. The Parliamentary Departments are to provide the services for which the Clerks are responsible, and in the case of the Joint Services Department to provide the services for which the Commission is responsible.

The Bill also recognises the offices of Leader of the House and Manager of Opposition Business in the Legislative Assembly.

The Bill sets out new requirements for annual legislation appropriating the Consolidated Fund in relation to the Legislature.

The Bill contains other provisions, as described below.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation, except for Parts 1, 6 and 7, clauses 60, 61, 69 and 70, and Schedule 4, which will commence on the date of assent.

Clause 3 contains definitions used in the proposed Act.

PART 2—PARLIAMENT COMMISSION

Part 2 (clauses 4–24) establishes the Parliament Commission and a committee of the Commission (which is to be called the Parliament Executive Committee).

The Commission will consist of 7 commissioners from each House of Parliament. The commissioners from the Legislative Council are to be the President, the Leader of Government Members, the Leader of the Opposition and 4 elected commissioners. The commissioners from the Legislative Assembly are to be the Speaker, the Leader of the House, the Manager of Opposition Business and 4 elected commissioners. The elected commissioners are to be members of, and elected by secret ballot by the other members of, their respective Houses. Two of the elected commissioners from each House are to be Government members. Ministers of the Crown (except the Leader of Government Members and the Leader of the House) and Parliamentary Secretaries are ineligible to be commissioners.

The Speaker of the Legislative Assembly is to be the Chairperson of the Commission and the Executive Committee. The President of the Legislative Council is to be the Deputy Chairperson.

The Speaker is also empowered to exercise functions of the Commission between meetings of the Commission, subject to any directions of the Commission. Functions affecting the Legislative Council are to be exercised jointly or in consultation with the President of the Legislative Council.

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Provision is also made for ancillary matters such as committees that may be established by the Commission and procedure for meetings of the Executive Committee.

PART 3—MANAGEMENT BOARDS

Part 3 (clauses 25–35) establishes the Legislative Council Management Board and the Legislative Assembly Management Board described above. The President is Chairperson of the Legislative Council Management Board. The Speaker is Chairperson of the Legislative Assembly Management Board. Provision is made for membership of the Boards after the dissolution or expiry of the Legislative Assembly and for various ancillary matters.

PART 4—THE PARLIAMENTARY SERVICE OF NEW SOUTH WALES

Part 4 (clauses 36–47) establishes the Parliamentary Service and describes the Parliamentary Departments included in it and their staff.

The Parliamentary Departments are:

- Office of the Clerk of the Legislative Council
- Office of the Clerk of the Legislative Assembly
- Joint Services Department

The chief executive officer of each Department is respectively:

- Clerk of the Legislative Council
- Clerk of the Legislative Assembly
- Director

Provision is made for the Governor, on the recommendation of the appropriate Management Board, to appoint persons as the house officers for each House. The house officers are set out in Schedule 2 to the proposed Act, and include the Clerk of each House. Provision is also made for the Governor, on the recommendation of the Commission, to appoint a person as Director of the Joint Services Department. Other staff of the Departments are to be appointed by the appropriate Presiding Officers or the Director, with the approval of the relevant Management Board or the Commission.

The Commission is to determine the terms and conditions of employment of the staff of the Service, subject to any applicable legislative provision.

PART 5—MANAGEMENT OF PARLIAMENT

Part 5 (clauses 48–54) sets out the respective functions of the Commission, the Executive Committee, the Management Boards, the Parliamentary Departments and the officers described above.

PART 6—RECOGNISED OFFICES

Part 6 (clauses 55–56) recognises the offices of Leader of the House in the Legislative Assembly and Manager of Opposition Business in the Legislative Assembly and provides for the identification of the holders of those offices by the Premier and the Leader of the Opposition, respectively, by notice to the Speaker.

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PART 7—PARLIAMENTARY APPROPRIATION

Part 7 (clauses 57–59) makes provision as described above for Parliamentary Appropriation Bills.

PART 8—MISCELLANEOUS

Part 8 (clauses 60–70) makes provision for various miscellaneous matters.

Clause 60 provides that the Crown is bound by the proposed Act.

Clause 61 provides that nothing in the proposed Act affects the powers of either House.

Clause 62 requires the preparation and tabling of an annual report for Parliament.

Clause 63 provides for the application of the Public Finance and Audit Act 1983 to the Parliamentary Departments, subject to modifications determined by the Commission with the concurrence of the Treasurer. The clause also provides that the Auditor-General has the same functions for the Parliamentary Departments as for Government Departments.

Clause 64 provides for the application of the Ombudsman Act 1974 to the Parliamentary Service.

Clause 65 enables clauses 63 and 64 to be excluded or modified by a joint resolution of both Houses of Parliament.

Clause 66 requires independent efficiency audits to be conducted of the administration of Parliament each four years. The first is to be conducted within 6 months after the commencement of the clause.

Clause 67 requires the proposed Act to be reviewed after three years.

Clauses 68 and 69 are formal provisions giving effect to the Schedule of amendments and the Schedule of savings, transitional and other matters.

Clause 70 enables regulations to be made for the purposes of the proposed Act.

**SCHEDULE 1—MEMBERSHIP OF EXECUTIVE COMMITTEE DURING
GENERAL ELECTION**

The Schedule provides for the membership of the Parliament Executive Committee after the dissolution or expiry of the Legislative Assembly.

SCHEDULE 2—HOUSE OFFICERS

The Schedule specifies the House officers of the Legislative Council and the Legislative Assembly. Their positions are within the staff establishment of the Houses, and their appointments are to be made by the Governor on the recommendation of the relevant Management Board.

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SCHEDULE 3—AMENDMENTS

The Schedule makes amendments to a number of Acts.

Consequential amendments are made to the Government and Related Employees Appeal Tribunal Act and the Public Sector Management Act.

The Anti-Discrimination Act is amended to include Parliamentary Departments as “authorities” to whom Part 9A of the Act applies. That Part deals with equal opportunity in public employment.

The Independent Commission Against Corruption Act is amended to include Parliamentary Departments and members of the Parliamentary Service as “public authorities” and “public officials” to whom the Act applies.

The Statutory and Other Offices Remuneration Act is amended to include the two Clerks among the officers whose remuneration as determined by the Statutory and Other Offices Remuneration Tribunal may not be reduced during their term of office. Provision is also made for the remuneration of the new position of Director of the Joint Services Department to be determined by the Tribunal.

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

The Schedule includes provisions facilitating the expeditious election of commissioners on the enactment of the proposed Act, permitting the making of savings and transitional regulations and providing for the interpretation of certain references.

Provision is also made for the abolition of the existing administrative structure of Parliament as described above and for interim arrangements pending the determination of the structure of the Parliamentary Service by the Commission. It is made clear that the persons holding various offices and positions in the Legislative Council and the Legislative Assembly (for example, the Clerk of the Legislative Council and the Clerk of the Legislative Assembly) will be treated as holding the corresponding offices under the proposed Act and that the functions of those offices are unaltered. An exception is made in the case of the office of the Clerk of the Parliaments, which is abolished. However, the present occupant of that office may continue to have that title while Clerk of the Legislative Council.

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PARLIAMENT MANAGEMENT BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act relating to the management of Parliament; to establish the Parliament Commission of New South Wales, the Legislative Council Management Board, the Legislative Assembly Management Board and the Parliamentary Service; to amend the Anti-Discrimination Act 1977 and certain other Acts; and for other purposes.

See also Parliamentary Remuneration (Amendment) Bill 1992.

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Parliament Management Act 1992.

5 Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

- (2) This Part, Parts 6 and 7, sections 60, 61, 69 and 70 and Schedule 4 commence on the date of assent to this Act.

10 Definitions

3. In this Act:

“**Board**” or “**Management Board**” means the Legislative Council Management Board or the Legislative Assembly Management Board;

- 15 “**Commission**” means the Parliament Commission of New South Wales;

“**Executive Committee**” means the Parliament Executive Committee;

“**exercise**” a function includes perform a duty;

“**function**” includes a power, authority or duty;

- 20 “**President**” means the President of the Legislative Council;

“**Presiding Officer**” means the President or the Speaker;

“**Speaker**” means the Speaker of the Legislative Assembly.

PART 2—PARLIAMENT COMMISSION

Division 1—Commission

25 Establishment of Commission

4. There is established by this Act a body corporate, with the corporate name of the Parliament Commission of New South Wales.

Membership of Commission

- 30 5. The Commission consists of 14 commissioners, consisting of seven members of each House of Parliament.

Legislative Council commissioners

6. (1) The seven commissioners from the Legislative Council are:

- (a) the President; and
- (b) the Leader of Government Members; and
- (c) the Leader of the Opposition; and
- (d) four members of, and elected by, the Legislative Council, of whom two are to be government members.

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(2) The elected commissioners are to be elected by secret ballot in accordance with rules approved by the Standing Orders Committee of the Legislative Council.

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Legislative Assembly commissioners

7. (1) The seven commissioners from the Legislative Assembly are:

- (a) the Speaker; and
- (b) the Leader of the House; and
- (c) the Manager of Opposition Business; and
- (d) four members of, and elected by, the Legislative Assembly, of whom two are to be government members.

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(2) The elected commissioners are to be elected by secret ballot in accordance with rules approved by the Standing Orders Committee of the Legislative Assembly.

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Eligibility of Ministers to be commissioners

8. Ministers of the Crown are not eligible to be commissioners, except the Leader of Government Members in the Legislative Council and the Leader of the House in the Legislative Assembly.

Eligibility of Parliamentary Secretaries to be commissioners

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9. Parliamentary Secretaries are not eligible to be commissioners.

Ceasing to be elected commissioner

10. (1) A person ceases to be an elected commissioner:

- (a) when the Legislative Assembly is dissolved or expires by the effluxion of time; or
- (b) if the commissioner becomes a Minister of the Crown or a Parliamentary Secretary; or
- (c) if the commissioner ceases to be a member of the Legislative Council or Legislative Assembly; or

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- (d) if, being a member of the Legislative Council, the commissioner resigns as commissioner by letter to the President; or
- (e) if, being a member of the Legislative Assembly, the commissioner resigns as commissioner by letter to the Speaker; or
- 5 (f) if the commissioner is discharged from office by the House of Parliament to which the commissioner belongs.

(2) Either House of Parliament may elect one of its members to fill a vacancy among the commissioners elected by the House.

Chairperson and Deputy Chairperson of Commission

- 10 **11.** (1) The Speaker of the Legislative Assembly is automatically Chairperson of the Commission.

(2) The President of the Legislative Council is automatically Deputy Chairperson of the Commission.

- 15 (3) At any time when the Chairperson of the Commission is absent from New South Wales or is for any reason unable to perform the duties of Chairperson or there is a vacancy in that office, the Deputy Chairperson of the Commission may exercise the functions of the Chairperson under this Act.

Meetings of Commission

- 20 **12.** (1) The procedure for the calling of meetings of the Commission and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Commission.

(2) Until otherwise determined, the Chairperson is to call the meetings of the Commission in such manner as the Chairperson thinks fit.

- 25 (3) At a meeting, 9 commissioners constitute a quorum.

- (4) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson or, in the absence of both, a commissioner elected to chair the meeting by the commissioners present is to preside at a meeting of the Commission. A commissioner who is a Minister is not eligible to be
30 elected to chair a meeting.

(5) The Deputy Chairperson or other member presiding at a meeting of the Commission has, in relation to the meeting, all the functions of the Chairperson.

- 35 (6) A question arising at a meeting of the Commission is to be determined by a majority of the votes of the commissioners present and voting.

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(7) The Chairperson, Deputy Chairperson or other commissioner presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) The Commission may, subject to section 13, sit and transact business despite any adjournment or prorogation of either House of Parliament. 5

(9) The Commission may sit and transact business on a sitting day of a House of Parliament during the time of sitting.

Meetings of Commission after dissolution or expiry of Assembly

13. No meetings of the Commission are to be held from the time when the Legislative Assembly is dissolved or expires by the effluxion of time and until both Houses of Parliament have assembled after the following general election. 10

General functions of Commission

14. (1) The Commission has the functions conferred or imposed on it by or under this or any other Act. 15

(2) The Commission is subject to the control and direction of both Houses of Parliament, as embodied in a resolution agreed to separately by both Houses.

(3) Any such resolution continues in force (regardless of the prorogation of either House or the dissolution of the Legislative Assembly or its expiry by the effluxion of time), until revoked by resolution of either House. 20

Delegation

15. (1) The Commission may delegate to an authorised person any of the functions of the Commission, other than this power of delegation. 25

(2) A delegate may sub-delegate to an authorised person any function delegated by the Commission if the delegate is authorised in writing to do so by the Commission.

(3) An authorised person is a commissioner, a member of the Parliamentary Service, a Management Board or a committee of the Commission. 30

(4) A delegation may not be exercised by a committee that includes one or more persons who are neither commissioners nor members of the Parliamentary Service. 35

Exercise of functions between meetings

16. (1) The functions of the Commission are exercisable by the Speaker between meetings of the Commission, subject to and in accordance with any directions given by the Commission.

5 (2) Such directions may relate to the circumstances in which the Speaker is to exercise any such functions in consultation with the Executive Committee.

(3) To the extent that any such functions relate to the Legislative Council or Members of the Legislative Council, they may be exercised
10 under this section either jointly with the President or after consultation with the President (and not otherwise), as the Speaker thinks appropriate or as directed by the Commission.

(4) Nothing in this section affects the power of the Commission to delegate any functions to the Speaker or any other authorised person.

15 **Committees**

17. (1) The Commission may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that some of the members of a committee are not commissioners.

20 (3) A committee is to be chaired by a commissioner.

Reports

18. The Commission may, on request or on its own initiative, make reports to either or both Houses of Parliament, the Premier or the Treasurer on matters relating to the administration and management of
25 Parliament and facilities for Members of Parliament.

Division 2—Executive Committee**Establishment of Executive Committee**

19. There is established by this Act a committee of the Commission, with the name of Parliament Executive Committee.

30 **Membership of Executive Committee**

20. The Executive Committee consists of the Presiding Officers, the Clerks of the Houses and the Director of the Joint Services Department.

Chairperson and Deputy Chairperson of Executive Committee

21. (1) The Speaker is automatically Chairperson of the Executive Committee.

(2) The President of the Legislative Council is automatically Deputy Chairperson of the Executive Committee.

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(3) At any time when the Chairperson of the Executive Committee is absent from New South Wales or is for any reason unable to perform the duties of Chairperson or there is a vacancy in that office, the Deputy Chairperson of the Executive Committee may exercise the functions of the Chairperson under this Act.

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Meetings of Executive Committee

22. (1) The procedure for the calling of meetings of the Executive Committee and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Committee.

(2) Until otherwise determined, the Chairperson is to call the meetings of the Executive Committee in such manner as the Chairperson thinks fit.

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(3) At a meeting, 4 members constitute a quorum.

(4) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson is to preside at a meeting of the Executive Committee.

(5) The Deputy Chairperson presiding at a meeting of the Executive Committee has, in relation to the meeting, all the functions of the Chairperson.

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(6) A question arising at a meeting of the Executive Committee is to be determined by a majority of the votes of the members present and voting.

(7) The Chairperson or Deputy Chairperson presiding at a meeting of the Executive Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

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(8) The Executive Committee may sit and transact business despite any adjournment or prorogation of either House of Parliament or the dissolution or expiry of the Legislative Assembly by the effluxion of time.

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(9) The Executive Committee may sit and transact business on a sitting day of a House of Parliament during the time of sitting.

Membership of Executive Committee after dissolution or expiry of Assembly

23. (1) When the Legislative Assembly is dissolved or expires by the effluxion of time, the Executive Committee consists, until both Houses of Parliament have assembled after the following general election, of the persons referred to in Schedule 1.

- (2) During that time, the person referred to in item 2 of that Schedule is automatically Chairperson of the Executive Committee and the person referred to in item 1 of that Schedule is automatically Deputy Chairperson of the Committee.

General functions of Executive Committee

24. (1) The Executive Committee has the functions conferred or imposed on it by or under this or any other Act.

- (2) The Executive Committee has all the functions of, and is taken to be, the Parliament Commission from the time when the Legislative Assembly is dissolved or expires by the effluxion of time and until both Houses of Parliament have assembled after the following general election.

PART 3—MANAGEMENT BOARDS**Establishment of Legislative Council Management Board**

25. There is established by this Act a body corporate, with the corporate name of the Legislative Council Management Board.

Membership of Legislative Council Management Board

26. The Legislative Council Management Board consists of the commissioners of the Commission who are members of the Legislative Council.

Establishment of Legislative Assembly Management Board

27. There is established by this Act a body corporate, with the corporate name of the Legislative Assembly Management Board.

Membership of Legislative Assembly Management Board

28. The Legislative Assembly Management Board consists of the commissioners of the Commission who are members of the Legislative Assembly.

Chairperson and Deputy Chairperson of Board

29. (1) The President is automatically Chairperson of the Legislative Council Management Board.

(2) The Speaker is automatically Chairperson of the Legislative Assembly Management Board. 5

(3) The Deputy Chairperson of a Board is to be elected by and from the members of the Board.

(4) A member of a Board ceases to be Deputy Chairperson of the Board if:

- (a) the member ceases to be a member of the Board; or 10
- (b) the member resigns as Deputy Chairperson by letter presented to the Chairperson of the Board; or
- (c) the member is discharged from office by the Board.

(5) At any time when the Chairperson of a Board is absent from New South Wales or is for any reason unable to perform the duties of Chairperson or there is a vacancy in that office, the Deputy Chairperson of the Board may exercise the functions of the Chairperson under this Act. 15

Meetings of Board

30. (1) The procedure for the calling of meetings of a Board and for the conduct of business at those meetings is, subject to this Act, to be as determined by the Board. 20

(2) Until otherwise determined, the Chairperson of a Board is to call the meetings of the Board in such manner as the Chairperson thinks fit.

(3) At a meeting of a Board, 4 commissioners constitute a quorum. 25

(4) The Chairperson of a Board or, in the absence of the Chairperson, the Deputy Chairperson or, in the absence of both, a member of the Board elected to chair the meeting by the members present is to preside at a meeting of the Board.

(5) The Deputy Chairperson or other member presiding at a meeting of a Board has, in relation to the meeting, all the functions of the Chairperson. 30

(6) A question arising at a meeting of a Board is to be determined by a majority of the votes of the members present and voting.

(7) The Chairperson, Deputy Chairperson or other member presiding at a meeting of a Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote. 35

(8) A Board may, subject to section 31, sit and transact business despite any adjournment or prorogation of either House of Parliament.

(9) A Board may sit and transact business on a sitting day of a House of Parliament during the time of sitting.

5 **Meetings of Board after dissolution or expiry of Assembly**

31. No meetings of either Board are to be held from the time when the Legislative Assembly is dissolved or expires by the effluxion of time and until both Houses of Parliament have assembled after the following general election.

10 **General functions of Boards**

32. (1) A Board has the functions conferred or imposed on it by or under this or any other Act.

15 (2) The Legislative Council Management Board is subject to the control and direction of the Legislative Council, as embodied in a resolution agreed to by the Legislative Council. Any such resolution continues in force (regardless of the prorogation or dissolution of the Legislative Assembly or its expiry by the effluxion of time), until revoked by resolution of the Legislative Council.

20 (3) The Legislative Assembly Management Board is subject to the control and direction of the Legislative Assembly, as embodied in a resolution agreed to by the Legislative Assembly. Any such resolution continues in force (regardless of the prorogation or dissolution of the Legislative Assembly or its expiry by the effluxion of time), until revoked by resolution of the Legislative Assembly.

25 **Delegation**

33. (1) A Board may delegate to an authorised person any of the functions of the Board, other than this power of delegation.

30 (2) A delegate may sub-delegate to an authorised person any function delegated by the Board if the delegate is authorised in writing to do so by the Board.

(3) An authorised person is a member of the Board, a member of the Parliamentary Service, or a committee of the Board.

35 (4) A delegation may not be exercised by a committee that consists of or includes one or more persons who are neither commissioners nor members of the Parliamentary Service.

Exercise of functions between meetings

34. (1) The functions of a Board are exercisable by the relevant Presiding Officer between meetings of the Board, subject to and in accordance with any directions given by the Board.

(2) Nothing in this section affects the power of a Board to delegate any functions to the Presiding Officer or any other authorised person. 5

(3) From the time when the Legislative Assembly is dissolved or expires by the effluxion of time and until both Houses of Parliament have assembled after the following general election, the reference in subsection (1) to the relevant Presiding Officer is: 10

(a) in the case of the Legislative Council—a reference to the person referred to in item 1 of Schedule 1; and

(b) in the case of the Legislative Assembly—a reference to the person referred to in item 2 of Schedule 1.

Committees 15

35. (1) A Board may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that some of the members of a committee are not members of the Board.

(3) A committee is to be chaired by a member of the Board. 20

PART 4—THE PARLIAMENTARY SERVICE OF NEW SOUTH WALES

Division 1—Parliamentary Service

Establishment of the Parliamentary Service

36. There is established by this Act a service to be called the Parliamentary Service of New South Wales. 25

Independence of the Parliamentary Service

37. (1) The Parliamentary Service is not an agency or authority of the Government.

(2) Neither the Parliamentary Service nor a Department of the Parliamentary Service is a Department of the Government. 30

Division 2—Parliamentary Departments**Departments**

38. (1) The Parliamentary Service consists of the following Parliamentary Departments:

- 5 (a) the Office of the Clerk of the Legislative Council;
 (b) the Office of the Clerk of the Legislative Assembly;
 (c) the Joint Services Department.

(2) The membership of the Parliamentary Service consists of the members of the staff of the Departments.

- 10 (3) Service in any of the Departments counts as service in the Parliamentary Service.

(4) The Parliamentary Service and the Departments are to be administered in such a way as to facilitate movement between the Departments.

15 **Office of the Clerk of the Legislative Council**

39. (1) The staff of the Office of the Clerk of the Legislative Council consists of the house officers of the Legislative Council and other staff appointed by the President.

- 20 (2) The Office of the Clerk of the Legislative Council is subject to the control and direction of the Legislative Council Management Board.

(3) The Office of the Clerk of the Legislative Council is to be managed by the Clerk of the Legislative Council in consultation with the President and in accordance with any directions of the Management Board.

- 25 (4) The Clerk of the Legislative Council is the chief executive officer of the Office of the Clerk of the Legislative Council.

Office of the Clerk of the Legislative Assembly

40. (1) The staff of the Office of the Clerk of the Legislative Assembly consists of the house officers of the Legislative Assembly and other staff appointed by the Speaker.

- 30 (2) The Office of the Clerk of the Legislative Assembly is subject to the control and direction of the Legislative Assembly Management Board.

(3) The Office of the Clerk of the Legislative Assembly is to be managed by the Clerk of the Legislative Assembly in consultation with the Speaker and in accordance with any directions of the Management Board.

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(4) The Clerk of the Legislative Assembly is the chief executive officer of the Office of the Clerk of the Legislative Assembly.

Joint Services Department

41. (1) The staff of the Joint Services Department consists of the Director and other staff appointed by the Commission. 5

(2) The Joint Services Department is subject to the control and direction of the Commission.

(3) The Joint Services Department is to be managed by the Director in accordance with any directions of the Commission.

(4) The Director is the chief executive officer of the Joint Services Department. 10

Use of services of other Departments

42. The staff of a Department may be used in another Department by arrangement with the chief executive officers of the Departments concerned. 15

Division 3—Officers

House officers of the Legislative Council

43. (1) The Governor may, on the recommendation of the Legislative Council Management Board, appoint persons to the house offices of the Legislative Council. 20

(2) The house offices of the Legislative Council are as specified in Part 1 of Schedule 2. Each entry in Part 1 of that Schedule represents one office only.

House officers of the Legislative Assembly

44. (1) The Governor may, on the recommendation of the Legislative Assembly Management Board, appoint persons to the house offices of the Legislative Assembly. 25

(2) The house offices of the Legislative Assembly are as specified in Part 2 of Schedule 2. Each entry in Part 2 of that Schedule represents one office only. 30

Director of the Joint Services Department

45. The Governor may, on the recommendation of the Commission, appoint a person to be Director of the Joint Services Department.

Other staff of the Parliamentary Service

46. (1) The President may, with the approval of the Legislative Council Management Board, appoint persons to positions in the staff establishment of the Office of the Clerk of the Legislative Council (other than house offices).

(2) The Speaker may, with the approval of the Legislative Assembly Management Board, appoint persons to positions in the staff establishment of the Office of the Clerk of the Legislative Assembly (other than house offices).

(3) The Director may, with the approval of the Commission, appoint persons to be members of the staff of the Joint Services Department.

(4) The Presiding Officers may delegate their functions under this section to the relevant Clerk.

Terms and conditions of employment

47. (1) The Commission may, from time to time, determine the terms and conditions of employment of the staff of the Parliamentary Service.

(2) Any such terms and conditions have effect subject to this Act, the Statutory and Other Offices Remuneration Act 1975 and any other applicable law.

PART 5—MANAGEMENT OF PARLIAMENT

Responsibilities of the Commission

48. (1) The general functions of the Commission are as follows:

- (a) to provide, administer and manage the facilities for Members of Parliament within the parliamentary precincts and in their electorate offices;
- (b) to make recommendations regarding the budgetary process so far as it applies to Parliament;
- (c) to exercise general budgetary control over the Parliamentary Service;
- (d) to determine the size and organisation of the Parliamentary Service;
- (e) to supervise the administration of the services provided by the Joint Services Department;
- (f) to recommend or approve appointments to positions in the staff establishment of the Joint Services Department.

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(2) The Commission is responsible, through the Joint Services Department, for the general administration and management of facilities for the Houses of Parliament and for the provision of administrative and support services for Members of Parliament, including the following:

- (a) the Parliamentary Library; 5
- (b) building services;
- (c) catering;
- (d) printing;
- (e) information technology;
- (f) security; 10
- (g) parliamentary and house attendants.

(3) The Commission has no budgetary responsibilities regarding the office of the Leader of the Opposition in the Legislative Assembly.

Responsibilities of the Executive Committee

49. The general functions of the Executive Committee are as follows: 15
- (a) to have the day to day management of the affairs of the Commission, subject to and in accordance with any directions of the Commission;
 - (b) to provide advice to the Commission and Boards.

Responsibilities of the Legislative Council Management Board 20

50. The general functions of the Legislative Council Management Board are as follows:

- (a) to supervise the administration of the services provided by the Office of the Clerk of the Legislative Council;
- (b) to provide advice to the President and the Clerk of the Legislative Council; 25
- (c) to make submissions to the Commission regarding the staff establishment of the Office of the Clerk of the Legislative Council;
- (d) to recommend or approve appointments to positions in the staff establishment of the Office of the Clerk of the Legislative Council. 30

Responsibilities of the Legislative Assembly Management Board

51. The general functions of the Legislative Assembly Management Board are as follows:

- (a) to supervise the administration of the services provided by the Office of the Clerk of the Legislative Assembly; 35

- (b) to provide advice to the Speaker and the Clerk of the Legislative Assembly;
- (c) to make submissions to the Commission regarding the staff establishment of the Office of the Clerk of the Legislative Assembly;
- (d) to recommend or approve appointments to positions in the staff establishment of the Office of the Clerk of the Legislative Assembly.

Responsibilities of the Clerks

- 10 **52.** (1) The Clerk of the Legislative Council is responsible for providing services to the House and the members of the House in relation to the functioning of the House and the procedure and practices of the House.
- 15 (2) The Clerk of the Legislative Assembly is responsible for providing services to the House and the members of the House in relation to the functioning of the House and the procedure and practices of the House.
- (3) Each Clerk also has the functions conferred or imposed on the Clerk by law or practice, including the functions conferred by the Standing Orders of the House.
- 20 (4) In particular, each Clerk has the following functions:
- (a) to note all proceedings of the House and of any committee of the House;
 - (b) to give advice to the Presiding Officer of the House.

Responsibilities of the Departments

- 25 **53.** (1) The responsibilities of the Office of the Clerk of the Legislative Council are to provide the services for which the Clerk of the Legislative Council is responsible.
- (2) The responsibilities of the Office of the Clerk of the Legislative Assembly are to provide the services for which the Clerk of the Legislative Assembly is responsible.
- 30 (3) The responsibilities of the Joint Services Department are to provide the services for which the Commission is responsible.

Parliamentary reporting (Hansard)

- 35 **54.** (1) The responsibility for arranging parliamentary reporting services for a House lies with the Management Board for the House through the Office of the Clerk of the House.

(2) However, the Management Boards may agree that the provision of those services, or any aspects of those services, may be undertaken as a consolidated operation under the joint control of the Clerks.

PART 6—RECOGNISED OFFICES

Leader of the House in the Legislative Assembly 5

55. The Leader of the House in the Legislative Assembly is a Minister of the Crown in the Legislative Assembly for the time being identified by the Premier as the holder of that office by notice to the Speaker.

Manager of Opposition Business in the Legislative Assembly 10

56. The Manager of Opposition Business in the Legislative Assembly is a Member of the Legislative Assembly for the time being identified by the Leader of the Opposition as the holder of that office by notice to the Speaker.

PART 7—PARLIAMENTARY APPROPRIATION 15

Parliamentary Appropriation Bills

57. (1) Legislation appropriating the Consolidated Fund for the ordinary annual services of the Government in relation to the recurrent services, and capital works and services, of the Legislature is to be contained in a Bill (a "**Parliamentary Appropriation Bill**") separate from any other Bill relating to appropriations for other purposes. 20

(2) However, an ordinary Appropriation Bill may contain appropriations regarding the office of the Leader of the Opposition in the Legislative Assembly.

(3) As far as practicable, a Parliamentary Appropriation Bill is to be introduced into and dealt with in Parliament cognately or jointly with the ordinary Appropriation Bill. 25

Introduction of Parliamentary Appropriation Bills

58. (1) A Parliamentary Appropriation Bill is to be introduced into each House of Parliament by the Presiding Officer of the House. 30

(2) The Presiding Officer may move that the Bill be read a second time and deliver a speech on moving that motion.

(3) For these purposes each Presiding Officer is taken to be a Minister of the Crown and the Bill is to be introduced into the Legislative Assembly in the form approved by the Treasurer.

Furnishing information

- 5 **59.** The Parliament Commission and chief executive officers of the Parliamentary Departments are required to furnish such information as is reasonably required by the Treasurer or the Secretary of the Treasury for the preparation of the State budget, the Parliamentary Appropriation Bills and other State financial statements.

10 **PART 8—MISCELLANEOUS**

Crown to be bound

- 60.** This Act binds the Crown.

Powers of Houses not affected

- 61.** This Act does not alter the powers of either House of Parliament.

15 **Annual report**

62. (1) As soon as practicable after 30 June, but on or before 31 December, in each year, the Parliament Commission is required to prepare an annual report in relation to Parliament for the 12 months ending on 30 June in that year.

- 20 (2) A copy of the report is to be laid before each House of Parliament by the Presiding Officer as soon as possible after the report has been prepared.

 (3) As far as possible, an annual report must contain the information required of Government Departments in their annual reports.

- 25 (4) Neither the Annual Reports (Departments) Act 1985 nor the Annual Reports (Statutory Bodies) Act 1984 applies to a Parliamentary Department.

Application of Public Finance and Audit Act 1983

- 30 **63.** (1) The Public Finance and Audit Act 1983 applies to each Parliamentary Department in the same way as it applies to a Government Department, subject to such exclusions and modifications as the Commission determines from time to time with the concurrence of the Treasurer.

(2) Without limiting subsection (1), the Auditor-General has the same functions in relation to each Parliamentary Department as he or she has in relation to a Government Department.

Application of Ombudsman Act 1974

64. The Ombudsman Act 1974 applies to the Parliamentary Service, and for that purpose:

5

- (a) each Parliamentary Department is a public authority; and
- (b) the chief executive office of each such Department is the head of that Department.

Parliamentary resolutions

10

65. (1) Sections 63 and 64 have effect subject to any resolution agreed to by both Houses of Parliament.

(2) Without limitation, such a resolution may exclude or modify the application of the whole or any part of those sections or the whole or any part of the Public Finance and Audit Act 1983 as applied by section 63 or the Ombudsman Act 1974 as applied by section 64.

15

(3) Any such resolution continues in force (regardless of the prorogation of either House or the dissolution of the Legislative Assembly or its expiry by the effluxion of time), until revoked by resolution of either House.

20

Efficiency audits

66. (1) The Premier and the Commission are to appoint a person or persons to conduct an efficiency audit of the administration of Parliament at least once each 4 years.

(2) Members of Parliament, members of the Parliamentary Service and public servants are not eligible for appointment.

25

(3) A report of the outcome of each efficiency audit is to be tabled in each House of Parliament within 6 months after the audit is completed.

(4) The first efficiency audit is to be conducted within 6 months after the commencement of this section.

30

Review of Act

67. (1) The Commission is to appoint a person or persons to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of this Act remain appropriate for securing those objectives.

35

(2) The review is to be undertaken as soon as possible after the period of 3 years from the date of assent to this Act.

(3) A report of the outcome of the review is to be tabled in each House of Parliament within 6 months after that period.

5 Amendments

68. The Acts specified in Schedule 3 are amended as set out in that Schedule.

Savings, transitional and other provisions

69. Schedule 4 has effect.

10 Regulations

70. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**SCHEDULE 1—MEMBERSHIP OF EXECUTIVE COMMITTEE
DURING GENERAL ELECTION**

(Sec. 23)

1. The President of the Legislative Council, or:
 - (a) if that office is vacant, the person holding office as President at the time of the dissolution or expiry; or 5
 - (b) if there was at that time a vacancy in that office, the Chairman of Committees of the Legislative Council; or
 - (c) if that office is vacant, the person holding office as Chairman of Committees at the time of the dissolution or expiry. 10
2. The Speaker of the Legislative Assembly, or:
 - (a) if that office is vacant, the person holding office as Speaker at the time of the dissolution or expiry; or
 - (b) if there was at that time a vacancy in that office, the Chairman of Committees of the Legislative Assembly; or 15
 - (c) if that office is vacant, the person holding office as Chairman of Committees at the time of the dissolution or expiry.
3. The Clerk of the Legislative Council.
4. The Clerk of the Legislative Assembly.
5. The Director of the Joint Services Department. 20

SCHEDULE 2—HOUSE OFFICERS**Part 1—House officers of the Legislative Council**

(Sec. 43 (2))

Clerk of the Legislative Council	
Deputy Clerk	25
Clerk-Assistant (Procedure)	
Clerk-Assistant (Committees)	
Usher of the Black Rod	

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SCHEDULE 2—HOUSE OFFICERS—*continued*

Part 2—House officers of the Legislative Assembly

(Sec. 44 (2))

Clerk of the Legislative Assembly

5 Deputy Clerk

Clerk-Assistant (Administrative)

Clerk-Assistant (Procedure)

Clerk-Assistant (Committees)

Serjeant-at-Arms

10

SCHEDULE 3—AMENDMENTS

(Sec. 68)

Anti-Discrimination Act 1977 No. 48

(1) Section 122A (**Definitions**):

15 In the definition of “authority”, omit “or (c)”, insert instead
“, (c) or (c1)”.

(2) Section 122B (**Application of Part 9A—authorities**):

(a) From section 122B (1) (c), omit “and”.

(b) After section 122B (1) (c), insert:

(c1) each Parliamentary Department; and

20 (3) Section 122D (**Exercise of functions of authorities under Part 9A**):

(a) From paragraph (c), omit “and”.

(b) After paragraph (c), insert:

25 (c1) in the case of an authority referred to in section 122B
(1) (c1)—the chief executive officer of the authority;
and

**Government and Related Employees Appeal Tribunal Act 1980
No. 39**

Section 4 (**Definitions**):

30 (a) In the definition of “employee” in section 4 (1), omit
paragraph (d), insert instead:

SCHEDULE 3—AMENDMENTS—*continued*

- (d) a person who is employed, whether permanently or otherwise, in a Parliamentary Department;
- (b) In the definition of “employer” in section 4 (1), omit paragraph (d), insert instead: 5
 - (d) in relation to an employee of the class referred to in paragraph (d) of that definition:
 - (i) where the employee is employed in the Office of the Clerk of the Legislative Council—the President of the Legislative Council; or 10
 - (ii) where the employee is employed in the Office of the Clerk of the Legislative Assembly—the Speaker of the Legislative Assembly; or
 - (iii) where the employee is employed in the Joint Services Department—the Director of that Department; and 15

Independent Commission Against Corruption Act 1988 No. 35

Section 3 (Definitions):

- (a) In paragraph (a) of the definition of “public authority” in section 3 (1), after “Administrative Office”, insert “, Parliamentary Department”. 20
- (b) Omit paragraph (e) of the definition of “public official” in section 3 (1), insert instead:
 - (e) a member of the Parliamentary Service;

Public Sector Management Act 1988 No. 33

25

Section 4 (Act not to apply to certain positions):

Omit section 4 (1) (c), insert instead:

- (c) any position in the Parliamentary Service.

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)

(1) Schedule 1 (Public Offices):

30

At the end of Schedule 1, insert:

Clerk of the Legislative Council.

Clerk of the Legislative Assembly.

SCHEDULE 3—AMENDMENTS—*continued***(2) Schedule 2 (Public Offices):**

(a) At the end of Part 1, insert:

Director of the Joint Services Department.

5 (b) From Part 2, omit:

Clerk of the Legislative Assembly.

Clerk of the Parliaments.

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

10

(Sec. 69)

Savings and transitional regulations

1. (1) The regulations may contain provisions of a savings and transitional nature consequent on the enactment of this Act.

15 (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

20 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of its publication.

25 Election of commissioners

2. For the purpose only of enabling the Commission and Boards to be constituted on or after, but not before, the commencement of the relevant provisions, any elections may be conducted, and any other act, matter or thing may be done, as if the whole of this Act commenced on the date of
30 assent to this Act.

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued*

Administrative structure of Parliament

3. (1) The administrative structure of Parliament (including departments, offices and sections) as it existed immediately before the commencement of section 36 is abolished. 5

(2) As soon as possible after the commencement of section 36, the Commission is to determine the administrative structure of the Parliamentary Service.

(3) Pending the making of such determinations, the staff of the Parliamentary Service are taken to be members of the staff of the Joint Services Department. This subclause does not apply to the house officers. 10

Officers of the Legislative Council

4. (1) The persons holding the offices of:

Clerk of the Legislative Council 15

Deputy Clerk of the Legislative Council

Clerk-Assistant (Procedure) of the Legislative Council

Clerk-Assistant (Committees) of the Legislative Council

Usher of the Black Rod of the Legislative Council

immediately before the commencement of section 43 are taken to have been appointed to the corresponding offices referred to in that section. 20

(2) The functions of the offices referred to in section 43 are the same as those of the previous corresponding offices, subject to any changes duly made after that commencement. A reference in any other Act or instrument to such a previous office is taken to be a reference to the corresponding office referred to in section 43. 25

(3) The office of Clerk of the Parliaments is abolished. A reference in any other Act or instrument to that office is taken to be a reference to the position of Clerk of the Legislative Council. However, the occupant of that office immediately before that commencement may continue to have the title of Clerk of the Parliaments while Clerk of the Legislative Council. 30

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued*

Officers of the Legislative Assembly

5. (1) The persons holding the positions of:
- 5 Clerk of the Legislative Assembly
 Deputy Clerk of the Legislative Assembly
 Clerk-Assistant (Administrative) of the Legislative Assembly
 Clerk-Assistant (Procedure) of the Legislative Assembly
 Clerk-Assistant (Committees) of the Legislative Assembly
- 10 Serjeant-at-Arms of the Legislative Assembly
- immediately before the commencement of section 44 are taken to have been appointed to the corresponding offices referred to in that section.
- (2) The functions of the offices referred to in section 44 are the same as those of the previous corresponding offices, subject to any changes duly
- 15 made after that commencement. A reference in any other Act or instrument to such a previous office is taken to be a reference to the corresponding office under that section.

References to parliamentary officers

6. A reference (however expressed) in any other Act or instrument to:
- 20 (a) an officer of the Legislative Council or to an officer under the separate control of or appointed by the President is taken to be a reference to a member of the staff of the Office of the Clerk of the Legislative Council; or
- 25 (b) an officer of the Legislative Assembly or to an officer under the separate control of or appointed by the Speaker is taken to be a reference to a member of the staff of the Office of the Clerk of the Legislative Assembly; or
- 30 (c) an officer under the joint control of or appointed by the President and the Speaker is taken to be a reference to a member of the staff of the Joint Services Department.
-