

A LEGISLATIVE PROPOSAL

THE HOUSES OF PARLIAMENT SERVICE AUTHORITY BILL, 2014

EXPLANATORY NOTES

Introduction

A modern Parliament must be administered and managed efficiently and in a manner which ensures the autonomy of the Parliament and its staff. The present Office of the Parliament is part of the Public Service and its staff comprises public officers subject to the Public Service Commission. There is no supervision of the Office of the Parliament by the Members of Parliament collectively. There is need for greater financial autonomy and to attract and retain highly competent staff.

The Bill seeks to achieve efficient and autonomous management and administration of the Parliament by dismantling and replacing the existing public service model with an independent non-partisan Houses of Parliament Service Authority ("the Authority"), a body corporate, to be managed by a Board comprising Members of Parliament representative of the Government, the Opposition and the Independent Senate bench, and chaired by the Speaker. The Authority shall directly employ the Parliament staff other than the holders of the offices of the Clerk of the House and the Clerk of the Senate both of which are to be given the status of special offices under the Constitution and appointments are to be made to these offices by the President on the joint advice of the Prime Minister and the Leader of the Opposition.

The Clerk of the House is the Chief Executive Officer of the Authority and shall manage the Authority and be responsible to the Board.

The enactment of this Bill will also seek to promote the autonomy and efficiency of the Parliament of Trinidad and Tobago as established by the Constitution and to further enhance the high standards of accountability, transparency and responsibility of the Parliament in the conduct of its business and in line with the Latimer House Guidelines for the Commonwealth (1998).

In order to achieve a level of financial autonomy a Houses of Parliament Service Authority Fund is established into which moneys approved by Parliament are paid and which shall be used to pay expenses incurred by the Authority. Estimates of expenditure for each financial year are to be prepared by the Clerk of the House and to be reviewed and agreed upon by the Board and laid in the House of Representatives and the Senate and incorporated into the Appropriation Bill. Assurance that the estimates agreed upon by the Board shall be included in the Appropriation Bill will be achieved because the Minister of Finance and his Permanent Secretary ex officio will be members of the Board when the estimates are agreed.

THE PURPOSE

The purpose of the Bill is contained in the Long Title which states that it is an Act to provide for the Incorporation of a Body Corporate to be known as the Houses of Parliament Service Authority to provide for the administrative management of the Parliament of the Republic of Trinidad and Tobago and for related purposes.

PART 1 PRELIMINARY

Short Title

Clause 1 is the Title Clause.

Commencement

Clause 2 relates to commencement. The Act resulting from the Bill comes into force on a date to be proclaimed by the President.

Interpretation

Clause 3 defines terms used in the Bill, for example:-

Appointed day is defined as the day appointed by Proclamation for the commencement of the provisions of the Act resulting from the Bill.

Authority is defined as the Houses of Parliament Service Authority established by clause 7.

Board is defined as the Houses of Parliament Service Authority Board established by clause 12.

Former Department is defined as the department of the Office of the Parliament prior to the commencement of the Act resulting from the Bill.

Fund is defined as the Authority Fund established under clause 39.

Precincts of Parliament is defined as the chamber and offices of Parliament and the galleries and places provided for the use of Members and the accommodation of strangers, members of the public and representatives of the press, and includes, while Parliament is sitting, and subject to any exceptions made by the direction of the Speaker, the entire building in which the chamber of Parliament is situated, and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to that building and used or provided for the purposes of Parliament.

Vesting of powers, rights and property of Former Department

Clause 4 vests all powers, rights and property of the Former Department in the Authority.

Objects of the Act

Clause 5 states the main objects of the Act resulting from the Bill which are:

- ✓ to ensure the autonomy of and to promote the efficiency of the Parliament of Trinidad and Tobago as established by the Constitution;
- ✓ to establish an independent non-partisan Houses of Parliament Service Authority which shall be managed by a Board for the purpose of exercising and performing such duties as are conferred upon it by the Act resulting from the Bill or any other written law, and that is efficient and effective in serving the needs of the Parliament of the Republic of Trinidad and Tobago;
- ✓ to provide a legal framework for the effective and fair employment, management and leadership of the employees of the Authority; and
- ✓ to establish rights and obligations of the employees of the Authority.

PART II

THE HOUSES OF PARLIAMENT SERVICE AUTHORITY

Nature of the Authority

Clause 6 describes the nature of the Authority as being an institution of exemplary administrative and technical competence. Clause 6 also stipulates that in the performance of their functions, employees of the Authority shall not seek or receive directions from any source

external to the Authority and that Members shall respect the non-partisan and apolitical character of the Authority and shall not seek to influence employees of the Authority in the discharge of their functions.

PART III

ESTABLISHMENT OF THE HOUSES OF PARLIAMENT SERVICE AUTHORITY

Houses of Parliament Service Authority

Clause 7 establishes the Houses of Parliament Service Authority of Trinidad and Tobago as a body corporate with perpetual succession and a common seal.

Specific powers of the Authority

Clause 8 confers specific powers on the Authority for the purpose of performing its functions. Its functions are defined in clause 9.

Principal Functions of the Authority

Clause 9 defines the principal functions of the Authority to be to provide administrative and support services to the House of Representatives and the Senate and to committees and members of Parliament, which may include:

- ✓ the provision of sufficient clerical staff, attendants and other staff to enable the Houses of Parliament and committees thereof to operate efficiently; and
- ✓ the provision of professional advice on parliamentary procedures and the functions of Parliament generally; and
- ✓ an accurate and efficient reporting of proceedings of the Legislature and of meetings of committees thereof as required; and
- ✓ the provision of adequate library and research facilities and services for members of Parliament; and
- ✓ the provision of dining facilities;
- ✓ the care of the parliamentary gardens and grounds;
- ✓ the provision of security services within the precincts of the Parliament for the safe, orderly and efficient conduct of the business of Parliament ; and
- ✓ the maintenance of parliamentary buildings.

Number and types of Departments in the Authority

Clause 10 provides that there shall be such number and types of departments and such categories and classifications of staff under the Authority as the Board may, from time to time determine.

Seal

Clause 11 provides that the Authority shall have an official seal that shall be kept in the custody of the Corporate Secretary to the Board.

PART IV HOUSES OF PARLIAMENT SERVICE AUTHORITY BOARD

Establishment of the Houses of Parliament Service Authority Board

Clause 12 establishes the Houses of Parliament Service Authority Board the membership of which is prescribed in Clause 13.

Membership of the Board during term of Parliament

Clause 13 prescribes the membership of the Board during the term of each Parliament as follows:

- ✓ the Speaker as Chairman;
- ✓ the President of the Senate as Deputy Chairman;
- ✓ the Leader in the House;
- ✓ the Leader of the Opposition;
- ✓ a Government Senator nominated by the Prime Minister;
- ✓ an Opposition Senator nominated by the Leader of the Opposition;
- ✓ 2 Independent Senators nominated by the President from among the Senators appointed pursuant to section 40(2)(c) of the Constitution; and
- ✓ 2 other Members of the House of Representatives, one from the Government side of the House, and the other from the Opposition side of the House, nominated by respectively the Prime Minister and the Leader of the Opposition.

Clause 14 prescribes the time for the first meeting of the Board during the term of each Parliament, by providing that the Board shall meet within one (1) month of the first sitting of the House of Representatives following a General Election.

Chairman and Deputy Chairman of the Board

Clause 15 provides that when there is a vacancy in the office of Speaker, or when the Speaker is (for whatever reason) absent from duty, the President of the Senate shall act as the Chairman of the Board.

Vacation of office by nominated members

Clause 16 provides, *inter alia*, for the vacating of office of members of the Board who hold office by virtue of having been nominated.

Meetings of the Board

Clause 17 provides when the Board must meet, who shall preside, who must be present, how special meetings can be convened, the number of members which constitutes a quorum and the desirability of unanimity.

By sub-clause (1) the Board shall meet at such times as may be necessary or expedient for the transaction of business and in any case at least once every two (2) months at such place and time and on such days as the Board may determine.

By sub-clause (2) at all meetings of the Board, the Chairman, if present, shall preside. By sub-clause (3) if the Chairman and the Deputy Chairman are absent from a meeting, the members present must appoint one of its members who is an Independent Senator to be the Chairman of that meeting.

By sub-clause (4) the Clerk of the House, or other person acting in that capacity, shall be the Adviser to the Board and must be present at every meeting of the Board and by sub-clause (5) the Head, Legal Services, of the Authority shall perform the duties of Corporate Secretary to the Board for the term of each Parliament.

By sub-clause (6) the Chairman or in his absence the Deputy Chairman may at any time convene a special meeting of the Board, and shall do so within seven (7) days of the receipt by him of a written requisition therefor signed by at least three (3) members. By sub-clause (7) if the Chairman or in his absence the Deputy Chairman fails to convene a special meeting of the Board pursuant to a requisition under sub-clause (7), the Secretary to the Board shall convene such meeting which shall be held within seven (7) days after the expiry of the period prescribed in that sub-clause, i.e. within fourteen (14) days of the requisition.

By sub-clause (8) the quorum for a meeting of the Board shall be five (5) members inclusive of the Chairman and at every meeting of the Board its members shall strive for unanimity in respect of the decision to be made on each question arising in the meeting.

Clause 18 protects members of the Board against personal liability for anything done, permitted to be done or omitted to be done in good faith in the course of the operations of the Authority under the Act resulting from the Bill.

Functions of the Board

Clause 19 prescribes the functions of the Board to include, *inter alia*:

- ✓ the making of bye-laws in accordance with clause 20 to guide the operation and management of the Authority;
- ✓ the approval of terms and conditions of service of members of staff;
- ✓ acting on the recommendation of the Clerk of the House, the creation of posts in the Authority;
- ✓ the approval of the budget estimates of the Authority in accordance with clause 42; and
- ✓ any other function necessary for the expedient management of the Authority.

Sub-clause (2) confers power on the Board to appoint an independent tribunal of up to three (3) persons to arbitrate on appeals about appointments, promotions and disciplinary action within the Authority.

By-laws

Clause 20 empowers the Board to make by-laws in relation to:

- ✓ the calling of meetings of the Board and the conduct of business at those meetings;
- ✓ the use by members of the Parliament of funds, goods, services and premises made available to them for the carrying out of their parliamentary functions;
- ✓ the administration and management of the services and facilities;
- ✓ the terms and conditions of service, entitlements, responsibilities, authorities, obligations and liabilities of the Authority's officers and employees;
- ✓ appeals about promotional appointments and disciplinary action within the Authority;
- ✓ the contracting by the Authority for goods and services;
- ✓ the financial procedures of the Authority;
- ✓ occupational health and safety;

- ✓ parliamentary security; and
- ✓ all such things as are necessary or incidental to the exercise of its powers and the carrying out of its functions and any other matter required by this Act to ensure the efficiency of the Authority.

Sub-clause (2) requires the Speaker of the House and the President of the Senate respectively to table before the House of Representatives and the Senate the by-laws made on any of the first thirty (30) days after the making thereof.

Delegation of powers by Speaker

Clause 21 permits the delegation by the Speaker in writing of any of his functions, duties, or powers (other than this power of delegation) that the Speaker has under the Act resulting from the Bill, subject to any condition attaching to the delegation and any general or special direction given by the Speaker.

Status of delegations

Clause 22 provides that the Speaker is not prevented from exercising or performing any function, duty, or power delegated and provides that the Speaker may revoke a delegation at any time by written notice to the delegate.

PART V THE CLERK OF THE HOUSE

Clause 23 provides that there shall be a Clerk of the House for Trinidad and Tobago who shall not hold any other office of emolument whether in the Public Service or otherwise. Clause 23 also provides that the Clerk of the House shall be the Chief Executive Officer of the Authority, and be responsible to the Board for the management and administration of the Authority and for the general working and efficient conduct of the business of the Authority.

Clause 24 provides for the appointment of the Clerk of the House, namely by the President on the joint advice of the Prime Minister and the Leader of the Opposition. In the event the Prime Minister and the Leader of the Opposition cannot agree on the joint advice, by sub-clause (2) the President shall appoint the Clerk of the House after consultation with the Prime Minister and the Leader of the Opposition.

Clause 25 requires that the person appointed as Clerk of the House shall have at least ten (10) years' experience at the table of Parliament and permits the appointment of a person from within the Commonwealth.

Clause 26 prescribes the matters which disqualify a person from being appointed as Clerk of the House, namely if that person:

- ✓ is or was at any time during the ten (10) years preceding appointment -
 - (i) a member of the Senate;
 - (ii) a member of the House of Representatives;
 - (iii) a member of the legislature of any country in the Commonwealth;
 - (iv) a member of the Tobago House of Assembly;
 - (v) a member of a Municipal Corporation; or
 - (vi) a candidate for election to the membership of the House of Representatives, the Tobago House of Assembly, a Municipal Corporation, or to the membership of the legislature of any country in the Commonwealth;
- ✓ is an undischarged bankrupt;
- ✓ has at any time had a record of a criminal conviction for any indictable or summary offence which carries a term of imprisonment of three (3) months or more; or
- ✓ has been dismissed from the Public Service.

Clause 27 provides that the Clerk of the House shall hold office in accordance with section 136 of the Constitution.

Clause 28 provides that the Clerk of the House may exercise such functions and powers and perform such duties as are imposed on him by the Constitution or any other written law and in particular shall:

- ✓ be responsible to the Board for the general working and the efficient conduct of the business of the Authority and the efficient and economical management of the staff and assets of the Authority and shall cause a report to be presented to the Board on an annual basis in relation to the performance of these responsibilities;
- ✓ manage the affairs of the Authority;
- ✓ manage the staff of the Authority, and shall be responsible for the appointment, promotion, discipline and transfer of members of staff of the Authority in accordance with the Regulations;
- ✓ recommend the terms and conditions of employment of staff including remuneration, for the approval of the Board;

- ✓ secure constituency offices for Members of the House and negotiating and entering into leases as the agent for and on behalf of the Authority
- ✓ be the Accounting Officer of the Houses of Parliament Service Authority under the Exchequer and Audit Act for the Authority

Clause 28 also provides that the Clerk of the House shall exercise the following procedural functions:

- ✓ render expert, non-partisan and impartial advice to the Speaker and to Members of the House of Representatives and of the Senate on Parliamentary practice and procedure;
- ✓ carry out such other duties and exercising powers as may be conferred on him by law or by the Standing Orders and practices of the House and the Senate.

Delegation of powers by the Clerk of the House

Clause 29 permits the Clerk of the House, after consultation with the Board, to assign or delegate, in writing, to a specified person any function, duty, or power (other than this power of delegation) that the Clerk of the House has under the Act resulting from the Bill.

Status of delegations

Clause 30 provides that the Clerk of the House is not prevented from exercising or performing any function, duty, or power which has been delegated and may revoke a delegation at any time by written notice to the delegate.

Performance of Functions of the Clerk of the House in the Clerk's Absence

Clause 31 provides for who shall exercise and perform the duties of the Clerk of the House when the Clerk of the House is absent or the office is vacant.

THE CLERK OF THE SENATE

Clause 32 provides that there shall be a Clerk of the Senate for Trinidad and Tobago who shall not hold any other office of emolument whether in the public service or otherwise.

Clause 33 provides for the mode of appointment of the Clerk of the Senate, namely by the President in accordance with the joint advice of the Prime Minister and the Leader of the Opposition. Sub-clause (2) provides that in the event the Prime Minister and the Leader of the

Opposition cannot agree on the joint advice, the President shall appoint the Clerk of the Senate after consultation with the Prime Minister and the Leader of the Opposition.

Clause 34 requires that the person appointed as Clerk of the Senate shall have at least seven (7) years' experience at the table of Parliament and permits the appointment of a person from within the Commonwealth.

Clause 35 prescribes the matters which disqualify a person from being appointed as Clerk of the Senate, namely if that person:

- ✓ is or was at any time during the ten (10) years preceding appointment -
 - (i) a member of the Senate;
 - (ii) a member of the House of Representatives;
 - (iii) a member of the legislature of any country in the Commonwealth;
 - (iv) a member of the Tobago House of Assembly;
 - (v) a member of a Municipal Corporation; or
 - (vi) a candidate for election to the membership of the House of Representatives, the Tobago House of Assembly, a Municipal Corporation, or to the membership of the legislature of any country in the Commonwealth;
- ✓ is an undischarged bankrupt;
- ✓ has at any time had a record of a criminal conviction for any indictable or summary offence which carries a term of imprisonment of three (3) months or more; or
- ✓ has been dismissed from the Public Service.

Clause 36 provides that the Clerk of the Senate shall hold office in accordance with section 136 of the Constitution.

Clause 37 provides that the Clerk of the Senate shall function as the Deputy to the Clerk of the House and shall perform such functions as delegated by the Clerk of the House in accordance with clause 29 and shall perform the procedural functions prescribed by clause 28(5) in relation to the Senate only. Sub-clause (3) provides that if the office of the Clerk of the House is vacant, or if for any reason the Clerk of the House is unable to exercise the functions of his office, the Clerk of the Senate shall have and may exercise all the functions, duties and powers of the Clerk of the House in accordance with clause 31.

Sub-clause (4) provides for who shall exercise and perform the duties of the Clerk of the Senate when the Clerk of the Senate is absent or the office is vacant.

Transitional/Saving

Clause 38 provides that the holder of the office of Clerk of the House and the holder of the office of the Clerk of the Senate on the appointed day shall be deemed to have been appointed to those respective offices on the appointed day in accordance with the Constitution and this Act and the terms of service of these holders of these officers under this Act shall be calculated from the respective dates of their appointments to the substantive offices of Clerk of the House and Clerk of the Senate by the Public Service Commission.

PART VI FINANCIAL PROVISIONS

Establishment of Houses of Parliament Service Authority Fund

Clause 39 sub-clause (1) establishes a fund to be known as the Houses of Parliament Service Authority Fund. By sub-clause (2) there shall be paid into the Fund:

- ✓ such moneys as may, from time to time, be provided by Parliament;
- ✓ such moneys as may be borrowed by the Authority on such terms and for such purposes as the Clerk, in consultation with the Board, may determine;
- ✓ any moneys accruing to or received by the Authority from any other source.

Sub-clause (3) provides that there shall be paid out of the Fund all payments in respect of any expenses incurred in pursuance of the provisions of the Act resulting from the Bill.

Bank Accounts

Clause 40 provides that the Authority shall open and maintain such bank accounts as are necessary for the exercise of its functions.

Estimates of expenditure

Clause 41 provides for who shall prepare estimates of expenditure, who shall review and agree upon the same, and how such estimates of expenditure will be appropriated.

Sub-clause (1) provides that at least three (3) months before the commencement of each financial year, the Clerk shall cause to be prepared, estimates of all the expenditure required for the purposes of this Act for that year and shall present such estimates to the Board for review.

Sub-clause (2) provides that the Board shall review the estimates presented to the Board and make such alterations thereto as it may deem appropriate and shall thereafter agree upon those estimates. By sub-clause (3) the Minister of Finance and the Permanent Secretary in the Ministry of Finance shall ex officio be members of the Board for the exercise by the Board of this function of review, alteration and agreement.

Sub-clause (4) provides that the Chairman of the Board or some other member thereof authorised by the Board in that behalf shall lay the estimates agreed by the Board before the House and the Senate.

Sub-clause (5) provides that upon the laying of the estimates presented to Parliament, the estimates as presented shall be incorporated into the Appropriation Bill and upon the passage of the Appropriation Bill all moneys from time to time required for the purposes of the Act resulting from the Bill shall be paid from the Consolidated Fund into the Houses of Parliament Service Authority Fund.

Accounts and audit

Clause 42 imposes the duty upon the Clerk of the House to ensure that proper books and records of accounts of the Authority are kept and maintained, and requires the Clerk of the House, within three months after the end of each financial year, to submit the Board for transmission to the Auditor-General, the accounts of the Authority for the year, to be audited and reported upon by the Auditor-General.

PART VII STAFF AND RELATED MATTERS

Staff of the Authority

Clause 43 provides generally for the employment by the Authority of Staff.

Sub-clause (1) provides that the Authority may employ on such terms and conditions as it thinks fit in accordance with the provisions of this Act such staff as it considers necessary for the due efficient and economical discharge of its functions and exercise of its powers under this Act and for this purpose shall establish a classification and compensation scheme.

Sub-clause (2) provides that the employees of the Authority shall be paid such remuneration and allowances and shall be employed on such terms and conditions as may from time to time [subject to any applicable industrial award or industrial agreement] be decided by the Clerk of the House, subject to the approval of the Board.

By sub-clause (3) the Board is required to ensure that the remuneration, allowances, benefits and terms and conditions of employees of the Authority are comparable to those of public officers who perform similar duties. Sub-clause (4) provides that employees of the Authority are not public officers.

Transfer of Officers

Clause 44 permits certain permanent or temporary holders of public offices in the Former Department to exercise the option of transferring to the Authority, or otherwise to remain in the public service or to resign from the public service.

Sub-clause (1) defines such a person to be an officer who on the date of assent of the Act resulting from the Bill (a) holds a permanent appointment to, or (b) holds a temporary appointment to, and has served at least two continuous years in, a public office specified in the Bill.

By sub-clause (2) such a person may, within three months of the date of assent of the Act resulting from the Bill, exercise one of the following options:

- ✓ voluntarily retire from the Public Service on terms and conditions agreed between him or his appropriate recognised association and the Chief Personnel Officer;
- ✓ subject to subsection (3), transfer to the Authority with the approval of the Authority and the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
- ✓ remain in the Public Service provided that an office commensurate with the office held by him in the Public Service prior to the date of assent of the Act, is available.

The superannuation benefits which have accrued to a person who exercises the option under sub-clause (2)(b) above shall be preserved at the date of his employment by the Authority, and such person shall continue to accrue superannuation benefits under the Pensions Act during his employment with the Authority and his employment as aforesaid shall be considered pensionable service within the meaning of the Pensions Act.

Secondment of Officers

Clause 45 permits the secondment of officers in the public service or a statutory authority to the Authority for a period not exceeding five (5) years.

Sub-clause (1) provides that an officer in the Public Service or in a Statutory Authority may, with the consent of the Public Service Commission or Statutory Authority, be seconded to the service of the Authority.

Sub-clause (2) provides that where secondment is effected, the Authority shall make such arrangements as may be necessary to preserve the rights of the officer seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded.

Casual/Short Term Employees

Clause 46 permits the short term employment of persons to perform specific tasks as the need arises, on terms and conditions as agreed between the Authority and the person and subject to such maximum limit of remuneration as the Clerk of the House, subject to the approval of the Board, determines.

Continuation of association representation

Clause 47 provides that subject to any written law employees of the Authority who have transferred from the Public Service shall, for the purpose of collective bargaining, continue to be represented by the relevant representative association that formerly represented them.

Existing agreements

Clause 48 provides that any agreement applicable to former officers in the Public Service or a Statutory Authority who have transferred to the service of the Authority shall be valid and binding on the relevant representative association and the Authority and shall be deemed to be registered under the Industrial Relations Act.

Continuation of collective agreements and union representations

Clause 49 provides for the continuation in force and effect of any collective agreement or other agreement which, immediately prior to the commencement of the Act resulting from the Bill, affected employees who were employed in the public service or a statutory authority.

Right of employees to form or join associations or trade unions

Clause 50 permits employees to form an association which may be registered as a trade union or to join a trade union.

Officers and employees are employees in industrial law

Clause 51 makes each of the Authority's officers or employees who receives salary or wages (other than on a contract basis) an employee and the Clerk his employer within the meaning of the Industrial Relations Act. Clause 51 also provides that the Clerk an employee and the Board the Clerk's employer within the meaning of the Industrial Relations Act (which Act applies to them in both cases).

Behaviour in parliamentary precinct at discretion of speaker/chairman

Clause 52 subjects all persons entering upon the parliamentary precinct to compliance with the directions of the Speaker as to their behaviour, demeanour and conduct.

Protection from liability

Clause 53 protects every officer or employee of the Authority against any action, suit, prosecution or other proceedings brought or instituted against him in respect of any act done bona fide by him in the execution or intended execution of his lawful duties.

Mode of service

Clause 54 provides for the mode of service of any notice or other writing required or permitted by this Act to be given to any person.

A LEGISLATIVE PROPOSAL

The DRAFT HOUSES OF PARLIAMENT SERVICE AUTHORITY BILL, 2014

An Act to provide for the Incorporation of a Body Corporate to be known as the Houses of Parliament Service Authority to provide for the administrative management of the Parliament of the Republic of Trinidad and Tobago and for related purposes.

PART 1 PRELIMINARY

Short Title

1. This Act may be cited as the Houses of Parliament Service Authority Act.

Commencement

2. This Act comes into force on a date to be proclaimed by the President.

Interpretation

3. In this Act, unless the context otherwise requires,—

“appointed day” means the day appointed by proclamation for the commencement of the provisions of this Act;

“Authority” means the Houses of Parliament Service Authority established by section 7;

“Board” means the Board established under section 12;

“Chairman” means the Chairman of the Board and includes the vice-chairman or any other member of the Board when discharging the functions of the chairman;

“Clerk” means the Clerk of the House;

“Constitution” means the Constitution of the Republic of Trinidad and Tobago enacted as the Schedule to the Constitution of the Republic of Trinidad and Tobago Act, Chapter 1:01;

“Former Department” means the department of the Office of the Parliament prior to the commencement of this Act.

“Fund” means the Authority Fund established under section 39;

“Head-Legal Services” means the person employed in the capacity of Head, Legal Services, Office of the Parliament;

“Houses of Parliament Service Authority Code of Conduct” means the code of conduct prescribed under the [] Schedule;

“Leader of the House” means the person named by the Prime Minister as being assigned the duty of arranging the business of the Government in the House;

“Leader of the Opposition” means the holder of the office of the Leader of the Opposition established by section 83 of the Constitution;

“member” in relation to the Authority, includes the Chairman and the Deputy Chairman of the Board;

“office”, in relation to the Authority, means a paid office as an employee of the Authority, not being the office of a member of the Board, or a part-time office, or an office the emoluments of which are payable at an hourly or daily rate;

“officer” or “employee” means any person who holds or acts in any office of the Authority otherwise than as a part-time officer or employee;

“Parliament” means both Houses of Parliament of the Republic of Trinidad and Tobago;

“Pensions Act” means the Pensions Act of the Republic of Trinidad and Tobago as amended, Chapter 23:52;

“precincts of Parliament” means the chamber and offices of Parliament and the galleries and places provided for the use of Members and the accommodation of strangers, members of the public and representatives of the press, and includes, while Parliament is sitting, and subject to any exceptions made by the direction of the Speaker, the entire building in which the chamber

of Parliament is situated, and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to that building and used or provided for the purposes of Parliament;

“Public Service” has the same meaning assigned to it in section 3 of the Constitution;

“services and facilities” includes all means by which members of both Houses of Parliament are officially assisted in performing their parliamentary duties;

“Statutes Act” means the Statutes Act of the Republic of Trinidad and Tobago as amended, Chapter 3:02;

“Vice-chairman” means vice-chairman of the Board.

Vesting of powers, rights and property of Former Department

4. (1) With effect from the appointed day—

(a) all land and other property of every kind, including things in action, used, managed and controlled by the Former Department and vested immediately before that date in the State; and

(b) all the assets, rights, privileges and advantages and all the liabilities and obligations that the Former Department was entitled or subject to immediately before that date,

shall be transferred to and conferred or imposed upon the Authority.

(2) every Act giving power or authority to or imposing any liability upon or otherwise relating to the State by virtue of the Former Department or providing any forms or proceedings relating to the State by virtue of the Former Department shall, unless the context otherwise requires and so far as applicable, be read and have effect as if, in the Act, the Authority were substituted for the State. [But this will cause the Corporation to assume liability when the State should bear it]

(3) A reference in any—

(a) Act, rule, regulation or bye-law made under any Act; or

- (b) deed, contract, bond or security or other document of whatever kind, public or private, to the Former Department acting on behalf of the Government of Trinidad and Tobago shall, with effect from the appointed day, be deemed to refer to the Authority.
- (4) Legal proceedings pending immediately before the appointed day by or against the State by virtue of the Former Department may be continued on or after that day by or against the Authority as the party to the proceedings instead of the State.
- (5) in this section—
 - (a) “appointed day” means the appointed day in section 3;
 - (b) “Former Department” means the Office of the Parliament.
- (6) for the avoidance of doubt, nothing in this section shall have the effect of reviving a claim against the State by virtue of the Former Department that on the appointed day was statute-barred.

Objects of the Act

5. The main objects of this Act are:

- (a) to ensure the autonomy of and to promote the efficiency of the Parliament of Trinidad and Tobago as established by the Constitution;
- (b) for the purpose described in paragraph (a) above, to establish an independent non-partisan Parliamentary Service Authority which shall be managed by a Board for the purpose of exercising and performing such duties as are conferred upon it by this Act or any other written law, and that is efficient and effective in serving the needs of the Parliament of the Republic of Trinidad and Tobago;
- (c) to provide a legal framework for the effective and fair employment, management and leadership of the employees of the Authority; and
- (d) to establish rights and obligations of the employees of the Authority.

PART II
THE HOUSES OF PARLIAMENT SERVICE AUTHORITY

Nature of the Authority

6. (1) The Authority shall be an institution of exemplary administrative and technical competence.

(2) In the performance of their functions, employees of the Authority shall not seek or receive directions from any source external to the Authority.

(3) Every member of both Houses of Parliament shall respect the non-partisan and apolitical character of the Authority and shall not seek to influence employees of the Authority in the discharge of their functions.

PART III
ESTABLISHMENT OF THE HOUSES OF PARLIAMENT SERVICE AUTHORITY

Houses of Parliament Service Authority

7. (1) There is hereby established a body corporate to be known as the Houses of Parliament Service Authority of Trinidad and Tobago (hereinafter referred to as "the Authority").

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of -

- (a) suing and being sued and may for all such purposes be described by that name;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable or immovable property;
- (c) borrowing and lending money;
- (d) entering into contracts;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Specific powers of the Authority

8. (1) For the purpose of performing its functions, the Authority may do any or all of the following:

(a) enter into contracts for any purpose of the Authority;

(b) enter into deeds, contracts, or arrangements—

(i) to purchase, take on lease, sub-lease, licence, or sub-licence any land or buildings or parts of buildings, or to acquire any other interest in land, whether or not subject to a mortgage, charge, lease, easement, or restrictive covenant or other encumbrance;

(ii) to sell, transfer, assign, or otherwise dispose of any lease, or other interest in land or buildings or parts of buildings, whether or not subject to a mortgage, charge, lease, easement, or restrictive covenant or other encumbrance;

(iii) to erect, alter, rebuild, or add to any building;

(iv) to develop or improve any land;

(v) to install partitioning in any building or part of a building;

(vi) to fit out any building or part of a building;

(c) grant leases, tenancies, sub-leases, licences, or sub-licences over land or buildings or parts of buildings held by the Authority, and create easements and restrictive covenants over such land or buildings, and accept surrenders or partial surrenders of interests granted by the Authority; and

(d) incur other obligations relevant to the duties and functions of the Parliamentary Authority.

(2) to do anything reasonably necessary or expedient for, or incidental to, any of the matters referred to in subsection (1) above.

(3) This section does not limit the generality of section 7(2) (e).

Principal Functions of the Authority

9. (1) The principal function of the Authority shall be to provide administrative and support services to the House of Representatives and the Senate and to committees and members of Parliament which may include:

- (a) the provision of sufficient clerical staff, attendants and other staff to enable the Houses of Parliament and committees thereof to operate efficiently; and
- (b) the provision of advice on parliamentary procedures and the functions of Parliament generally; and
- (c) an accurate and efficient reporting of proceedings of the Legislature and of meetings of committees thereof as required; and
- (d) the provision of adequate library and research facilities and services for members of Parliament; and
- (e) the provision of dining facilities;
- (f) the care of the parliamentary gardens and grounds;
- (g) the provision of security services within the precincts of the Parliament for the safe, orderly and efficient conduct of the business of Parliament ; and
- (h) the maintenance of parliamentary buildings.

(2) The Authority shall have such other functions as are conferred or imposed upon it by or under this Act or any other enactment or as are determined by the Board from time to time.

Number and types of Departments in the Authority

10. There shall be such number and types of departments and such categories and classifications of staff under the Authority as the Board may, from time to time determine.

Seal

11. (1) The Authority shall have an official seal that shall be kept in the custody of the Corporate Secretary to the Board.

(2) The seal shall be used with the permission of the Board and every instrument to which the seal is affixed shall be signed by the Chairman and a member authorised by the Board to act in that behalf.

PART IV
HOUSES OF PARLIAMENT SERVICE AUTHORITY BOARD

Establishment of the Houses of Parliament Service Authority Board

12. There is hereby established the Houses of Parliament Service Authority Board (hereinafter referred to as "the Board"), the membership of which is prescribed hereunder.

Membership of the Board during term of Parliament

13. (1) During the term of each Parliament, the Board shall consist of the following:

- (a) the Speaker as Chairman;
- (b) the President of the Senate as Deputy Chairman;
- (c) the Leader in the House;
- (d) the Leader of the Opposition;
- (e) a Government Senator nominated by the Prime Minister;
- (f) an Opposition Senator nominated by the Leader of the Opposition;
- (g) 2 [Independent] Senators nominated by the President from among the Senators appointed pursuant to section 40(2)(c) of the Constitution; and
- (h) 2 other Members of the House of Representatives, one from the Government side of the House, and the other from the Opposition side of the House, nominated by respectively the Prime Minister and the Leader of the Opposition.

(2) To avoid any doubt, every member of Parliament who acts as a member of the Authority is, in so acting, acting in his or her official capacity as a member of Parliament.

14. The Board shall meet within one (1) month of the first sitting of the House of Representatives following a General Election.

Chairman and Deputy Chairman of the Board

15.(1) The Speaker is the Chairman of the Board and the President of the Senate is the Deputy Chairman of the Board.

(2) When there is a vacancy in the office of Speaker, or when the Speaker is (for whatever reason) absent from duty, the President of the Senate shall act as the Chairman of the Board.

Vacation of office by nominated members

16.(1) A member of the Board who holds office under section 13(1)(e)-(h) ceases to be a member of the Board if one of the following events occurs:

(a) the nomination is rescinded by the person making the nomination and the person making the nomination resolves to appoint to the Board, instead of that member, another member of Parliament:

(b) Parliament is dissolved or expires:

(c) the member ceases to be a member of Parliament before Parliament is dissolved or expires.

(2) A member of the Board who holds office because of a nomination may, by written notice to the chairperson of the Board, resign the office at any time.

(3) A member of the Board who holds office under section 13(1)(e)-(h) immediately before the dissolution or expiry of Parliament continues to hold office until the first meeting of the House of Representatives after the general election of its members.

Meetings of the Board

17.(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and in any case at least once every two (2) months at such place and time and on such days as the Board may determine.

(3) At all meetings of the Board, the Chairman, if present, shall preside.

(4) If the Chairman and the Deputy Chairman are absent from a meeting, the members present must appoint one of its members appointed pursuant to section 13(2)(g) to be the Chairman of that meeting.

(5) The Clerk of the House, or other person acting in that capacity, shall be the Adviser to the Board and must be present at every meeting of the Board.

(6) The Head, Legal Services, of the Authority shall perform the duties of Corporate Secretary to the Board for the term of each Parliament.

(7) The Chairman or in his absence the Deputy Chairman may at any time convene a special meeting of the Board, and shall do so within seven (7) days of the receipt by him of a written requisition therefor signed by at least three (3) members.

(8) If the Chairman or in his absence the Deputy Chairman fails to convene a special meeting of the Board pursuant to a requisition under subsection (7), the Secretary to the Board shall convene such meeting which shall be held within seven (7) days after the expiry of the period prescribed in that subsection.

(9) The quorum for a meeting of the Board shall be five (5) members inclusive of the Chairman and at every meeting of the Board its members shall strive for unanimity in respect of the decision to be made on each question arising in the meeting.

18. No personal liability shall attach to a member of the Board for anything done, permitted to be done or omitted to be done in good faith in the course of the operations of the Authority under this Act.

Functions of the Board

19. (1) The Board shall perform the following functions:

- (a) the making of bye-laws in accordance with section 20 to guide the operation and management of the Authority;
- (b) the approval of terms and conditions of service of members of staff;
- (c) acting on the recommendation of the Clerk of the House, the creation of posts in the Authority;

- (d) the approval of travel abroad on business of the Authority or on other parliamentary business;
- (e) the approval of policy for general training of members of staff;
- (f) the approval of the Strategic Plan and Annual Plans for the Authority.
- (g) the approval of the budget estimates of the Authority in accordance with section 42 of this Act; and
- (h) any other function necessary for the expedient management of the Authority.

(2) The Board may from time to time appoint an independent tribunal of up to three (3) persons to arbitrate on appeals about appointments, promotions and disciplinary action within the Authority brought by an employee of the Authority or the Clerk of the House in accordance with the bye-laws made under Section 20 (1) (e), provided that the tribunal may, subject to any written directions by the Chairman, regulate its own procedure.

By-laws

20.(1) For the purpose of giving effect to this Act and without prejudice to the generality of this provision the Board may make by-laws—

- (a) respecting the calling of meetings of the Board and the conduct of business at those meetings;
- (b) governing the use by members of the Parliament of funds, goods, services and premises made available to them for the carrying out of their parliamentary functions;
- (c) respecting the administration and management of the services and facilities;
- (d) prescribing the terms and conditions of service, entitlements, responsibilities, authorities, obligations and liabilities of the Authority's officers and employees;
- (e) respecting appeals about promotional appointments and disciplinary action within the Authority;
- (f) respecting the contracting by the Authority for goods and services;

- (g) respecting the financial procedures of the Authority;
 - (h) respecting occupational health and safety;
 - (i) respecting parliamentary security; and
 - (j) respecting all such things as are necessary or incidental to the exercise of its powers and the carrying out of its functions and any other matter required by this Act to ensure the efficiency of the Authority.
- (2) The Speaker of the House and the President of the Senate respectively shall table before the House of Representatives and the Senate the by-laws made under this section on any of the first thirty (30) days after the making thereof.
- (3) When the House of Representatives or the Senate is not sitting, the Speaker or the President of the Senate respectively shall cause the by-laws made under this section to be deposited with the Clerk of the House or the Clerk of the Senate and such by-laws shall thereupon be deemed to have been tabled before the House of Representatives or the Senate.
- (4) By-laws made under this section shall be deemed not to be statutory instruments for the purpose of the Statutes Act.

Delegation of powers by Speaker

- 21.(1) The Speaker may delegate to a specified person any function, duty, or power (other than this power of delegation) that the Speaker has under this Act.
- (2) A delegation must be in writing and signed by the Speaker.
 - (3) A delegate must exercise or perform functions, duties, or powers—
 - (a) in accordance with any condition attaching to the delegation and any general or special direction given by the Speaker; but
 - (b) otherwise in the same manner and with the same effect as if they had been conferred or imposed on the delegate directly by this Act.
 - (4) Every person purporting to act under a delegation is, in the absence of proof to the contrary, to be regarded as acting in accordance with the terms of the delegation.

Status of delegations

22.(1) The Speaker is not prevented from exercising or performing any function, duty, or power delegated under the preceding section.

(2) The Speaker may revoke a delegation at any time by written notice to the delegate.

(3) A delegation continues in force according to its tenor until it is revoked.

(4) If the person who made the delegation ceases to hold office as Speaker, the delegation continues to have effect as if made,—

(a) until the election of the next Speaker, by the Deputy Speaker; and

(b) after that election, by the next Speaker.

PART V THE CLERK OF THE HOUSE

23. There shall be a Clerk of the House for Trinidad and Tobago who shall not hold any other office of emolument whether in the Public Service or otherwise -

(1) who shall be the Chief Executive Officer of the Authority and who, subject to this Act, shall manage and administer the Authority; and

(2) who shall be responsible to the Board for the management and administration of the Authority and for the general working and efficient conduct of the business of the Authority.

24.(1) The Clerk of the House shall be appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition.

(2) In the event the Prime Minister and the Leader of the Opposition cannot agree on the joint advice, the President shall appoint the Clerk of the House after consultation with the Prime Minister and the Leader of the Opposition.

25. A person appointed as Clerk of the House shall have at least ten (10) years' experience at the Table of Parliament and may be appointed from within the Commonwealth.

26. No person is qualified to be appointed as Clerk of the House if that person-

(b) is or was at any time during the ten (10) years preceding appointment -

(i) a member of the Senate;

(ii) a member of the House of Representatives;

(iii) a member of the legislature of any country in the Commonwealth;

(iv) a member of the Tobago House of Assembly;

(v) a member of a Municipal Corporation; or

(vi) a candidate for election to the membership of the House of Representatives, the Tobago House of Assembly, a Municipal Corporation, or to the membership of the legislature of any country in the Commonwealth;

(c) is an undischarged bankrupt;

(d) has at any time had a record of a criminal conviction for any indictable or summary offence which carries a term of imprisonment of three (3) months or more; or

(e) has been dismissed from the Public Service.

27. The Clerk of the House shall hold office in accordance with section 136 of the Constitution where applicable.

28. The Clerk of the House may exercise such functions and powers and perform such duties as are imposed on him by the Constitution or any other written law and in particular:

(1) shall, *subject to this Act*, be responsible to the Board for the general working and the efficient conduct of the business of the Authority and the efficient and economical

management of the staff and assets of the Authority and shall cause a report to be presented to the Board on an annual basis in relation to the performance of these responsibilities;

(2) shall manage of the affairs of the Authority;

(3) shall manage the staff of the Authority, and shall be responsible for the appointment, promotion, discipline and transfer of members of staff of the Authority in accordance with the Regulations at the [] Schedule;

(4) shall recommend the terms and conditions of employment of staff including remuneration, for the approval of the Board;

(5) shall exercise the following procedural functions:

(a) render expert, non-partisan and impartial advice to the Speaker and to Members of the House of Representatives and of the Senate on Parliamentary practice and procedure; and

(b) carry out such other duties and exercising powers as may be conferred on him by law or by the Standing Orders and practices of the House and the Senate;

(c) in exercising the functions mentioned in paragraphs (a) and (b) above-

(i) the Clerk of the House shall be assisted by such other employees of the Authority as may be necessary; and

(ii) the Clerk of the House shall not act under the direction or control of any other person but in the performance of these functions shall be guided by the Standing Orders, rules of procedure, and precedents.

(6) shall secure constituency offices for Members of the House and negotiating and entering into leases as the agent for and on behalf of the Authority; and

(7) shall be the Accounting Officer of the Houses of Parliament Service Authority under the Exchequer and Audit Act for the Authority.

Delegation of powers by the Clerk of the House

29. (1) The Clerk of the House may after consultation with the Board assign or delegate to a specified person any function, duty, or power (other than this power of delegation) that the Clerk of the House has under this Act.

(2) A delegation must be in writing and signed by the Clerk of the House.

(3) A delegate must exercise or perform functions, duties, or powers—

(c) in accordance with any condition attaching to the delegation and any general or special direction given by the Clerk of the House; but

(d) otherwise in the same manner and with the same effect as if they had been conferred or imposed on the delegate directly by this Act.

(4) Every person purporting to act under a delegation is, in the absence of proof to the contrary, to be regarded as acting in accordance with the terms of the delegation.

Status of delegations

30. (1) The Clerk of the House is not prevented from exercising or performing any function, duty, or power delegated under the preceding section.

(2) The Clerk of the House may revoke a delegation at any time by written notice to the delegate.

(3) A delegation continues in force according to its tenor until it is revoked.

Performance of Functions of the Clerk of the House in the Clerk's Absence

31. (1) On the occurrence from any cause of a vacancy in the office of the Clerk of the House (whether by reason of death, resignation, or otherwise), and in the case of absence

from duty of the Clerk (from whatever cause arising), and so long as that vacancy or absence continues, the duties of the Clerk of the House of the Authority shall be exercised and performed by -

(a) in the case where the absence of the Clerk is of a temporary nature—by the Clerk of the Senate and where the Clerk of the Senate is absent, by an officer of the Authority—to whom the function, power or duty has been delegated by the Clerk of the House pursuant to section 29;

(b) in the case of a vacancy or in any other case—by an officer of the Authority appointed for the time being by the Board provided that such appointment shall not exceed six (6) months.

(2) The fact that a person exercises a function of the Clerk shall, in the absence of proof to the contrary, be conclusive evidence of the authority of the person to do so.

THE CLERK OF THE SENATE

32. There shall be a Clerk of the Senate for Trinidad and Tobago who shall not hold any other office of emolument whether in the public service or otherwise.

33. (1) The Clerk of the Senate shall be appointed by the President in accordance with the joint advice of the Prime Minister and the Leader of the Opposition.

(2) In the event the Prime Minister and the Leader of the Opposition cannot agree on the joint advice, the President shall appoint the Clerk of the Senate after consultation with the Prime Minister and the Leader of the Opposition.

34. A person appointed as Clerk of the Senate shall have at least seven (7) years' experience at the Table of Parliament and may be appointed from within the Commonwealth.

35. No person is qualified to be appointed as Clerk of the Senate if that person-

(a) is or was at any time during the ten (10) years preceding appointment -

(i) a member of the Senate;

- (ii) a member of the House of Representatives;
- (iii) a member of the legislature of any country in the Commonwealth;
- (iv) a member of the Tobago House of Assembly;
- (v) a member of a Municipal Corporation; or
- (v) a candidate for election to the membership of the House of Representatives, the Tobago House of Assembly, a Municipal Corporation, or the legislature of any country in the Commonwealth;

(b) is an undischarged bankrupt;

(c) has at any time had a record of a criminal conviction for any indictable or summary offence which carries a term of imprisonment of three (3) months or more; or

(d) has been dismissed from the Public Service.

36. Subject to sub-section (2), the Clerk of the Senate shall hold office in accordance with sections 136 of the Constitution where applicable.

37. (1) The Clerk of the Senate shall function as the Deputy to the Clerk of the House and shall perform such functions as delegated to the Clerk of the Senate by the Clerk of the House in accordance with section 29.

(2) In addition to those functions delegated to him in accordance with subsection (1), the Clerk of the Senate shall perform those functions prescribed by section 28(5) above in relation to the Senate only.

(3) If the office of the Clerk of the House is vacant, or if for any reason the Clerk of the House is unable to exercise the functions of his office, the Clerk of the Senate shall have and may exercise all the functions, duties and powers of the Clerk of the House in accordance with section 31.

(4) On the occurrence from any cause of a vacancy in the office of the Clerk of the Senate (whether by reason of death, resignation, or otherwise), and in the case of absence from duty of the Clerk of the Senate (from whatever cause arising), and so long as that vacancy or absence continues the duties of the Clerk of the Senate of the Authority shall be exercised and performed by -

(a) in the case where the absence of the Clerk of the Senate is of a temporary nature—by an officer of the Authority to whom the functions duties and powers of the Clerk of the Senate have been delegated by the Clerk of the House subject to section 29.

(b) in the case of a vacancy or in any other case—by an officer of the Authority appointed for the time being by the Board provided that such appointment shall not exceed six (6) months.

Transitional/Saving

38. The holder of the office of Clerk of the House and the holder of the office of the Clerk of the Senate on the appointed day shall be deemed to have been appointed to those respective offices on the appointed day in accordance with the Constitution and this Act and the terms of service of these holders of these officers under this Act shall be calculated from the respective dates of their appointments to the substantive offices of Clerk of the House and Clerk of the Senate by the Public Service Commission.

PART VI

FINANCIAL PROVISIONS

Establishment of Houses of Parliament Service Authority Fund

39. (1) There is established a fund to be known as the Houses of Parliament Service Authority Fund.

(2) There shall be paid into the Fund -

(a) such moneys as may, from time to time, be provided by Parliament;

(b) such moneys as may be borrowed by the Authority on such terms and for such purposes as the Clerk, in consultation with the Board, may determine;

(c) any moneys accruing to or received by the Authority from any other source.

(3) There shall be paid out of the Fund all payments in respect of any expenses incurred in pursuance of the provisions of this Act.

(4) The Authority may, with the approval of Parliament signified by resolution, establish such other funds as it may deem necessary.

BANK ACCOUNTS

40. The Authority shall open and maintain such bank accounts as are necessary for the exercise of its functions.

Estimates of expenditure

41. (1) At least three months before the commencement of each financial year, the Clerk shall cause to be prepared, estimates of all the expenditure required for the purposes of this Act for that year and shall present such estimates to the Board for review.

(2) The Board shall review the estimates forwarded under subsection (1) and may make such alterations thereto as it may deem appropriate and shall thereafter agree upon those estimates.

(3) The Minister of Finance and the Permanent Secretary in the Ministry of Finance shall ex officio be members of the Board for the exercise by the Board of the function referred to in subsection (3) above.

(4) The Chairman of the Board or some other member thereof authorised by the Board in that behalf shall lay the estimates agreed by the Board before the House and the Senate.

(5) Upon the laying of the estimates presented to Parliament under subsection (4), the estimates as presented shall be incorporated into the Appropriation Bill and upon the passage of the Appropriation Bill all moneys from time to time required for the purposes of this Act shall be paid from the Consolidated Fund into the Houses of Parliament Service Authority Fund.

Accounts and audit

42. (1) The Clerk of the House shall ensure that proper books and records of accounts of the Authority are kept and maintained.

(2) Within three months after the end of each financial year, the Clerk of the House shall submit to the Board for transmission to the Auditor-General, the accounts of the Authority for the year.

(3) Notwithstanding the provisions of any other written law, the accounts of the Authority shall be audited and reported upon by the Auditor-General.

PART VII

STAFF AND RELATED MATTERS

Staff of the Authority

43.(1) The Authority may employ on such terms and conditions as it thinks fit in accordance with the provisions of this Act such staff as it considers necessary for the due efficient and economical discharge of its functions and exercise of its powers under this Act and for this purpose shall establish a classification and compensation scheme.

(2) The employees of the Authority shall be paid such remuneration and allowances and shall be employed on such terms and conditions as may from time to time [subject to any applicable industrial award or industrial agreement] be decided by the Clerk of the House, subject to the approval of the Board.

(3) The Board must ensure that the remuneration, allowances, benefits and terms and conditions of employees of the Authority are comparable to those of public officers who perform similar duties.

- (4) Employees of the Authority are not public officers.

Transfer of Officers

44. (1) This section applies to an officer who on the date of assent of this Act-
- (a) holds a permanent appointment to; or
 - (b) holds a temporary appointment to, and has served at least two continuous years in,
a public office specified in the [] Schedule.
- (2) A person to whom this section applies may, within three months of the date of assent of this Act, exercise one of the following options:
- (a) voluntarily retire from the Public Service on terms and conditions agreed between him or his appropriate recognised association and the Chief Personnel Officer;
 - (b) subject to subsection (3), transfer to the Authority with the approval of the Authority and the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
 - (c) remain in the Public Service provided that an office commensurate with the office held by him in the Public Service prior to the date of assent of the Act, is available.

(3) The superannuation benefits which have accrued to a person who exercises the option under sub-paragraph 44(2)(b) above shall be preserved at the date of his employment by the Authority, and such person shall continue to accrue superannuation benefits under the Pensions Act during his employment with the Authority and his employment as aforesaid shall be considered pensionable service within the meaning of the Pensions Act.

Secondment of Officers

- 45.(1) An officer in the Public Service or in a Statutory Authority may, with the consent of the Public Service Commission or Statutory Authority, consent to be seconded to the service of the Authority.
- (2) Where secondment is effected, the Authority shall make such arrangements as may be necessary to preserve the rights of the officer seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded.

(3) A period of secondment shall not exceed five (5) years.

Casual/Short Term Employees

46. The Authority may employ persons to perform specific tasks that the Authority considers necessary for the due performance of its functions and the exercise of its powers under this Act, on such terms and conditions as are agreed between the Authority and the person and subject to such maximum limit of remuneration as the Clerk of the House, subject to the approval of the Board, determines.

Continuation of association representation

47. Subject to any written law employees of the Authority who have transferred from the Public Service shall, for the purpose of collective bargaining, continue to be represented by the relevant representative association that formerly represented them.

Existing agreements

48. Any agreement applicable to former officers in the Public Service or a Statutory Authority who have transferred to the service of the Authority shall be valid and binding on the relevant representative association and the Authority and shall be deemed to be registered under the Industrial Relations Act.

Continuation of collective agreements and union representations

49. Upon the commencement of this Act and subject to any written law a collective agreement or other agreement that immediately prior to the commencement of this Act affected employees who were employed in the public service or a statutory authority shall continue to have effect in relation to such employees.

Right of employees to form or join associations or trade unions

50. Employees may form an association which may be registered as a trade union or may join a trade union.

Houses of Parliament Service Authority officers and employees are employees in industrial law

51.(1) Each of the Authority's officer or employee who receives salary or wages (other than on a contract basis) is an employee and the Clerk is his or her employer within the meaning of the Industrial Relations Act and that Act applies to them accordingly.

(2) The Clerk is an employee and the Board is the Clerk's employer within the meaning of the Industrial Relations Act and that Act applies to them accordingly.

Behaviour in parliamentary precinct at discretion of speaker/chairman

52.(1) All persons entering or upon the parliamentary precinct shall comply with the directions of the Speaker as to the behaviour, demeanour and conduct of such persons.

(2) Directions of the Speaker may take the form of by-laws prescribing behaviour and conduct made from time to time by the Speaker.

Protection from liability

53.(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any officer or employee of the Authority in respect of any act done bona fide by him in the execution or intended execution of his lawful duties.

(2) Where any person is exempt under subsection (1) from such liability by reason only of the provisions of this section, the Authority shall be liable to the extent that it would be if an officer or employee were an agent of the Authority.

Mode of service

54. Any notice or other writing required or permitted by this Act to be given to any person may be given to the person—

(a) by delivering it to him or her personally; or

(b) by leaving it for the person at his or her place of work or place of residence last known to the person giving the notice or writing; or

(c) by post addressed to the person at his or her place of work or place of residence last known to the person giving the notice or writing.

Schedules to be inserted

CERTIFICATES OF THE SPEAKER, PRESIDENT OF THE SENATE, CLERK OF THE HOUSE
AND CLERK OF THE SENATE IN RELATION TO THE DATES OF PASSAGE IN THE HOUSE
OF REPRESENTATIVES AND THE SENATE.