



## **Parliamentary Service Amendment Act 2008**

Public Act 2008 No 57  
Date of assent 12 August 2008  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Parliamentary Service Amendment Act 2008.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act amended**

This Act amends the Parliamentary Service Act 2000.

**4 New sections 9A to 9D inserted**

The following sections are inserted after section 9:

**“9A Application of section 9C to electoral candidates**

- “(1) If a person vacates the office of member of Parliament under section 54(1)(b) or (2)(b) of the Electoral Act 1993 at the close of a polling day but is a candidate in the general election concerned, section 9C applies to him or her at any time if (and only if) the time is between the close of the polling day and—
- “(a) in the case of a person who is a candidate for a seat in the House of Representatives representing an electoral district, the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district:
  - “(b) in the case of a person whose name is specified in a party list, the day on which, under section 193(5) of the Electoral Act 1993, the Chief Electoral Officer declares candidates to be elected in the election.
- “(2) If a candidate at a by-election is the former member of Parliament whose vacation of the seat concerned caused the by-election to be required, section 9C applies to him or her at any time if (and only if) the time is between the close of the polling day and the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district concerned.
- “(3) If a candidate at a general election for a seat in the House of Representatives representing an electoral district did not vacate the office of member of Parliament under section 54(1)(b) or (2)(b) of the Electoral Act 1993 at the close of the polling day for the election, section 9C applies to him or her at any time if (and only if)—

- “(a) the preliminary results made available by the Chief Electoral Officer on polling day or the day after indicate that—
    - “(i) he or she received more votes than any other candidate for the seat; or
    - “(ii) he or she is one of 2 or more candidates who received a number of votes that is equal, and greater than the number of votes received by any other candidate for the seat; and
  - “(b) the time is between the close of polling day and the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district.
- “(4) If a candidate at a general election whose name is specified in a party list did not vacate the office of member of Parliament under section 54(1)(b) or (2)(b) of the Electoral Act 1993 at the close of the polling day for the election, section 9C applies to him or her at any time if (and only if)—
- “(a) the preliminary results made available by the Chief Electoral Officer on polling day or the day after indicate that the Chief Electoral Officer would under section 193(5) of the Electoral Act 1993 declare him or her to be elected in the election if the results of the official count were the same as those preliminary results; and
  - “(b) the time is between the close of polling day and the day on which, under section 193(5) of the Electoral Act 1993, the Chief Electoral Officer declares candidates to be elected in the election.
- “(5) If a candidate at a by-election is neither a member of Parliament nor the former member of Parliament whose vacation of the seat concerned caused the by-election to be required, section 9C applies to him or her at any time if (and only if)—
- “(a) the preliminary results made available by the Chief Electoral Officer on polling day or the day after indicate that—
    - “(i) he or she received more votes than any other candidate for the seat; or
    - “(ii) he or she is one of 2 or more candidates who received a number of votes that is equal, and greater

than the number of votes received by any other candidate for the seat; and

- “(b) the time is between the close of polling day and the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district.

**“9B Speaker may give directions for provision of services and funding for parliamentary purposes in relation to certain electoral candidates**

- “(1) The Speaker may give directions on the extent to which administrative and support services are to be provided, and how the payment of funding entitlements for parliamentary purposes is to be administered, in relation to people to whom section 9C applies.
- “(2) Directions—
- “(a) may apply to all people to whom section 9C applies, or may apply differently to—
- “(i) people of different descriptions:
- “(ii) the holders or former holders of different offices; and
- “(b) may state criteria to which the General Manager is to have regard in providing services and administering the payment of funding entitlements for parliamentary purposes.
- “(3) A direction may provide that the General Manager is to determine whether some or all of the criteria stated in it have been met.

**“9C Provision of services and funding for parliamentary purposes in relation to certain electoral candidates**

While (by virtue of section 9A) this section applies to a person,—

- “(a) administrative and support services must be provided in respect of him or her in accordance with directions under section 9B(1); and
- “(b) the payment of funding entitlements for parliamentary purposes must be administered accordingly.

**“9D Speaker to take into account advice and recommendations of Commission**

- “(1) It is a function of the Parliamentary Service Commission to advise the Speaker on—
- “(a) the nature of the services to be provided under section 9C(a); and
  - “(b) the objectives to be achieved by the Service by providing those services.
- “(2) In giving directions under section 9B(1), the Speaker must take into account any relevant advice and any relevant recommendation given or made by the Parliamentary Service Commission under subsection (1).”

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**Legislative history**

13 May 2008	Introduction (Bill 211–1)
20 May 2008	First reading and referral to Standing Orders Committee
7 July 2008	Reported from Standing Orders Committee (Bill 211–2)
5 August 2008	Second reading
6 August 2008	Committee of the whole House
7 August 2008	Third reading
12 August 2008	Royal assent

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This Act is administered by the Parliamentary Service.

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