

APPENDICES

(Country profile for references)

NEW ZEALAND - *Parliamentary Service Act 2000*

The parliament administration for New Zealand's House of Representatives is mainly governed by the Parliamentary Service Act 2000 (PSA 2000).²

1. Leadership The Parliamentary Service Commission is established to advise the Speaker of the House of Representatives, who the Chief Executive of the Parliamentary Service is responsible to, on the nature of the services to be provided and proposed directions relating to the allocation and administration of funding to support the parliamentary operations.³

The Commission consists of the Speaker (as chairperson), the Leader of the House (or an MP nominated by him/her), the Leader of the Opposition (or an MP nominated by him/her) and other members that are determined as follows:

- a. One member for each recognised party that is represented in the House; and
- b. An additional member for each recognised party that is represented in the House by 30 or more members (excluding Speaker, the Leader of the House or the Leader of the Opposition).

Ministers of the Crown or Parliamentary Under-Secretaries may not be appointed to this Commission.⁴

The Chief Executive, as the administrative head of the Parliamentary Service, is appointed by the Governor-General on the recommendation of a committee mainly consisting of the Speaker and two Commission's members appointed by the Leader of the House and the Leader of the Opposition, each appointing one member. He/She is appointed for a 5-year term, eligible for reappointment, and may be removed by the Speaker for just cause or excuse.⁵

The Clerk of the House of Representatives is appointed by the Governor-General on the recommendation of the Speaker, after consultation with the Prime Minister, the Leader of the Opposition, and such other members as the Speaker considers desirable for a 7-year term, eligible for reappointment. He/She may be removed or suspended from office by the Governor-General, upon an address from the House of Representatives, for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct.⁶

2. Administrative Autonomy The Parliamentary Service is not an instrument of the executive government.⁷ As mentioned under the paragraph of "Leadership", the Commission advise the Speaker on the nature of the services to be provided and proposed directions relating to the allocation and administration of funding to support the parliamentary operations. The Commission may also require the Speaker or the Chief Executive to report on, or inquire into, matters relating to the administration of the PSA 2000 or the exercise or performance of any function, duty, or power under the PSA 2000.⁸ The Chief Executive is

² <https://www.legislation.govt.nz/act/public/2000/0017/latest/whole.html>

³ Ss 11, 13, 14, PSA 2000 (NZ).

⁴ S 15, PSA 2000 (NZ).

⁵ Cls 1, 4, 5, Sch 1, PSA 2000 (NZ).

⁶ Ss 2, 7, 10, 11, the Clerk of the House of Representatives Act 1988 (NZ).

⁷ S 6(3), PSA 2000 (NZ).

⁸ S 14, PSA 2000 (NZ).

responsible to the Speaker. The Chief Executive is in charge of the employment in the Parliamentary Service.⁹

3. Financial Autonomy The Commission advise the Speaker on the allocation and administration of funding appropriated in Appropriation Acts. Speaker is the appropriation Minister and responsible Minister for the Parliamentary Service and the Officer of the Clerk.¹⁰ A committee is required at least once during every term to review the amounts of money appropriated in Appropriation Acts.¹¹ A Parliamentary Corporation is established to acquire, hold, and dispose of interests in land and other assets for parliamentary purposes.

¹²

4. Supportive Services to Private MPs A Parliamentary Library is established to provide the library, information, research, and reference services.¹³ There is an urge to establish a parliamentary budget office, yet to be included in the legislation.¹⁴ The legal drafting for private members is supported by the Parliamentary Counsel Office (subject to the Attorney-General's agreement) or the legislative counsel in the Office of the Clerk.¹⁵

5. Public Accountability The Commission is required to publish an annual report.¹⁶ The parliamentary service and the Office of the Clerk have reporting requirements under different legislation.¹⁷ In every term, a committee is established to review the amounts of money appropriated in the Appropriation Acts.

Aspect	Gred
Leadership	A
Administrative Autonomy	A
Financial Autonomy	A
Supportive Services to Private MPs	B
Public Accountability	A

⁹ CI 7, Sch1, PSA 2000 (NZ).

¹⁰ S 2, Public Finance Act 1989 (NZ).

¹¹ S 20, PSA 2000 (NZ).

¹² Ss 23-32; Sch 4, PSA 2000 (NZ).

¹³ Ss 11-13, PSA 2000 (NZ).

¹⁴

<https://www.transparency.org.nz/blog/the-election-campaign-highlights-why-new-zealand-needs-a-parliamentary-budget-office/>;

<https://www.nzinitiative.org.nz/reports-and-media/opinion/why-nz-needs-an-independent-parliamentary-budget-office/>

¹⁵ S 67, Legislation Act 2019 (NZ).

<https://www.parliament.nz/media/5900/drafting-members-bills-and-amendments.pdf>

¹⁶ CI 11, Sch 2, PSA 2000 (NZ).

¹⁷ Public Finance Act 1989 (NZ).

UNITED KINGDOM - *House of Commons (Administration) Act 1978*

The administration for the United Kingdom's House of Commons is mainly governed by the House of Commons (Administration) Act 1978 (HCAA 1978).

1. Leadership A House of Commons Commission is established, which is responsible for the administration and services of the House of Commons. The Commission consists of 11 members as follows:

- a. Seven (7) parliamentary members: Speaker, the Leader of the House of Commons, one MP nominated by the Leader of the Opposition and four (4) other members
- b. Two (2) external members
- c. Two (2) official members (the Clerk and the Director General of the House of Commons)

Four other parliamentary members are appointed by the House of Commons and not Ministers of the Crown.

The external members are not members or staff of both Houses but are to be appointed by resolution of the House of Commons with the agreement of the Commission.¹⁸

The position of Clerk of the House is a Crown appointment. S/he is appointed by Letters Patent and can be removed only by an Address to Her Majesty, a similar protection against arbitrary dismissal for the Judges of the High Court.¹⁹

2. Administrative Autonomy. The Commission sets strategic priorities and objectives in connection with services provided by the House Departments. In terms of human resources, the Commission appoints all staff, determines the number of staff and their remuneration and terms and conditions of service. The Commission may, from time to time, rearrange the House Departments and allocate functions to it.²⁰

3. Financial Autonomy The Commission prepares and lays before the House of Commons an estimate for that year annually. The Commission appoints a staff in the House Departments as the accounting officer.²¹ The office of the Clerk of the House of Commons is incorporated to acquire, hold, manage and dispose of land and other property for any purpose of the House of Commons.²²

4. Supportive Services to Private MPs The Office for Budget Responsibility is created to provide independent and authoritative analysis of the UK's public finances.²³ The department of Library is listed in the legislation and well-established.²⁴ For Bill drafting for the private members, the services of the Parliamentary Counsel Office are only available for bills which "have the backing of the Government".

5. Public Accountability The Commission is required to publish and present to the House of Commons a report on the exercise of its function. Its minutes, agenda and decision are recorded and published.²⁵ The Commission is advised by three Committees: the Administration Committee, which recommends improvements to services; the Finance

¹⁸ S 1; Sch1, HCAA 1978 (UK).

¹⁹ <https://publications.parliament.uk/pa/cm201415/cmselect/cmgovernment/692/69206.htm#n57>

²⁰ Ss 2, 4(3), HCAA 1978 (UK).

²¹ S 3, HCAA 1978 (UK).

²² S 2, Parliamentary Corporate Bodies Act 1992 (UK).

²³ S 3, Sch 1, Budget Responsibility and National Audit Act 2011 (UK).

²⁴ S 4(1)(d), HCAA 1978 (UK).

²⁵

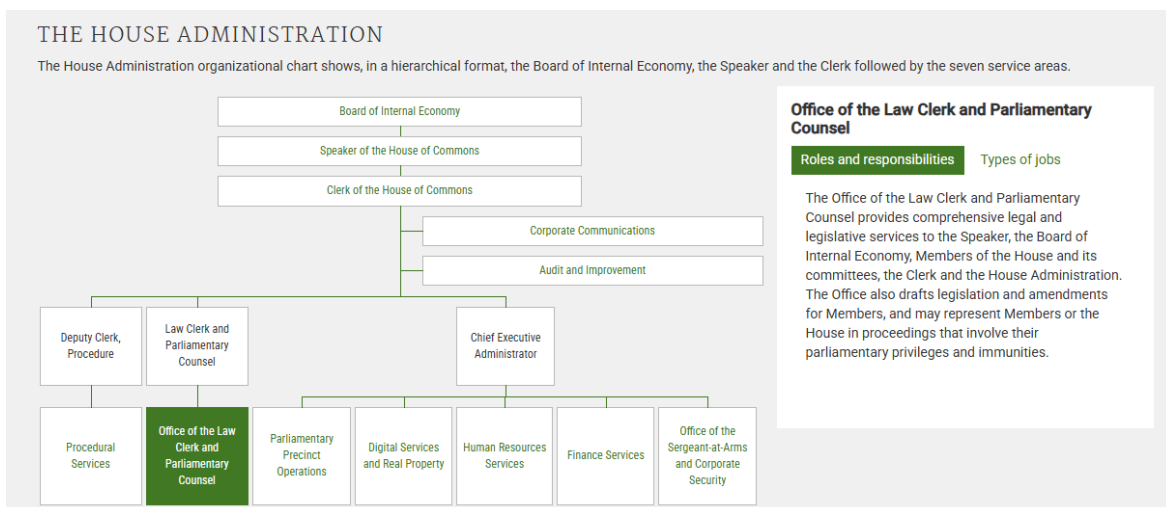
<https://committees.parliament.uk/committee/348/house-of-commons-commission/content/118993/agendas-and-decisions/>

Committee, which considers Expenditure and the House’s budgets; and the Administration Estimate Audit and Risk Assurance Committee, which advises the Clerk of the House in relation to his responsibilities as Accounting Officer.

Aspect	Gred
Leadership	A
Administrative Autonomy	A
Financial Autonomy	A
Supportive Services to Private MPs	B
Public Accountability	A

CANADA - (For aspect of “Supportive Services to Private MPs” only)

4. Supportive Services to Private MPs The Parliament of Canada Act (PCA)²⁶ provides for the establishment of the Library of Parliament²⁷ and the Parliamentary Budget Officer.²⁸ An Office of the Law Clerk and Parliamentary Counsel is established under the House Administration of the House of Commons.



Aspect	Gred
Supportive Services to Private MPs	A

²⁶ R.S.C., 1985, c. P-1.
²⁷ Ss 73-79, PCA (CA).
²⁸ Ss 79.01-79.501, PCA (CA).

MALAYSIA (PROPOSED in 2025) - *Parliamentary Service Act 2025*

The relevant legislation includes the proposed Parliamentary Service Act 2025 (PSA 2025) and amendments to Article 65 of the Federal Constitution.

1. Leadership A Parliamentary Service Council is established, which has the responsibility for matters relating to the Parliamentary Service. The Council consists of 16 members as follows:

- a. Five (5) from the Leadership of the Houses: President of the Senate and his Deputy, and Speaker of the Dewan Rakyat and his 2 Deputies (Conventionally all from the government parties);
- b. Two (2) Senators;
- c. Four (4) members of Dewan Rakyat;
- d. Two (2) Clerks (to the Senate and to the House of Representatives); and
- e. Three (3) non-voting members from the general civil service (Secretary General of Treasury, Director General of Public Service, Chief Administrator of Parliament)

There is no prohibition on members of the administration (Ministers, Deputy Ministers, etc) joining the Council. No guarantee of representation from the Opposition parties.²⁹

There is no mention of the method for the selection or appointment of the six MPs under items b and c.³⁰

The Clerks are appointed by the Yang di-Pertuan Agong, who is bound by the advice of the Cabinet.³¹ There is no tenure protection nor a clear manner to revoke the appointment.³²

2. Administrative Autonomy. The parliamentary service is a separate service from the public service. However, it is unclear which and what portion of parliamentary personnel would be placed under the parliamentary service, except for the Clerks to the Dewan Negara and Dewan Rakyat.³³

The Act mandates the two Clerks to be under the directions and control of the President of the Dewan Negara and the Speaker of the Dewan Rakyat, respectively, and the Chief Administrator, who has general control of the parliamentary service, to act under the general authority and directions of the Council.³⁴

The Council is given functions to appoint and determine the terms and conditions of appointment of a member of the Parliamentary Service, to develop and to conduct programmes and trainings relating to the Parliamentary Service, and to do all things expedient or reasonably necessary for the management of the affairs of the Parliamentary Service.³⁵ However, it is unclear whether the Council can develop, re-organize and/or expand the service provided under the parliamentary institution.³⁶ Committees are

²⁹ Cf s 5, Parliamentary Service Act 1963 (PSA 1963), At least and the only one member of the Parliamentary Service Advisory Committee is nominated by the Speaker of Dewan Rakyat to represent a party in the opposition.

³⁰ S 3, PSA 2025 (MY).

³¹ The proposed Art 65(2) and the Art 40(1), Federal Constitution.

³² Cf Art 65(3), Federal Constitution (before 20 November 1992).

³³ S 2, PSA 2025 (MY).

³⁴ Ss 6, 11(5), PSA 2025 (MY).

³⁵ S 4, PSA 2025 (MY).

³⁶ Cf s 6, PSA 1963 (MY). The legal provision expressly stated that the Advisory Committee can determine the number and designation of the posts in the Parliamentary Service, despite subject to the approval of the Executive.

established to handle matters related to the promotion and discipline of the members of the Parliamentary Service.³⁷

3. Financial Autonomy The Act has a specific provision that mandates the government to provide sufficient annual allocation for parliamentary services, similar to the provision under the SUHAKAM Act.³⁸ However, it is yet to be determined whether the parliamentary service would face the risk of suffering budget cuts by the government, as previously faced by the SUHAKAM,³⁹ as the Act does not expressly provide that the Council have the power to determine its budget.

The Council is only given the power to supervise the financial matters related to parliamentary services.⁴⁰ The Council has limited power to determine the remuneration and other benefits of the members in the parliamentary service, which indicates some level of budget autonomy. The Chief Administrator is the controlling officer on financial matters of the Parliamentary Service,⁴¹ who is from among the members of the general public service but acts under the general authority and directions of the Council in discharging his duties under this Act.

4. Supportive Services to Private MPs No mention of any supporting services given to the Private MPs to assist in their duty as a legislator and scrutinizer. In practice, there is a Parliament Library, which has a limited number of research services.

5. Public Accountability The minutes of the Council's meeting are required to be maintained and kept in a proper form. However, there is no requirement for its publication. No requirement of publishing its annual reports and accounts or conducting periodical reviews.

Aspect	Gred
Leadership	D
Administrative Autonomy	C
Financial Autonomy	C
Supportive Services to Private MPs	E
Public Accountability	D

MALAYSIA (1963-1992) - *Parliamentary Service Act 1963*

The relevant legislation includes the repealed Parliamentary Service Act 1963 (PSA 1963) and Article 65 of the Federal Constitution.

1. Leadership A Parliamentary Service Advisory Committee was established with a limited responsibility under the Parliamentary Service Act 1963. The Advisory Committee consisted of 7 members as follows:

³⁷ Ss 7-9, PSA 2025 (MY).

³⁸ S 19(1), Human Rights Commission of Malaysia Act 1999 (MY). SUHAKAM is the abbreviation for the Human Rights Commission of Malaysia.

³⁹

<https://theedgemaalaysia.com/article/after-50-funding-cut-2016-suhakam-will-close-shop-q3-says-hasm>

⁴⁰

S 12, PSA 2025 (MY).

⁴¹ S 11(2), PSA 2025 (MY).

1. Two (2) from the Leadership of the Houses: President of the Senate and Speaker of the Dewan Rakyat (All from the government parties)
2. One (1) Senator nominated by the Prime Minister
3. Two (2) members of Dewan Rakyat, one of them nominated by the Prime Minister, another one nominated by the Speaker to represent the Opposition.
4. Two (2) members from the general civil service (officer from the Treasury, Director General of Public Service, Chief Administrator of Parliament)

There was no prohibition on members of the administration (Ministers, Deputy Ministers, etc) joining the Council. Only one out of seven of the Committee's members was representing the opposition parties of the Dewan Rakyat. Two other MPs from Dewan Rakyat and Dewan Negara were appointed by the Prime Minister.⁴²

The Clerks were appointed by the Yang di-Pertuan Agong, who was bound by the advice of the Cabinet. There was tenure protection and a clear manner to remove the appointment.⁴³

2. Administrative Autonomy. The parliamentary service was not part of the general public service.⁴⁴ The staff, other than the two Clerks, were appointed by the Speaker of Dewan Rakyat and the President of the Dewan Negara.⁴⁵ The number and designation of the posts in the Parliamentary Service, and its salary scale, were determined by the Advisory Committee but subject to the approval of the YDPA.⁴⁶

3. Financial Autonomy The act did not have a specific provision for funding and allocation. However, the advisory committee had some limited power to determine the number of posts, the salaries and the scale of salaries in the parliamentary service, indicating some level of budget autonomy.⁴⁷ Nevertheless, the power covered only staffing, not other areas of parliamentary expenses. The controlling officer was the Setiausaha Dewan Rakyat, who did not necessarily come from the general public service and who was part of the parliamentary service.

4. Supportive Services to Private MPs No mention of any supporting services given to the Private MPs to assist in their duty as legislators and scrutinizers. In practice, there was a Parliament Library, which has a limited number of research services.

5. Public Accountability No requirement of record keeping, publication of annual reports and accounts, and conduct of periodical reviews.

Aspect	Gred
Leadership	C
Administrative Autonomy	C
Financial Autonomy	C
Supportive Services to Private MPs	E
Public Accountability	E

⁴² S 5, PSA 1963 (MY).

⁴³ The Arts 65(2), (3) (before 1992), and the Art 40(1), Federal Constitution.

⁴⁴ Art 132(4)(a) of the Federal Constitution (before 1992).

⁴⁵ S 4, PSA 1963 (MY).

⁴⁶ S 6, PSA 1963 (MY).

⁴⁷ S 6, PSA 1963 (MY).