



Submission on the Parliament Bill

Prepared for the Parliament Bill Committee,

November 2024

Submission on the Parliament Bill

About the PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 95,000 members.

We are a democratic and bicultural organisation representing people working for the Public Service, legislative branch, Crown Agents, Crown entities, Crown-owned companies, health sector, wider state sector, local government, and publicly funded community sector.

Our members include over 200 people working in the Parliamentary Service and almost 100 working in the Office of the Clerk.

Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership. The PSA is affiliated to Te Kauae Kaimahi the New Zealand Council of Trade Unions, Public Services International and UniGlobal.

About this submission

This submission was developed with the input of PSA members working in the Parliamentary Service and the Office of the Clerk. Member input was provided through a series of member meetings and an online survey.

Summary of recommendations

We support the Bill subject to the following recommended changes:

- We recommend the committee include an independent determination-making or advisory function within the development of parliamentary agency budgets.
- We recommend the process for determining member support services include an independent determination-making or advisory function (as with our recommendation for the parliamentary agency funding model).
- We recommend that this Bill include the following provisions to improve equity between MPs for support services, office accommodation and travel:
 - Provision for the Parliamentary Service owning (or leasing) and maintaining electorate offices so that MPs are on a level playing field and don't need to trade off rent against staffing costs
 - An equitable method of determining funding for MP travel and transport so that MPs with greater travel costs due to greater geographic areas aren't financially disadvantaged

- We recommend that Schedule 5, Clause 11(3) requires the agreement of the staff member before they can be transferred between parliamentary agencies.
- We recommend that clause 8 of Schedule 5, enabling applicants for parliamentary agency positions to be asked about their political activity, be removed.
- We recommend in relation of new statutory powers for Parliamentary Security:
 - Adding reporting requirements about the use of the new powers (eg, anonymised information about the frequency of their use, the demographics of the people they're used on and the reasons for their use) to ensure public accountability
 - Adding arson and fighting in a public place to the specified offences in clause 164.
- We recommend the committee seek assurance from the Parliamentary Service that it can deliver the required security training within the time available before commencement, and extend the commencement date if they are not confident the training can be delivered.
- We recommend the law clarify that PSOs are only required to provide ID when exercising statutory powers, not when going about their ordinary duties.
- We recommend that the Bill retain the Parliamentary Librarian as an independent statutory position and retain the role of the Parliamentary Library in providing library and research services.
- We recommend the Bill include clarification that the Parliamentary Library is exempt under section 58 of the Copyright Act 1994 when providing copyrighted material to an MP's office to support that MP in their duties as a member.

General comments

Overall we are pleased to see this Bill progressing as it provides some welcome improvements in the way the Parliamentary Service and Office of the Clerk are funded and operated. The Bill includes several changes we support, such as a more democratic funding model, greater powers for Parliamentary Security to keep themselves and others safe, and a more cohesive and consistent approach to the running of the two agencies. However, this Bill will not go far enough to address longstanding issues, and there are some aspects of the Bill that give us cause for concern. So while we support the Bill overall, we have some recommendations for change.

Feedback on specific sections of the Bill

Parliamentary agency funding

This section summarises our feedback to the provisions relating to the funding of parliamentary agencies throughout the Bill. It draws on feedback from members across various parts of both the Parliamentary Service and the Office of the Clerk.

Underfunding is an issue for parliamentary agency staff

Parliamentary agencies have been underfunded for an extended period of time. Of the members who completed our survey, almost 80% felt their agency wasn't well-funded to do its job, over 60% didn't believe they're fairly paid for the work that they do, and over 40% don't have the tools they need to do their job well.

"There is insufficient funding to maintain the number of staff (either permanent or casual) to fulfil all the roles that Chamber Officers need to perform on a Parliament Sitting Day.

Some days even getting a break is a challenge (certainly not without putting pressure on fellow team members who must then cover even more positions in the House)."

"Underfunding has resulted in understaffing, as people leave the role for better paid work and were not replaced due to Budget concerns. Even our 'normal' staffing levels result in our team being constantly overworked and tired, which reduces the quality of our work significantly (something many of us have observed). The work we do is highly specialised, so increasing turnover rates means that even when we do hire new people we are still very much understaffed while the new person is trained and all their work has to be checked by someone else (full training takes around 12 months to complete)."

"High workload in combination with staff leaving and not being replaced impacts my work frequently. Instead of the workload reducing, remaining staff are often expected to take on the responsibilities of the departed staff member. This causes stress, frustration and burnout in staff, especially when staff feel they are already not paid fairly. Every year I notice the annual workplan becoming increasingly ambitious, while at the same time staff numbers have been reducing."

"Projects often have to be pushed back when we hit capacity and sometimes things simply don't get done. We also get called on to help other teams with their workloads. In terms of pay - there's something a little demoralising about being some of the lowest paid members of the agency especially given it's a high-demand service that requires a not-insignificant amount of professional knowledge."

(PSA members)

We also heard from our members that there are long-standing issues related to the Parliament precinct that have not been addressed due to a lack of funding, such as the installation of a ramp to make the House wheelchair accessible.

The Offices of Parliament model will address but not solve funding issues

Overall we support the provisions of Part 8 that would amend the Public Finance Act 1989 to make the funding process for parliamentary agencies more aligned with the process for existing Offices of Parliament.

Given Parliament's role in holding the Executive to account, and the importance of the parliamentary agencies in enabling it to carry out this function, shifting funding decisions from the Executive and towards the House is appropriate. We are pleased to see a funding model that will remove the ability of Ministers to try to put pressure on parliamentary agencies to cut costs, and which wouldn't need to rely on advocacy around the Cabinet table for Parliamentary operations versus other government priorities.

Our members' experience is that a reluctance on the part of politicians to be seen to be overfunding their own staffing requirements has resulted in consistent underfunding. We are hopeful that this Bill would help improve the situation, because a multi-party select committee making recommendations would be seen to have wider buy-in and would create less concern from the Executive that their decisions will be criticised by other parties.

We acknowledge, however, that this Bill will not completely address funding issues as it will always rely on MPs making political decisions about the levels of funding to recommend. The proportionality of Parliamentary select committees also presents a risk that the incumbent government will have a majority in the Officers of Parliament Committee (or another committee that may be created in the future to deal with parliamentary agency funding) and the outcome will still be based on the views of the Government of the day.

We believe there should be truly independent and transparent input into the decision-making about parliamentary agency funding: either through an independent body making determinations (similar to the way in which the Remuneration Authority makes determinations about MP salaries) or at least a body providing independent advice about the appropriate levels of funding to inform the select committee's recommendations.

We recommend the committee include an independent determination-making or advisory function within the development of parliamentary agency budgets.

The Bill doesn't improve funding for administrative and support services for MPs

Clause 86 of the Bill gives the Speaker authority to determine the funding for administrative and support services to be provided to members, eligible candidates, and parties to support their parliamentary operations. This is a continuation of the status quo and won't resolve issues relating to the funding of these services, including:

- The tension arising when staff seek pay increases, knowing that the fixed appropriations mean that their MPs would have to find the money by reducing spending in other areas (eg, in the quality or accessibility of electorate office accommodation)
- The inequities in costs between MPs in different areas (eg, the difference in office costs between MPs in expensive urban areas versus smaller centres, and the additional costs for MPs with larger geographical areas who may need multiple offices and/or more travel)
- The mismatch between the requirements of roles in practice and the pay, because the insufficient funding incentivises MPs to employ people for jobs that are a lower level than the work they actually require.

These tensions combine to create an environment where staff are underpaid, offices are understaffed, and offices aren't suitable for constituents.

"There aren't enough staff to do your work while you're on leave or catching up on TOIL and there's always a huge pile to come back to. We're underpaid. There's no professional development. The Public are becoming more distressed and we have not had any increases to safety budgets, let alone the de-escalation training we've been asking for for years."

"The same amount of money is allocated to us regardless of location. Our building rent is ridiculously high but we don't even have a disabled bathroom! It impacts the safety of our office and the facilities we can provide to constituents. Also, our pay feels like less because our rents in general and cost of living are much higher than the rest of the country... Our transport costs are also much higher so in general our budget doesn't stretch as far. I would like to see recognition of this so that we can provide the same amazing service as an office in [another part of the country]."

(PSA members)

We would like to see a more independent approach to member support funding to provide for less politicised decision-making and to ensure decisions are made, either through independent decision-making along the lines of the remuneration forum, or through the mandatory provision of publicly available independent advice on appropriate levels of funding.

We recommend the process for determining member support services include an independent determination-making or advisory function (as with our recommendation for the parliamentary agency funding model).

This Bill is also an opportunity to create a more equitable model through making changes that would level the geographic playing field for MPs.

We recommend that this Bill include the following provisions to improve equity between MPs for support services, office accommodation and travel:

- **Provision for the Parliamentary Service owning (or leasing) and maintaining electorate offices so that MPs are on a level playing field and don't need to trade off rent against staffing costs**
- **An equitable method of determining funding for MP travel and transport so that MPs with greater travel costs due to greater geographic areas aren't financially disadvantaged**

Employment in the parliamentary agencies

This section summarises our feedback on the aspects of the Bill relating to employment within parliamentary agencies. It draws on feedback from members across various parts of both the Parliamentary Service and the Office of the Clerk.

We support making it easier to transfer staff between agencies with their consent

Our members generally support the idea of making it easier to transfer between the Parliamentary Service and the Office of the Clerk where the job has substantially the same duties and responsibilities and has the same or better terms and conditions. We also support the provisions of Schedule 5, Clause 15 which requires the agency to recognise continuous service in terms of employment conditions such as leave.

However, our members do not want their employer to be able to transfer them to a different employer without their consent. As currently written under Clause 11(3) of Schedule 5, there would be a requirement to consult with the worker, but a worker can still be transferred without their agreement. We don't believe that a requirement to consult is sufficient. Our experience representing thousands of workers across public and community services has shown that many employers treat consultation as a tick-box exercise in which employees are consulted but their views are ignored.

We recommend that Schedule 5, Clause 11(3) requires the agreement of the staff member being transferred.

We don't support asking job applicants about political activity

Our members' views were mixed on Schedule 5 Clause 8 of the Bill which would allow the head of a parliamentary agency to ask job applicants to identify any political activity that they have undertaken. On balance though, we see some problems with this aspect the Bill.

We strongly believe in the principle that people working for government – just like everyone else – have the right to hold political views and to be politically active, as long as their politics don't interfere in their work. This is a principle that informs the public service code of integrity and conduct, and although we understand that parliamentary agencies operate in a different context to the public service, the basic obligation is the same. The suggestion that political activity outside of work makes a person unsuitable for politically neutral work undermines the entire concept of political neutrality.

When engaging with our members on this issue they consistently talked about the important position of trust in which they operate, and the importance of maintaining political neutrality. Several spoke about receiving comprehensive training and information to support them to understand and manage their neutrality obligations.

We don't want to see a shift towards Parliament becoming a place where people's participation in democracy and their interest in political activity becomes a barrier to employment – a place where effectively people can only get jobs if they've never shown an interest in political engagement. We also don't want Parliament to be a place where a person's prior political activity becomes a permanent barrier to employment. Members spoke about respected colleagues working in Parliament who they believe manage their obligations with integrity, but whose backgrounds or relationships might have prevented them from ever getting a job if the proposed changes to this Bill had been in place when they first applied for a job.

"As long as people are politically neutral at work and while they work for Parliamentary Service, I don't think it's anyone's business what they did before."

(PSA member)

We believe that the appropriate way to manage integrity, neutrality and conflicts of interest is to acknowledge that everyone is part of their community and has a right to participate fully in their community, and that integrity is about keeping that separate from their work rather than absent from their lives entirely.

We recommend that clause 8 of Schedule 5 be removed.

Parliamentary security

This section summarises our feedback on Part 7 of the Bill which relates to parliamentary security. This section is particularly informed by the views of PSA members working in the Parliamentary Security Service.

We support increased powers for Parliamentary Security Officers

Overall we support the proposal to give Parliamentary Security Officers greater powers to deal with violent, threatening and dangerous behaviour.

In general our members thought that such powers should be used sparingly, and that generally the police should still be the first point of contact to respond to issues and PSOs should generally only use coercive powers when an urgent response is required that cannot wait for police. They also felt that there needs to be a high level of accountability to maintain public confidence that these powers are being used fairly and appropriately.

There are some powers that, as far as we can tell, are not specifically included in the Bill that we think the committee should consider adding, as they represent types of violent or threatening behaviour that are a risk on the Parliamentary precinct. These include arson or fighting in a public place.

We recommend:

- **Adding reporting requirements about the use of the new powers (eg, anonymised information about the frequency of their use, the demographics of the people they're used on and the reasons for their use) to ensure public accountability**
- **Adding arson and fighting in a public place to the specified offences in clause 164.**

Increased powers need to be implemented safely and fairly

Our members working for Parliamentary Security don't want the responsibility of exercising these powers unless they have been given the proper training and support to use them appropriately.

That means:

- Ensuring that all PSOs receive training before the new powers come into effect
- Ensuring that the workforce is sufficiently diverse that there are sufficient numbers of women and gender diverse people on shifts to carry out searches appropriately
- Ensuring there are sufficient staff at all times to deal with issues and keep each other safe if entering into high-risk situations

“These new powers are a big responsibility, I'd hope that adequate training and experience for staff was required.”

“I think it will be paramount that security staff receive consistent training and monitoring upon being given these new powers, to ensure they are using them only when absolutely necessary, and without excessive force or bias.”

“Parliament Security staff receive higher compensation to reflect the additional responsibilities and potential for increased risk to their safety if the proposed change passes.”

(PSA member)

The commencement date for these powers is six months after Royal Assent of the Bill. We support this time period provided the Parliamentary Service has a clear and feasible plan to ensure they can deliver the training within this period. The training requirements can be intensive, taking people out of work for extended periods of time, so the Parliamentary Service will need to be confident it can get through all of the staff within that period without leaving shifts understaffed or requiring significant amounts of overtime. If this isn't feasible the commencement of security powers should be delayed.

We recommend the committee seek assurance from the Parliamentary Service that it can deliver the required security training within the time available before commencement, and extend the commencement date if they are not confident the training can be delivered.

We have safety concerns in relation to security ID cards

We note that Clause 137 requires PSOs to be issued with ID cards and to use those cards when exercising force in their duties. PSOs currently don't have their last names on their ID cards, which is to protect their safety and the safety of their families outside of work. It's not clear from the Bill whether the new legal requirement for ID cards would be instead of the current ones (ie, PSOs would be required to start wearing ID cards with their full names all of the time) or whether these would be specifically for use when exercising statutory powers.

We acknowledge the need to balance the privacy and security of staff with the accountability that would need to come with exercising coercive powers, and acknowledge that there is a genuine need for people exercising such powers to identify themselves. However, we would be concerned if PSOs were required to display their full names all of the time.

We recommend the law clarify that PSOs are only required to provide ID when exercising statutory powers, not when going about their ordinary duties.

The Parliamentary Library

This section summarises our feedback on the aspects of this Bill that relate to the role of the Parliamentary Librarian and the Parliamentary Library. It is informed in particular by PSA members in working in the Parliamentary Library.

We don't support removing absorbing library functions into the normal operation of the parliamentary agencies

This Bill would absorb the role of Parliamentary Librarian and the functions of the Parliamentary Library into the normal operation of the parliamentary agencies. The Bill removes any mention of the Parliamentary Librarian as a statutory position, and Clause 124 (1)(e) of the Bill amends the purpose of the Parliamentary Service to include “to provide library, information, research, and reference services, as required by the chief executive” rather than this being specifically the role of the Parliamentary Library.

We don't support this aspect of the Bill and we are concerned about the direction of travel it represents in terms of the Library's role in our democracy.

Members (both from within the Library and other parts of the parliamentary agencies) spoke about what appears to be a gradual devaluation in the work the Library performs, and a move away from specialist expertise to generalist skills. They worry that this aspect of the Bill will allow the Library's role to be devalued further. It raises the prospect that in the future the Parliamentary Library could be disestablished as a stand-alone unit, and that research services might be downsized or become a secondary responsibility of some other roles. All of this could mean less expertise and less capacity to perform services.

Our members, especially those working in Member Support, talked about how important the work of the Parliamentary Library is in enabling them to do their jobs. They shared that Library support is critical to providing effective support for constituents, and that the role goes far beyond just looking up information – Library staff are skilled at taking complicated information and explaining it in ways that are usable for staff and constituents. This is especially true for opposition MPs, who need accurate information to hold the Government of the day to account without the resources of public service departments to provide advice and analysis. The Parliamentary Library's distinct identity also confers a level of legitimacy and reputation to constituent requesters, which helps assure them that they are receiving answers from a reliable source of nonpartisan unbiased information. Moving away from the Library as an institution would damage this reputation.

The Library is an important component of a functioning democracy. If this Bill was to pass as it stands we would become one of a minority of Westminster democracies without a statutory Parliamentary Library.

“As a newer staff member I have heard from others (and witnessed to some degree myself) that the work of the library seems to have been devalued over time, not by users of the library, but rather by library budget, staffing and strategy decisions, often made by non-librarians. Maybe the Parliamentary Library needs to be an Office of Parliament in itself?”

“Parliamentary Library provides an important role in providing service to give accurate information and research to Members and their staff on topics of public interest. Disestablishing the statutory role of the parliamentary library could have adverse impacts on the quality of service they can provide and risks devaluing an important source of resource for government opposition.”

“This disables the fourth pillar of parliamentary democracy, namely the Parliamentary Library, as defined in academic literature, in favour of an absorbed corporate unit. It downplays the important role of that institution as the holder of the institutional memory (in a far broader sense than the McGee publication and parliamentary procedural

knowledge), and cements in the current trend away from valuing the actual library services that go beyond client services (looking after the historically significant collection that only the Parliamentary Library holds in this country)."

"I worry that it would see the library become a 'nice to have' and not a necessity, meaning the collections and team will be downsized to the point where it could be removed altogether and the research team will have to rely on online resources and external libraries for their research instead."

"I'm unsure what the impact of this would be in practice but the role of the library already feels like it is being flattened out into something more like a generic information service rather than a professionalised library in its own right. It's possible that removing the statutory role of the Parliamentary Library will only hasten this shift and I worry it could compromise the level of service we are able to provide."

"I use the Parliamentary Librarians almost twice a week, they are phenomenal. The loss of this resource [would] be disproportionately felt by smaller parties and will degrade the quality and efficiency of our replies because we will have to do extensive research ourselves. This is not just information you can google, and I think the Librarians are under recognised for the amazing job they do."

(PSA members)

The Regulatory Impact Statement for the Bill notes that in relation to some roles (eg, the Clerk) there has been discussion with previous holders of the role to help determine what should be included in the legislation. There doesn't appear to have been similar discussion with previous Parliamentary Librarians, which means this Bill is missing their insight into the importance of the role.

We recommend that the Bill:

- **Retain the Parliamentary Librarian as an independent statutory position**
- **Retain the role of the Parliamentary Library in providing library and research services.**

We suggest changes to the provisions on copyright

Currently staff of the Parliamentary Library have statutory powers in relation to the Copyright Act to enable them to provide copyrighted information to MPs for parliamentary purposes. The Bill would extend this power to members of the Parliamentary Service more generally.

We think this is a flawed approach that has risks as it would potentially give an exemption to a wide range of staff who won't have the training or knowledge to use that exemption appropriately. Staff of the Parliamentary Library use this power sparingly, and it's a power other libraries don't have. It requires specialist knowledge about what's appropriate. Members are concerned that if the power is widened to people who don't understand how to use it appropriately it will be misused.

This Bill is, however, an opportunity to correct a current ambiguity in the law. Parliamentary Library staff have an exemption from the requirements of the Copyright Act in relation to providing certain information to "any member of Parliament". There is currently ambiguity around whether supplying copyrighted material to an MP's staff, for the purposes of supporting the MP in their duties, would fall within this exemption, given that in practice it is usually an MP's staff member rather than the MP themselves that will request the information. We think this Bill would be a good opportunity to clarify that the provision of copyrighted material to the staff of an MP for use by that MP is also covered by the exemption.

We recommend the Bill include clarification that the Parliamentary Library is exempt under section 58 of the Copyright Act 1994 when providing copyrighted material to an MP's office to support that MP in their duties as a member.

Conclusion

We are glad to see this Bill introduced and we appreciate the opportunity to submit on it. We think that overall it is a positive and long-overdue improvement to the operation of the Parliamentary agencies, subject to some suggested improvements as outlined in this submission.

For further information about this submission, please contact:

Andrew McCauley
Senior Advisor, Policy and Strategy
Public Service Association
Te Pūkenga Here Tikanga Mahi
PO Box 3817, Wellington 6140
Phone: 027 2712642
Email: andrew.mccauley@psa.org.nz

Stephanie Lamborn
Organiser
Public Service Association
Te Pūkenga Here Tikanga Mahi
PO Box 3817, Wellington 6140
Phone: 027 295 2299
Email: stephanie.lamborn@psa.org.nz