



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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# PART A

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## THE PARLIAMENTARY SERVICE BILL NO. 13 2008

(To be presented by the Prime Minister)

### MEMORANDUM OF OBJECTS AND REASONS

The object of this bill is to provide for a more efficient operation of the parliamentary service established under Chapter VII of the Constitution and for other matters incidental to that service.

**J. M. DLAMINI**  
*ATTORNEY GENERAL*

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### **BILL**

Entitled

An Act to provide for the efficient and effective operation and administration of the Parliamentary Service, the Parliamentary Service Board and for other incidental matters.

**ENACTED** by the King and the Parliament of Swaziland.

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**PART I**  
**PRELIMINARY PROVISIONS**

***Short title Commencement***

1. This Act may be cited as the Parliamentary Service Act 2008, and shall come into operation on a day to be fixed by the Minister responsible for parliamentary affairs by notice published in the Gazette.

***Interpretation***

2. In this Act, unless the context otherwise requires -

“Board” means the parliamentary Service Board established under section 131 of the Constitution;

“Chairperson” means the President or Speaker as the case may be acting as chairperson of the Board;

“Clerk” means the Clerk to Parliament appointed in terms of section 132 of the Constitution.

“Constitution” means the Constitution of the Kingdom of Swaziland Act No. 001 of 2005;

“Joint House Committee” means the committee consisting of members of the House Committee of the House of Assembly and that of the Senate;

“Minister” means the Minister responsible for parliamentary affairs;

“Parliamentary Service” (“the Service”) means the public service in respect of Parliament established under section 131 of the Constitution; and,

“Service Fund” means the Parliamentary Service Fund established under section 19.

**PART II****THE PARLIAMENTARY SERVICE*****The Parliamentary Service***

3. (1) The parliamentary service (hereinafter called the “service”) shall be administered as a separate branch of the public service.

(2) The service is constituted by the staff and personnel of Parliament but excluding the presiding officers.

(3) The service shall be administered in an efficient and effective manner by the Clerk so as to sustain a high level of performance and or delivery by Parliament in its legislative, national and *tinkhundla* responsibilities under the overall management of the Board.

(4) The service shall attract and retain a cadre of dedicated officers and employees, with due regard to gender equity at the service of Parliament.

**PART III****THE PARLIAMENTARY SERVICE BOARD*****The Parliamentary Service Board***

4. (1) The Parliamentary Service Board (hereinafter referred to as “the Board”) consists of six members as provided under section 131 of the Constitution.

(2) Subject to the provisions of subsection (4), unless Parliament otherwise dissolves earlier, the term of office of the members of the Board is the normal life of Parliament -

(3) The Members of the Board -

- (a) who are not Members of Parliament are entitled to a retainer fee, sitting allowance and reimbursement of travelling costs;
- (b) who are Members of Parliament or Senators are entitled to a sitting allowance and reimbursement of travelling costs.

For attending meetings of the Board.

- (4) The Board shall remain in office until a new Board is constituted.
- (5) The Clerk or a representative of the Clerk is the secretary of the Board.

***Functions of the Board***

5. (1) Subject to the provisions of the Constitution, the functions of the Board include but shall not be limited to the following -

- (a) to review and determine the terms and conditions of service, training and qualifications of persons holding office in the Service with the approval of the Joint House Committee;
- (b) to provide for the security of staff and the Members of Parliament and other related facilities within the precincts of Parliament;
- (c) to provide such other staff and facilities as are required to ensure the efficient functioning of the Parliament;
- (d) to cause to be prepared in each financial year estimates of revenues and expenditures for Parliament for the next financial year;
- (e) to establish a tender board for the Service to control and regulate the purchases and disposal of property and supply of works and services;
- (f) to engage, promote and maintain good relations with the International community; and,
- (g) to maintain and promote established relations with external organisations to which Parliament is affiliated.
- (h) to facilitate and expedite the passage of legislation;
- (i) to perform any other related duties.

(2) The Board may in writing delegate some of its functions to the Clerk or any other member of the Board.

(3) The Board shall keep the Minister informed regarding the general performance of its functions.

***Disqualification for membership***

6. A person shall not qualify to be appointed a member of the Board if that person -

- (a) is an unrehabilitated insolvent; or
- (b) has within the last five years been convicted of any offence and has been sentenced to imprisonment for a period of not less than three months without the option of a fine.

### ***Vacation of Office of Members***

7. (1) A member of the Board may resign from the Board at any time by giving notice in writing to the Clerk.

(2) The office of a Board member other than the President or the Speaker shall become vacant upon the happening of any of the following events, namely where that member -

- (a) becomes insolvent under any law relating to insolvency or bankruptcy; or
- (b) is convicted in Swaziland of any offence and sentenced to imprisonment for a period of not less than three months without the option of a fine; or
- (c) has been absent from four consecutive meetings of the Board, otherwise than by reason of ill health or some other cause approved during that period by the Board; or
- (d) becomes physically or mentally challenged to such an extent that the member cannot perform the functions of a member of the Board.

### ***Termination of appointments of members***

8. The Chairperson may, after consultation with the Joint House Committee, summarily terminate the appointment of any member of the Board for misconduct, inefficiency or negligence in the carrying out of the duties of office or the failure to carry out the duties of office.

### ***Meetings and procedures***

9. (1) Every decision of the Board shall as far as possible be by consensus.

(2) In any vote, each member of the Board shall have one vote and in case of a tie the chairperson shall have a casting vote.

(3) The quorum at a meeting of the Board shall be four members representing the three categories of membership indicated in section 131 (2) (a) and (b).

(4) Subject to this Act, the Board shall regulate its own procedures.

### ***Disclosure of Interest***

10. (1) A member of the Board who is directly or indirectly financially interested in any contract or arrangement proposed to be entered into by or on behalf of the Service with any other person, shall forthwith disclose such interest to the Board, and shall not take any part in discussions of the Board relating to such proposed contract or arrangement or vote in respect of the proposed contract or arrangement unless the Board decides otherwise.

(2) A member of the Board who is related to a person that is sought to be recruited, disciplined or in anyway dealt with by the Board shall disclose such relationship to the Board and the member shall not take part in discussions relating to such person or vote in that respect unless the Board decides otherwise.

(3) A member who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding E5 000.00 (five thousand Emalangeni) or imprisonment not exceeding one year, and in addition the Board may revoke the appointment of that member.

**PART IV**  
**THE CLERK TO PARLIAMENT**

***Clerk to Parliament***

11. (1) Subject to the provisions of the Constitution the Clerk is the chief administrative and controlling officer of the Service and shall be responsible for the general working and efficient conduct of the business of the Parliament and Service.

(2) The Clerk shall be appointed by the Board in consultation with the Civil Service Commission.

(3) The Clerk may be removed from office by the Board for misbehavior, insubordination or under performance or for any other just cause following the recommendation of an ad hoc disciplinary committee established by the Board for that purpose.

(4) Where deemed appropriate, the Clerk may be suspended by the Board on such terms and conditions as the Board may determine.

(5) The Clerk is answerable to the Board for the proper administration of the Service and to the President and Speaker for the efficient administration of Parliament.

***Remuneration and other conditions of appointment***

12. The remuneration and other conditions of appointment of the Clerk are as determined in writing by the Board after due consultation with the Ministers responsible for parliamentary affairs and the Public Service.

***Functions of the Clerk***

13. (1) Subject to any general or specific direction of the Board or the presiding officers, the Clerk is responsible for the orderly functioning of Parliament and the Service.

(2) Subject to the approval of the Board the Clerk may do or initiate anything necessary to improve the performance of the Service, including management policies and practices for a lean and efficient Service.

(3) The Clerk shall also be responsible for preparing and running the budget for Parliament and the Service.

(4) The Clerk shall prepare or cause to be prepared the annual or periodic reports on the performance of Parliament and the Service.

(5) The Clerk shall perform and be responsible for any other function which a controlling officer in the Public Service usually performs.

***Deputy Clerk***

14. (1) There shall be an office of deputy Clerk to Parliament who shall be appointed by the Board.

(2) The deputy Clerk may act as Clerk -

(a) if there is a vacancy in the office of Clerk; or

- (b) during any period, when the Clerk is absent from duty or is, for any reason, unable to perform the duties of the office of Clerk.

(3) In the absence of the Clerk and deputy Clerk the Board may appoint a suitable person to act as Clerk with such powers and functions as the Board may determine in writing.

***Delegation by the Clerk***

15. (1) The Clerk may in consultation with the Board or the President and Speaker in writing delegate any functions of the Clerk under this Act to the Deputy Clerk.

(2) The presiding officers may delegate the functions of the Clerk to a senior officer in the Service if both Clerk and Deputy Clerk are unable to exercise the functions of the Clerk

***Establishment of Departments***

16. There may be established departments in the Parliamentary Service to facilitate the smooth and efficient operation of Parliament and the Service.

***Creation of Offices***

17. The Board may upon the recommendation of the Clerk create such number of offices as will ensure the efficient functioning of the Service.

**PART V  
FINANCIAL PROVISIONS**

***Finance management officer***

18. (1) The Board shall appoint a finance management officer to assist the Clerk in the discharge of the clerk's accounting and financial reporting responsibilities.

(2) The finance management officer shall ensure compliance with financial norms and standards for Parliamentary Service and with generally recognized accounting practice.

***The Parliamentary Service Fund***

19. (1) The Board shall establish a Parliamentary Service Fund in accordance with the Finance Management and Audit Act, 1967.

(2) The Minister responsible for Finance shall in respect of each Financial Year release to the Service Fund all monies as are appropriated by Parliament after the enactment of the Appropriation Act.

(3) All monies provided by Parliament and monies provided from any other source shall be paid into the Service Fund.

(4) All payments in respect of expenses incurred by the Service shall be paid from the Service Fund.

***The Parliamentary Service Budget***

20. The Clerk shall prepare and submit to the Board annual estimates of all expenditure required for the departments of Parliament for review before submitting such estimates to the Minister.



***Audits and Accounts***

21. (1) The Clerk shall keep proper books of accounts and records in relation to the Services' business and such accounts shall be audited and reported on by the Auditor General in accordance with the Constitution.

(2) The Clerk shall ensure that proper books of accounts and records are kept and maintained and shall, after every financial year submit to the Auditor-General the accounts of the Service.

***Annual report***

2. (1) The Clerk shall, at the end of each financial year and in any case not later than 30<sup>th</sup> September in each year, prepare a report on the operations and performance of Parliament and the Board which, together with a copy of its audited annual accounts as well as any report by the auditors on its management and accounting practices, shall be submitted through the Board to -

(a) the Minister for consideration by Cabinet; and,

(b) the Minister for presentation to Parliament.

(2) The annual report shall be prepared in accordance with guidelines approved by the Joint House Committee.

**PART VI  
MISCELLANEOUS**

***Regulations***

23. (1) The Board may after consultation with the Minister make regulations and other statutory instruments for the effective performance of the functions of the Board and Service.

(2) Any statutory instrument made under this section shall be laid before Parliament and may be approved by Parliament by resolution at least 14 days after it has been laid.

(3) The Board may by regulations made under this section, adopt the provisions of any enactment subject to such modifications as the Board may on the recommendation of Parliament consider reasonable.

**PART VIII  
TRANSITIONAL PROVISIONS**

***Transitional Provisions***

24. (1) Officers who immediately before the establishment of the Parliamentary Service, held or were acting in any office established by or by virtue of the existing laws in the Civil Service shall be deemed to have been properly appointed into the Parliamentary Service.

(2) Officers who before the commencement of the Parliamentary Service would have been required under the law in force to vacate that office at the expiration of a period of service shall, notwithstanding the provisions of subsection (1) above, vacate that office at the expiration of that period.

***Conditions of Service***

25. Except in respect of new offices, the terms and conditions of service of an officer serving under the Parliamentary Service, shall not be less favorable than those applicable to that office immediately before the establishment of the Parliamentary Service.

***General Orders***

26. Officers of the parliamentary Service will continue to be governed by Government General Orders until new terms and conditions of service, including a pension scheme have been finalized and approved by the Parliamentary Service Board.

***Operational Adjustment***

27. The Parliamentary Service Board has the mandate to make operational adjustments whenever necessary with regard to the Parliamentary Service to facilitate the smooth running of operations.

***Re-employment***

28. Within six months of the coming into force of this Act, every officer employed in parliament shall in writing addressed to the Board indicate their option to take up employment with the Service or be redeployed elsewhere in the public service.



