

# Civil List Act 1979

Public Act 1979 No 33  
Date of assent 26 October 1979

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**An Act to consolidate and amend the law relating to the civil list**

**BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Civil List Act 1979.
- (2) Except as provided in section 19(4) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

**2 Grants for civil purposes**

The several sums specified in this Act and the several sums determined or fixed under this Act shall be payable in every year out of public money and (except as by this Act expressly provided) without further appropriation than this section.

Compare: 1950 No 99 s 2

Section 2 was amended, as from 8 March 1985, by section 2 Civil List Amendment Act 1985 (1985 No 48) by inserting the words "and the several sums determined or fixed under this Act".

Section 2 was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words "public money" for the words "the Consolidated Account".

**2A Meaning of partner**

In this Act, **partner**, in the phrase "spouse or partner" and in related contexts, means a civil union partner or de facto partner.

Section 2A was inserted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

**Part 1  
Governor-general**

**3 Salary and allowance of Governor-General**

- (1) There shall be paid to the Governor-General—
  - (a) A salary at a rate determined from time to time by the Remuneration Authority, which salary shall be determined on the basis that it is and will remain exempt from income tax; and

- (b) An allowance, at a rate fixed from time to time by Order in Council, for expenses.
- (2) Any determination or Order in Council made under subsection (1) of this section shall come into force on a date to be specified therein, whether on or before or after the date of the making of the determination or order.
- (3) The salary and allowance of the Governor-General shall—
- (a) Commence to be payable on the earliest of the following dates:
- (i) The date on which he assumes the duties of his office:
- (ii) The date on which he embarks or emplanes for New Zealand to assume the duties of his office:
- (iii) The date on which, in the case of a person domiciled in New Zealand immediately before his appointment, he, as a preliminary to his appointment, embarks or emplanes for a destination outside New Zealand to be received in audience by the Sovereign; and
- (b) Continue to be payable until the date on which he ceases to hold office as Governor-General or on which he leaves New Zealand with the intention of vacating his office, whichever date is the earlier.
- (4) Where the office of Governor-General becomes vacant (otherwise than by the death of the person holding that office), there shall, in respect of the period of 3 months beginning with the date on which the vacancy occurs or on which the Governor-General leaves New Zealand with the intention of vacating his office, whichever is the earlier, be paid to him a sum equal to the salary and allowance of the Governor-General for that period of 3 months.
- (5) The salary of a Governor-General shall not be reduced during the continuance of the Governor-General's commission.
- (6) Every determination and every Order in Council made under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

Compare: 1950 No 99 s 3; 1957 No 5 s 2; 1972 No 50 s 2(1)

Subsection (1) was substituted, as from 1 April 1985, by section 3(1) Civil List Amendment Act 1985 (1985 No 48).

Subsection (1)(a) was amended, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54) by substituting the words “Remuneration Authority” for the words “Higher Salaries Commission”.

Subsection (2) was substituted, as from 1 April 1985, by section 3(1) Civil List Amendment Act 1985 (1985 No 48).

Subsections (5) and (6) were inserted, as from 1 April 1985, by section 3(2) Civil List Amendment Act 1985 (1985 No 48).

#### **4 Annuity for former Governor-General and spouse or partner of former Governor-General**

- (1) Where a person who has held office as Governor-General (whether before or after the commencement of this Act) was, at the time of that person’s appointment, domiciled in New Zealand, there shall (as from the end of the period of 3 months specified in section 3(4) of this Act, but subject to subsections (3) to (5) of this section) be paid to that person, until that person dies,—
- (a) If that person held office as Governor-General for a total period of less than 2 complete years, an annuity at a yearly rate determined from time to time by the Remuneration Authority:
  - (b) If that person held office as Governor-General for a total period of 2 complete years or more, an annuity at a yearly rate, determined from time to time by the Remuneration Authority, for each complete year (not exceeding 5) of that total period.
- (2) Where a person who has held office as Governor-General (whether before or after the commencement of this Act) dies, being a person who was, at the time of that person’s appointment, domiciled in New Zealand, there shall, subject to subsections (3) to (5) of this section, be paid to the surviving spouse or partner of that person, until that surviving spouse or partner dies or marries or enters into a civil union or a de facto relationship,—
- (a) If that person held office as Governor-General for a total period of less than 2 complete years, an annuity at a yearly rate determined from time to time by the Remuneration Authority:

- (b) If that person held office as Governor-General for a total period of 2 complete years or more, an annuity at a yearly rate, determined from time to time by the Remuneration Authority, for each complete year (not exceeding 5) of that total period.
- (3) No annuity shall be paid to any person under subsection (1) or subsection (2) of this section in respect of any period during which that person—
- (a) Is not resident or is not domiciled in New Zealand; or
- (b) Holds an office for which a salary is payable under this Act.
- (4) For the purposes of subsection (3)(a) of this section, a person entitled to an annuity under subsection (1) or subsection (2) of this section shall be deemed not to have ceased to reside in New Zealand by reason only of his temporary absence from New Zealand occasioned by holiday or other temporary purpose.
- (5) Where any person would be entitled, but for this subsection, to be paid both an annuity under subsection (1) or subsection (2) of this section and an annuity under section 22 of this Act, that person,—
- (a) If the annuity payable to that person under section 22 of this Act is equal to or greater than the annuity payable to that person under subsection (1) or subsection (2) of this section, shall be entitled to be paid, of the applicable annuities, only an annuity under section 22 of this Act; or
- (b) If the annuity payable to that person under section 22 of this Act is less than the annuity payable to that person under subsection (1) or subsection (2) of this section, shall be entitled to be paid, of the applicable annuities, only an annuity under subsection (1) or subsection (2) of this section.
- (6) Every determination under this section shall come into force on a day to be specified in the determination, whether on or before or after the date of the making of the determination.
- (7) Every determination under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

Compare: 1950 No 99 s 3A(2)-(4); 1977 No 17 s 2

The heading to section 4 was amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by inserting the words “or partner” after the word “spouse”.

Subsection (1) was substituted, as from 8 March 1985, by section 4(1) Civil List Amendment Act 1985 (1985 No 48).

Subsection (1)(a) and (1)(b) was amended, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54) by substituting the words “Remuneration Authority” for the words “Higher Salaries Commission”.

Subsection (2) was substituted, as from 8 March 1985, by section 4(1) Civil List Amendment Act 1985 (1985 No 48).

Subsection (2) was amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words “surviving spouse or partner of that person, until that surviving spouse or partner dies or marries or enters into a civil union or a de facto relationship” for the words “widow or widower of that person, until that widow or widower dies or remarries”.

Subsection (2)(a) and (2)(b) was amended, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54) by substituting the words “Remuneration Authority” for the words “Higher Salaries Commission”.

Subsections (6) and (7) were inserted, as from 8 March 1985, by section 4(2) Civil List Amendment Act 1985 (1985 No 48).

## **5 Compensation for lost or adversely affected superannuation rights**

- (1) Subsection (1A) applies if a person is appointed to the office of Governor-General and, because of the person’s acceptance of that office, the superannuation rights of any of the following persons have been lost or otherwise adversely affected:
  - (a) the person who is appointed to the office:
  - (b) the spouse or partner of that person:
  - (c) any child of that person.
- (1A) If this subsection applies, then, from the date on which the person appointed to the office of Governor-General ceases to hold that office, there is to be paid, by way of compensation, to that person or to the surviving spouse, partner, or child of that person, any sum or annuity or both, provided for in a written agreement made between that person and the Minister of Finance before that person assumed office as Governor-General.
- (2) An agreement made pursuant to subsection (1A) of this section may provide for the payment of contributions by the Governor-General.

- (3) Every agreement made pursuant to subsection (1A) of this section shall have effect according to its tenor and, where it provides for the payment of an annuity, may provide for any annuity payable pursuant to section 4 of this Act to be payable at a rate less than that prescribed by that section.

Subsection (1) was substituted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

Subsection (1A) was inserted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

Subsections (2) and (3) were amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the expression “subsection (1A)” for the expression “subsection (1)”.

## 6 Travelling expenses

There shall be paid to the Governor-General all expenditure incurred in respect of the transport to and from New Zealand, and the travelling within or outside New Zealand during the Governor-General’s term of office, of the Governor-General and the family and staff of the Governor-General.

Compare: 1950 No 99 s 4

## 7 Power to grant exemptions from taxation

- (1) Notwithstanding anything to the contrary in any Act, but without limiting any exemption under any other Act, the Minister of Finance may from time to time wholly or partly exempt from any public or local tax, duty, rate, levy, or fee, any of the following persons:
- (a) The Governor-General:
  - (b) A member of the personal staff of the Governor-General, if that person is resident in New Zealand solely for the purpose of performing his duties as such a member:
  - (c) the spouse or partner of the Governor-General or of any person to whom paragraph (b) applies:
  - (d) any dependent child or children of the Governor-General or of any person to whom paragraph (b) applies.
- (2) The powers conferred on the Minister of Finance by subsection (1) of this section shall be deemed to include—
- (a) Power to exempt from any fee or duty under any Act any instrument or class of instruments to which any of the persons referred to in that subsection is a party:

- (b) Power, on the death of any person referred to in that subsection,—
  - (i)
  - (ii) To exempt any instrument or document or class of instruments or documents made for or relating to the appointment of an executor or administrator in the estate of that person, or to the administration or distribution of the estate, from any fee or duty under any Act.
- (3) Any exemption granted under subsection (1) of this section may be granted either unconditionally or subject to such conditions as the Minister of Finance thinks fit, and the Minister may at any time revoke any such exemption or revoke, vary, or add to any such conditions.
- (4) Every such exemption shall come into force on such date as may be specified in that behalf by the Minister of Finance. The date so specified may be before or after the date of the granting of the exemption or before or after the commencement of this Act.
- (5) If any question arises as to the persons entitled to any such exemption or as to the extent of any such exemption, it shall be determined by the Minister of Finance, and his decision shall be final.
- (6) The Minister of Finance may direct that such refunds or payments be made from any public fund or account or from the money of any local authority, public body, or person as may in the opinion of the Minister be necessary to give effect to any such exemption.
- (7) Where any loss is suffered by any public fund or account other than the Crown Bank Account by the granting of any such exemption or by the making of any refund or payment directed under this section, the Minister of Finance may direct that such payments be made from the Crown Bank Account to that other fund or account as may be necessary in the opinion of the Minister to reimburse that loss.
- (8) Where any loss is suffered by any local authority, public body, or person by the granting of any such exemption or by the making of any refund or payment directed under this section, the

Minister of Finance shall direct that such payments be made from public money to that local authority, public body, or person as may be necessary in the opinion of the Minister to reimburse that loss.

- (9) All refunds or payments directed under this section to be made from any public fund or account shall be made without further appropriation than this section.

Compare: 1950 No 99 s 4A; 1957 No 5 s 3

Subsection (1)(c) was substituted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

Subsection (1)(d) was inserted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

Subsection (2)(a) was amended, as from 20 May 1999, by section 7 Stamp Duty Abolition Act 1999 (1999 No 61) by substituting the words “any fee or duty under any Act” for the words “stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee under any other Act”.

Subsection (2)(b)(i) was repealed, as from 24 May 1999, by section 17 Estate Duty Repeal Act 1999 (1999 No 64).

Subsection (2)(b)(ii) was amended, as from 20 May 1999, by section 7 Stamp Duty Abolition Act 1999 (1999 No 61) by substituting the words “any fee or duty under any Act” for the words “stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee under any other Act”.

Subsection (7) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words “Crown Bank Account” for the words “Consolidated Account”.

Subsection (8) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words “public money” for the words “the Consolidated Account”.

## **8 Salary of Administrator**

- (1) Where the Chief Justice, or the President of the Court of Appeal, or, as the case may require, the Senior Judge for the time being of the Court of Appeal acts as the Administrator of the Government, that person shall, in respect of the period for which that person acts as the Administrator of the Government, be paid either:
- (a) A salary at half the rate of the Governor-General’s salary and a salary at half the rate of the salary of that person’s judicial office; or
  - (b) A salary at the rate of the salary of his judicial office,—whichever is the greater.

- (2) The salary paid to any person to whom subsection (1) of this section applies shall, in respect of the period for which he acts as the Administrator of the Government, be in substitution for the salary payable in respect of that person's judicial office.
- (3) This section shall have effect notwithstanding anything in section 10 of the Judicature Act 1908.
- (4) Notwithstanding subsections (1) and (2) of this section, if a person who acts as the Administrator of the Government is a contributor to the Government Superannuation Fund, that person's rate of salary shall, for the purposes of the Government Superannuation Fund Act 1956, be deemed to remain, during the period for which that person so acts, that of that person's judicial office.

Section 8 was substituted, as from 1 November 1983, by section 2 Civil List Amendment Act 1983 (1983 No 23).

## **Part 2**

### **Ministers of the Crown and Parliamentary Under-Secretaries**

#### *Ministers of the Crown*

#### **9 Minister to be members of Parliament**

*[Repealed]*

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

#### **10 Order of precedence of Ministers**

*[Repealed]*

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

#### *Parliamentary Under-Secretaries*

The heading "Parliamentary Under-Secretaries" was repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

#### **11 Appointment of Parliamentary Under-Secretaries**

*[Repealed]*

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

**12 Term of office***[Repealed]*

Subsection (1) was amended, as from 8 March 1985, by section 5 Civil List Amendment Act 1985 (1985 No 48), by inserting the words “within 21 days”.

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

**13 Notice of appointment and vacation of office***[Repealed]*

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

**14 Functions of Parliamentary Under-Secretaries***[Repealed]*

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

**15 Execution of instruments by Parliamentary Under-Secretary***[Repealed]*

Sections 9 to 15 were repealed, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

**Part 3****Remuneration of Ministers of the Crown,  
Parliamentary Under-Secretaries, and  
members of Parliament****16 Salaries and allowances to be fixed by Remuneration Authority**

- (1) The Remuneration Authority shall from time to time, in accordance with the Remuneration Authority Act 1977, fix the salaries and allowances to be paid to the Prime Minister and other Ministers of the Crown or members of the Executive Council, to Parliamentary Under-Secretaries, to the Speaker of the House of Representatives, to the Chairman of Committees of the House of Representatives, to the Leader of the Opposition, and to other members of Parliament.
- (2) Such salaries and allowances may differ in accordance with the office that the member of Parliament holds (whether or

not that office is specified in subsection (1) of this section) or with the electorate that the member represents or in accordance with such other considerations as may be determined by the Remuneration Authority.

- (3) The salaries and allowances fixed pursuant to subsection (1) of this section shall be payable in every year out of public money without further appropriation than this section.

Compare: 1950 No 99 s 27; 1977 No 110 s 33(1)

The heading to section 16, and subsections (1) and (2), were amended, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54) by substituting the words “Remuneration Authority” for the words “Higher Salaries Commission” wherever they appear.

Subsection (3) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words “public money” for the words “the Consolidated Account”.

## **17 Speaker of House of Representatives and Chairman of Committees**

The person holding the office of Speaker of the House of Representatives at the time of the dissolution of any Parliament and the person holding the office of Chairman of Committees of the House of Representatives at that time shall, for the purposes of this Act, each be deemed to hold his office until the first meeting of the next Parliament or, if he sooner dies, until the date of his death.

Compare: 1950 No 99 ss 19(2), 20(2)

## **18 Salaries and allowances of members of Parliament**

- (1) The salary and allowance of each member of Parliament shall be payable in respect of the period commencing on the day after polling day for the election at which the member is elected and ending with the earlier of the following days:
- (a) Polling day for the next general election of members of Parliament:
  - (b) The day on which the member’s seat becomes vacant, by death or otherwise.
- (2) Notwithstanding subsection (1) of this section, where a member is returned unopposed at a by-election that is not contested, the period in respect of which the salary and allowance of that member shall be payable shall commence on the day on

which the Returning Officer publicly declares that member to be elected.

- (3) Notwithstanding subsection (1) of this section, where any person who was a member immediately before the dissolution of any Parliament is not a candidate at the next general election of members of Parliament or is an unsuccessful candidate at that general election, a salary, at the rate payable, as at polling day for that election, to a member of Parliament, shall be payable—
- (a) In the case of a person who was a Minister of the Crown or a member of the Executive Council or a Parliamentary Under-Secretary or the Speaker or Chairman of Committees of the House of Representatives, in respect of the period commencing on the day after the day on which that person ceases to hold that office and ending with the day 3 months after polling day or, if that person sooner dies, with the date of that person's death:
- (b) In the case of any other person, in respect of the period commencing on the day after polling day and ending with the day 3 months after polling day or, if that person sooner dies, with the date of that person's death.
- (4) The payment of the salary and allowance of a member of Parliament shall not be made to any member of Parliament for any period during which that member is in receipt of any other salary payable under this Act.
- (5) In this section the expression **polling day**, in relation to any election, means the day appointed in the writ for that election for the polling to take place if a poll is required.

Compare: 1950 No 99 s 22(1), (2), (4); 1954 No 27 s 2(1); 1973 No 120 s 3(1)

Subsection (3) was amended, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114) by substituting the words “not a candidate at the next general election of members of Parliament or is an unsuccessful candidate at that general election” for the words “an unsuccessful candidate at the next general election of members of Parliament”.

Subsection (3)(a) was amended, as from 8 March 1985, by section 6 Civil List Amendment Act 1985 (1985 No 48) by inserting the words “or a Parliamentary Under-Secretary”.

## **19 Questioned elections of members of Parliament**

- (1) Where, at the conclusion of the trial of an election petition, the High Court or the Court of Appeal determines that a person elected or returned was not duly elected or returned or that the election at which that person was elected or returned was void, the salary and allowance to which that person would have been entitled if that person had been duly elected and returned as a member of Parliament shall be paid to that person, in respect of the period commencing on the day after polling day and ending with the earlier of the following days:
  - (a) The day on which the House of Representatives, pursuant to section 246(2) of the Electoral Act 1993, gives directions for the altering of the return:
  - (b) The day on which the seat becomes vacant, by death or otherwise.
- (2) Where, at the conclusion of the trial of an election petition, the High Court or the Court of Appeal determines that a person, other than the person who was elected or returned, was duly elected and the return, in accordance with directions given under section 246(2) of the Electoral Act 1993 is altered to carry out that determination, the salary and allowance to which the person declared elected pursuant to the altered writ or return would have been entitled if that person's name had been endorsed on the writ or return when it was first returned shall, notwithstanding anything in subsection (1) of this section, be paid to that person.
- (3) In this section the expression **polling day** has the meaning assigned to that term by section 18(5) of this Act.

Section 19 was substituted, as from 1 July 1994, by section 272 Electoral Act 1993 (1993 No 87).

## **20 Deductions from members' salaries and allowances**

- (1) The payment under this Act of salaries and allowances to persons who are members of Parliament shall be subject to the following provisions:
  - (a) If during any session a member is absent for any number of sitting days exceeding 14, there shall be deducted from the payment to be made to the member the sum of

- \$10 for every sitting day (exclusive of those 14 sitting days) during which the member was absent:
- (b) The exemption from deduction for absence for 14 sitting days during any session shall be reckoned from the commencement of the session and allowed accordingly, after which the prescribed deduction for absence shall be made from the instalment or instalments accruing due next after the occurrence of any such absence:
  - (c) No deduction for absence shall be made where the absence is certified by the Speaker of the House to be caused—
    - (i) By illness; or
    - (ii) By any other cause certified by the Speaker of the House to be unavoidable:
  - (d) No deduction for the absence of the member shall be made where the absence is caused by the member's attendance at any conference, meeting, or ceremony, or the member's travelling on any mission or business, as a representative of Parliament or with the authority of the House of Representatives:
  - (e) In this section the expression **sitting day** means a day on which the House of Representatives is appointed to sit for the transaction of business during any session.
- (2) No expenses are payable in respect of any sitting day for which a deduction is made under this section.

Compare: 1950 No 99 s 23

Subsection (2) was inserted, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54).

## **20A Travel, accommodation, attendance, and communications services for members**

- (1) The Speaker of the House of Representatives must determine, in respect of members of Parliament, travel, accommodation, attendance, and communications services.
- (2) Before making the determination, the Speaker must take into account any relevant advice and any relevant recommendation given or made by the Parliamentary Service Commission under the Parliamentary Service Act 2000.

- (3) The Minister who has, with the authority of the Prime Minister, for the time being assumed responsibility for Ministerial services must determine, in respect of members of the Executive, any additional or alternative services in respect of Executive travel, accommodation, attendance, and communications.
- (4) That Minister determines, in his or her sole discretion, which office holders are members of the Executive for the purpose of subsection (3).
- (5) Before making a determination under this section, the determining body must—
  - (a) consult with the Commissioner of Inland Revenue about the taxation consequences of the proposed determination; and
  - (b) consult with, as the case may be, the Speaker or the Minister about the services for which they have jurisdiction.
- (6) A determination under this section may be made jointly by the Speaker and the Minister, or may be a separate determination made by one of those persons for services for which that person has jurisdiction.
- (7) Travel, accommodation, attendance, and communications services, in this section, include—
  - (a) the payment of money or allowances for those things; and
  - (b) provision for any member of the family (as referred to in section 25(1)(f)) of a member of Parliament for those things; and
  - (c) any other means of meeting the travel, accommodation, attendance, and communications needs or obligations of members of Parliament.
- (8) A determination under this section is deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.

Sections 20A and 20B were inserted, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54). See sections 5 to 7 of that Act as to a review of services in respect of members of Parliament, a review of services in respect of the Executive, and a related transitional provision.

**20B Different ways in which services may be determined and funded**

- (1) A determination under section 20A may determine services by doing all or any of the following:
  - (a) fixing services or providing a method by which services can be calculated or ascertained:
  - (b) providing for any monetary amounts to be adjusted according to any percentage movements in any index or survey published by Statistics New Zealand:
  - (c) incorporating by reference all or part of any other document that sets out—
    - (i) any services to be provided to members of Parliament under the Parliamentary Service Act 2000:
    - (ii) any funding entitlements for parliamentary purposes to be provided under that Act:
    - (iii) any matters referred to in section 25 of this Act.
- (2) Material incorporated into the determination by reference under subsection (1)(c) (as it existed on the date of the inclusion but with any additions or variations (if any) as are specified in the determination) forms part of the determination for all purposes.
- (3) The Speaker of the House of Representatives must ensure that a copy of all material incorporated in a determination by reference under subsection (1)(c)—
  - (a) is available for inspection free of charge, or for purchase at a reasonable price, at Parliament House in Wellington and at any other place or places that he or she appoints; and
  - (b) is published on the Internet.
- (4) The services determined under section 20A are,—
  - (a) in the case of matters incorporated by reference under subsection (1)(c), payable out of money appropriated by Parliament; and
  - (b) in the case of other services, payable out of public money without further appropriation than this section.

Sections 20A and 20B were inserted, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54). *See* sections 5 to 7 of that Act as to a review of services in respect of members of Parliament, a review of services in respect of the Executive, and a related transitional provision.

**21 Limits on allowance payable to members travelling within New Zealand on public business**

*[Repealed]*

Section 21 was repealed, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54).

**21A Members of overseas service not to be paid under this Part**

Notwithstanding anything in this Act, no payment shall be made under this Part of this Act to any person in respect of any period in respect of which that person receives a salary as a head of mission or head of post within the meaning of the Foreign Affairs Act 1988.

Section 21A was inserted, as from 1 April 1988, by section 11 Foreign Affairs Amendment Act 1988 (1988 No 34).

Section 21A was amended, as from 1 December 1988, by section 14(1) Foreign Affairs Act 1988 (1988 No 159) by substituting the words “External Relations Act 1988” for the words “Foreign Affairs Act 1983”.

Section 21A was amended, as from 1 July 1993, by section 2(3) Foreign Affairs Amendment Act 1993 (1993 No 48) by substituting the words “Foreign Affairs” for the words “External Relations”.

**Part 4**

**Miscellaneous provisions**

**22 Annuity for former Prime Minister and spouse or partner of former Prime Minister**

- (1) Where a person has held the office of Prime Minister for a period or periods amounting in all to not less than 2 years, whether before or after the commencement of this section, there shall, subject to subsection (2) of this section and to section 4(5) of this Act, be paid—
- (a) To that person, until he dies, an annuity at a rate to be fixed from time to time by the Remuneration Authority:
  - (b) to the surviving spouse or partner of that person (whether or not that person has died before the commencement of this Act), until that surviving spouse or partner dies or marries or enters into a civil union or a de facto relationship, an annuity at a rate to be fixed from time to time by the Remuneration Authority.

- (2) No annuity shall be paid to any person under subsection (1) of this section in respect of any period during which that person holds an office for which a salary (other than the salary of a member of Parliament) is payable under this Act.
- (3) Every determination under this section shall come into force on a day to be specified in the determination, whether on or before or after the date of the determination.
- (4) Every determination under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

Compare: 1950 No 99 s 7A(1), (3); 1973 No 120 s 2(1)

The heading to section 22 was amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by inserting the words “or partner” after the word “spouse”.

Subsection (1)(a) and (1)(b) was amended, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54) by substituting the words “Remuneration Authority” for the words “Higher Salaries Commission”.

Subsection (1)(b) was substituted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

### **23 Payments to spouse or partner, or dependent children of member of Parliament dying in office**

- (1) Where a member of Parliament dies, the following provisions shall apply—
  - (a) if the member leaves a spouse or partner, there is to be paid to the surviving spouse or partner as income a sum of money equivalent to that which would have been paid to the member if a salary, at the rate payable as at the date of death to a member of Parliament, had been payable to the member in respect of the period of 3 months commencing on the day after the date of death:
  - (b) If the member does not leave a spouse or partner but leaves one or more dependent children, there shall be payable to that child or those children (and if more than one in equal shares) as income a sum of money equal to the sum mentioned in paragraph (a) of this subsection.
- (2) Any sum of money payable pursuant to paragraph (a) or paragraph (b) of subsection (1) of this section shall be paid out of public money without further appropriation than this section.

- (3) In any case where a sum of money is payable under this section to any person who is a minor, that sum may by direction of the Prime Minister be paid to—
  - (a) That person; or
  - (b) Any guardian of, or any person caring for, that person to be applied for the maintenance, education, advancement, or benefit of that person.
- (4) The receipt of any person or guardian to whom payment is so made shall be a sufficient discharge therefor.
- (5) For the purposes of this section the dependent children of a deceased member comprise such of the children of the member as the member had a legal duty to support in whole or in part at the time of the death of the member.

Compare: 1950 No 99 s 27B; 1975 No 131 s 2

The heading to section 23 was amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by inserting the words “or partner,” after the word “spouse”.

Subsection (1)(a) was substituted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

Subsection (1)(b) was amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words “spouse or partner” for the words “wife or husband”.

Subsection (2) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words “public money” for the words “the Consolidated Account”.

## **24 Payment of salaries, annuities, and allowances**

- (1) Every salary, annuity, or allowance payable pursuant to any provision of this Act shall, subject to subsections (2) to (4) of this section, be paid by equal monthly instalments on the last day of each month.
- (2) The Governor-General may from time to time by Order in Council, direct that any salary, annuity, or allowance payable pursuant to any provision of this Act shall be paid by equal periodic instalments at the end of such other period (being a period of less than 1 month) as may be specified in the order; and every such order shall have effect according to its tenor.
- (3) A proportionate payment is to be made for any fraction of—
  - (a) A month; or

- (b) Any other period prescribed pursuant to subsection (2) of this section.
- (4) Nothing in subsections (1) to (3) of this section shall apply in respect of—
  - (a) Any payment made pursuant to section 3(4) or section 23 of this Act; or
  - (b) Any allowance (such as a setting-up allowance) which is of such a nature as to require it to be paid in a lump sum.

Compare: 1950 No 99 ss 3A(5), 7A(2), 22(3); 1973 No 120 s 2(1); 1977 No 17 s 2

## **25 Appropriation of money for benefits and privileges**

- (1) The appropriation by Parliament of money for the purpose of providing benefits or privileges of a specified kind for—
  - (a) The Governor-General or a former Governor-General; or
  - (b) The Prime Minister or a former Prime Minister; or
  - (c) Other Ministers of the Crown; or
  - (d) Parliamentary Under-Secretaries; or
  - (e) Members or former members of Parliament; or
  - (f) Members of the families (including a spouse or partner, surviving spouse or partner, or issue) of any of the persons specified in paragraphs (a), (b), (c), (d), or (e) of this subsection,—shall be sufficient authority for the grant of such benefits or privileges, and where money is so appropriated it shall not be necessary as a condition for the lawful expenditure of any money so appropriated that the appropriation be implemented by any statutory authority other than this section.
- (2) Nothing in this section shall authorise the payment of any money to any member of Parliament or to any member of the family of any member of Parliament.
- (3) The operation of this section shall not be limited in its application to any benefits or privileges by reason merely of the fact that, with respect to any specified benefits or privileges, there

may, in addition to the authority conferred by this section, be an express statutory authority:

Provided that nothing in this subsection shall be construed to authorise the expenditure of any money contrary to the express provisions of any Act.

Compare: 1950 No 99 s 28; 1977 No 17 s 3

Subsection (1)(f) was amended, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54) by inserting the word “partner,” after the word “husband,”.

Subsection (1)(f) was amended, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words “spouse or partner, surviving spouse or partner” for the words “wife, husband, partner, widow, widower”.

## 26 Repeals, revocations, and savings

- (1) The enactments specified in Schedule 1 to this Act are hereby repealed.
- (2) The Orders in Council specified in Schedule 2 to this Act are hereby revoked.
- (3)

Subsection (3) was repealed, as from 1 April 2003, by section 4(1) Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54).

## 27 Conflicting claims

- (1) If more than 1 person claims to be entitled to an annuity under section 4(2) or section 22(1)(b), or to a payment under section 23(1)(a), an authorised person must decide—
  - (a) whether more than 1 person is entitled to the annuity or payment; and
  - (b) if so, the proportion of the annuity or payment payable to each person entitled to it.
- (2) In this section, **authorised person** means—
  - (a) in relation to an annuity under section 4(2) or section 22(1)(b), a person who has been authorised to make decisions under this section by the Minister who (with the authority of the Prime Minister) is responsible for Ministerial Services; and
  - (b) in relation to a payment made under section 23(1)(a), the Parliamentary Service established under the Parliamentary Service Act 2000.

- (3) An authorised person must pay, or arrange for the payment of, an annuity or payment referred to in this section in accordance with any decision made by the authorised person under subsection (1).
- (4) If more than 1 person is entitled to an annuity or payment, the total annuity or payment paid to the persons entitled to it must not exceed the amount that would have been paid if only 1 person were entitled to it.
- (5) If a person who claims to be entitled to an annuity or payment referred to in this section is dissatisfied with a decision made by an authorised person under subsection (1), he or she may appeal against the decision to the High Court.
- (6) The High Court Rules and sections 74 to 78 of the District Courts Act 1947 apply, with all necessary modifications, to an appeal under subsection (5) as if it were an appeal under section 72 of that Act against a decision of a District Court.
- (7) The provisions of the Judicature Act 1908 relating to appeals to the Court of Appeal against a decision of the High Court apply to an order or decision of the High Court on an appeal under subsection (5).

Section 27 was inserted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

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### **Schedule 1** **Enactments repealed**

Section 26(1)

- 1950, No 99-The Civil List Act 1950. (Reprinted 1979, RS Vol 1, p 489.)
- 1954, No 27-The Civil List Amendment Act 1954. (Reprinted 1979, RS Vol 1, p 505.)
- 1957, No 5-The Civil List Amendment Act 1957. (Reprinted 1979, RS Vol 1, p 505.)
- 1972, No 50-The Civil List Amendment Act 1972. (Reprinted 1979, RS Vol 1, p 506.)
- 1973, No 120-The Civil List Amendment Act 1973. (Reprinted 1979, RS Vol 1, p 506.)

- 1975, No 131-The Civil List Amendment Act 1975. (Reprinted 1979, RS Vol 1, p 507.)
- 1977, No 17-The Civil List Amendment Act 1977. (Reprinted 1979, RS Vol 1, p 507.)
- 1977, No 110-The Higher Salaries Commission Act 1977: So much of Schedule 5 as relates to the Civil List Act 1950.

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**Schedule 2**  
**Orders in council revoked**

Section 26(2)

Title	Statutory Regulation Serial Number
The Parliamentary Salaries and Allowances Order 1970	1970/182
The Parliamentary Salaries and Allowances Order 1970, Amendment No 3	1973/280
The Parliamentary Salaries and Allowances Order 1970, Amendment No 4	1974/57