

Version
as at 28 October 2021



Members of Parliament (Remuneration and Services) Act 2013

Public Act 2013 No 93
Date of assent 18 November 2013
Commencement see section 2

Contents

	Page
1 Title	5
2 Commencement	5
Part 1	
Preliminary provisions	
3 Purposes	5
4 Overview of this Act	5
5 Interpretation	7
6 Act binds the Crown	8
7 Application of certain provisions of Remuneration Authority Act 1977 to certain functions of Remuneration Authority	8
Part 2	
Salaries and allowances of members of Parliament	
8 Remuneration Authority to determine salaries and allowances	9
9 How salaries and allowances determined	9

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Parliamentary Service and Department of Internal Affairs.

10	Period for which salaries and allowances of members of Parliament payable	10
11	Additional salary payable for 3 months if member does not stand or is not re-elected at general election	10
12	Salaries and allowances payable in case of election petition	11
13	Deductions from payments if member absent from House of Representatives	12
14	Deductions from payments if member suspended from service of House of Representatives	12
15	No payments for period that person receives salary as head of post or head of mission	13
Part 3		
Services for members of Parliament		
16	Principles	13
	<i>Services determined by Remuneration Authority</i>	
17	Services to be determined by Remuneration Authority	15
18	Procedure for Remuneration Authority's determinations	16
19	Remuneration Authority may require information and obtain independent advice	17
20	Publication of Remuneration Authority's determinations	17
21	Resolution of issues about Remuneration Authority's determinations	17
22	Permanent appropriations for services determined by Remuneration Authority	18
	<i>Services and funding subject to Speaker's directions</i>	
23	Services and funding subject to Speaker's directions	18
24	Procedure for Speaker's directions	20
25	Publication of Speaker's directions <i>[Repealed]</i>	20
26	Resolution of issues about Speaker's directions	20
	<i>Services determined by Minister Responsible for Ministerial Services</i>	
27	Services to be determined by Minister Responsible for Ministerial Services	21
28	Procedure for Minister's determination	21
29	Publication of Minister's determination <i>[Repealed]</i>	21
30	Resolution of issues about Minister's determinations	22
	<i>General provisions relating to services</i>	
31	Conversion of entitlements	22
32	Frequency of adjustments	23
33	Quarterly reports on travel and accommodation expenses	24

	<i>Services in respect of official inter-parliamentary relations programme</i>	
34	Services in respect of official inter-parliamentary relations programme to be determined by Speaker	25
35	Conversion of entitlements	26
36	Publication of determinations [<i>Repealed</i>]	26
37	Quarterly reports on travel and accommodation expenses	26
	<i>Consultation requirement in relation to certain services not under this Part</i>	
38	Minister must consult about taxation consequences of certain services for Ministers	26
	Part 4	
	Entitlements of former members and others and miscellaneous matters	
	Subpart 1—Entitlements of former members, former Prime Ministers, and others	
	<i>Former members' entitlements</i>	
39	Travel entitlements of former members of Parliament	27
40	Disqualification from receiving former member travel entitlements	28
41	Issues concerning former member travel entitlements to be determined by Remuneration Authority	29
42	Reporting on expenses for travel entitlements of former members of Parliament	30
	<i>Former Prime Ministers' entitlements</i>	
43	Annuity of former Prime Minister and spouse or partner of former Prime Minister	30
44	Travel entitlements of former Prime Ministers	31
	<i>Member of Parliament dying in office: entitlements of family members</i>	
45	Payments to spouse, partner, or dependent children of member of Parliament dying in office	32
	<i>Resolution of conflicting claims to entitlements</i>	
46	Conflicting claims	32
	Subpart 2—Amendments to Parliamentary Service Act 2000	
47	Parliamentary Service Act 2000 amended	33
48	Interpretation	33
49	Meaning of funding entitlements for parliamentary purposes	33
50	New section 3E substituted	34

	3E	Interpretation of determinations and directions under Members of Parliament (Remuneration and Services) Act 2013	34
51		Purposes of this Act	34
52		Principal duties of Parliamentary Service	35
53		New section 8 substituted	35
	8	Services and administration of funding in accordance with Members of Parliament (Remuneration and Services) Act 2013, determinations and directions, etc	35
54		Sections 9A to 9D repealed	36
55		Principal responsibilities of General Manager	36
56		Functions of Parliamentary Service Commission	36
57		Establishment of committee to review appropriations	36
58		Work of review committee	37
		Subpart 3—Amendments to Remuneration Authority Act 1977	
59		Remuneration Authority Act 1977 amended	37
60		Functions of Authority	37
61		Publication of determinations fixing Parliamentary salary and allowances	37
62		Obligation to consult before making determinations about Parliamentary salaries and allowances	38
63		Remuneration of existing holder not to be reduced	38
		Subpart 4—Repeal, revocations, consequential amendments, and review	
64		Civil List Act 1979 repealed	38
65		Determinations and order revoked	38
66		Consequential amendments to other enactments	39
67		Review of Act	39
		Subpart 5—Validations, savings, and transitional provisions	
68		Validation of salary payments to list members declared elected under section 137 of Electoral Act 1993	39
69		Validations and savings concerning salaries and allowances of members of Parliament and annuities and travel services for former Prime Ministers	40
70		Transitional provision concerning services entitlements	40
71		Transitional provision concerning section 22	42
72		Transitional provision concerning ongoing travel entitlements of former members	42
73		Transitional provision concerning tax-treatment of ongoing travel entitlements of former members	42
		Schedule 1	43
		Qualifying electoral candidates	

Schedule 2	45
Travel entitlements of former members of Parliament	
Schedule 3	49
Consequential amendments to other enactments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Members of Parliament (Remuneration and Services) Act 2013.

2 Commencement

- (1) This Act (except sections 39 to 42) comes into force on 16 December 2013.
- (2) Sections 39 to 42 come into force on 1 July 2014.

Part 1

Preliminary provisions

3 Purposes

- (1) The primary purpose of this Act is to ensure that the House of Representatives and its members are properly supported in a way that maintains confidence in the integrity of Parliament.
- (2) To that end, the other purposes of this Act include—
 - (a) providing for the remuneration of members of Parliament; and
 - (b) ensuring that members of Parliament are provided with the services that they require to enable them to carry out their roles and functions; and
 - (c) establishing an efficient and effective system for determining the services to be provided to members of Parliament; and
 - (d) providing for travel services for family members of members of Parliament.

4 Overview of this Act

- (1) Part 1 deals with preliminary matters, including the purposes of the Act, interpretation, and the application of the Act to the Crown.
- (2) Part 2 deals with the salaries and allowances of members of Parliament.
- (3) Part 3 deals with support services for members of Parliament, and, in particular,—
 - (a) services that must be determined by the Remuneration Authority, namely,—

- (i) all accommodation services for members of Parliament and qualifying electoral candidates (except certain international accommodation services funded from party and member support funding, accommodation services for members of Parliament nominated to participate in the political exchange programme, and accommodation services for members of Parliament participating in the official inter-parliamentary relations programme); and
 - (ii) in respect of Ministers, accommodation services within New Zealand that are additional or alternative to the accommodation services determined for members of Parliament; and
 - (iii) all travel services for family members of members of Parliament; and
- (b) directions that must be issued by the Speaker in respect of the entitlements to travel services of members of Parliament and qualifying electoral candidates; and
- (c) directions that must be issued by the Speaker in respect of other services and funding, namely,—
- (i) administrative and support services that must be provided to support the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates; and
 - (ii) communications services for members of Parliament and qualifying electoral candidates; and
 - (iii) funding appropriated as party and member support funding for members of Parliament, parties, and qualifying electoral candidates; and
 - (iv) travel services in respect of members of Parliament participating in the political exchange programme; and
- (d) travel and accommodation services that must be determined by the Speaker in respect of members of Parliament participating in the official inter-parliamentary relations programme; and
- (e) services that the Minister Responsible for Ministerial Services must determine in respect of Ministers, namely travel services within New Zealand that are additional or alternative to the entitlements of members of Parliament to travel services provided for in directions issued by the Speaker.
- (4) Part 4 and Schedules 2 and 3 deal with entitlements of former members of Parliament and former Prime Ministers and with miscellaneous matters, including amendments to other enactments, the repeal of the Civil List Act 1979, and savings and transitional provisions.
- (5) This section is only a guide to the general scheme and effect of this Act.

5 Interpretation

In this Act, unless the context otherwise requires,—

accommodation services, in relation to a person, include—

- (a) the payment of money or an allowance for those services; and
- (b) any other means of meeting the accommodation needs or obligations of the person; and
- (c) additional costs that are associated with, or incidental to, accommodation of the person that are not provided for as part of any other entitlement of the person (whether under Part 2 or 3 or any determination or directions issued under one of those Parts)

allowance has the meaning given to it by section 2 of the Remuneration Authority Act 1977

Assistant Speaker means a person who holds the office of Assistant Speaker in accordance with the Standing Orders of the House of Representatives

authorised person has the meaning set out in section 46

Chief Executive means the Chief Executive of the Parliamentary Service

corrupt practice has the meaning set out in section 40

declaration day has the meaning set out in section 40

department responsible for Ministerial Services means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of Ministerial Services

dependent child, in relation to a person, means a child—

- (a) who is being maintained as a member of the person's family; and
- (b) in respect of whom the person either is the sole or principal provider of ongoing daily care or shares ongoing daily care substantially equally with another person; and
- (c) who is under 18 years of age; and
- (d) who is not living with another person in a marriage, civil union, or de facto relationship

Deputy Speaker means the Deputy Speaker of the House of Representatives

electioneering has the same meaning as in section 3 of the Parliamentary Service Act 2000

family member, in relation to a person, means—

- (a) a spouse or partner of the person;
- (b) a child or stepchild of the person, if that child or stepchild is under 18 years of age;
- (c) a dependent child of the person

Minister includes every member of the Executive Council

Minister Responsible for Ministerial Services means the Minister of the Crown who is, with the authority of the Prime Minister, for the time being responsible for Ministerial Services

ordinary member of Parliament means a member of Parliament who is not an office holder

partner means a civil union or de facto partner

party means a political party for the time being recognised for parliamentary purposes under the Standing Orders of the House of Representatives

polling day means the day appointed in the writ for a general election or a by-election to take place

publicly available, in relation to a document, means that the document is available, at all reasonable times, on the Internet site of Parliament

qualifying electoral candidate means a person described in Schedule 1

Remuneration Authority means the Remuneration Authority established by section 4(1) of the Remuneration Authority Act 1977

Speaker means the Speaker of the House of Representatives

term of Parliament has the meaning given to it by section 17 of the Constitution Act 1986

travel services, in relation to a person, include—

- (a) the payment of money or an allowance for those services; and
- (b) any other means of meeting the travel needs or obligations of the person; and
- (c) additional costs that are associated with, or incidental to, travel by the person that are not provided for as part of any other entitlement of the person (whether under Part 2 or 3 or any determination or directions issued under one of those Parts).

Section 5 **Chief Executive**: inserted, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 5 **General Manager**: repealed, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

6 Act binds the Crown

This Act binds the Crown.

7 Application of certain provisions of Remuneration Authority Act 1977 to certain functions of Remuneration Authority

Sections 8(3) to (7), 9, 21(1), 25(1) and (3), and 29 of the Remuneration Authority Act 1977 apply to the functions of the Remuneration Authority under Part 3 and sections 41 and 44 of this Act.

Part 2

Salaries and allowances of members of Parliament

8 Remuneration Authority to determine salaries and allowances

- (1) The Remuneration Authority must determine the salaries and allowances to be paid to members of Parliament.
- (2) The salaries and allowances may differ according to—
 - (a) the office that the member of Parliament holds; or
 - (b) the electorate the member represents; or
 - (c) any other considerations that the Remuneration Authority may determine.
- (3) This section must be read in conjunction with section 16(2).
- (4) Expenses may be incurred, without further appropriation than this section, to meet the salaries and allowances determined under this section and payments under section 45(2) and (3).
- (5) *[Repealed]*
- (6) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1979 No 33 s 16

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 114, Sch 3
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 8(5): repealed, on 20 December 2019, by section 11 of the Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2019 (2019 No 83).

Section 8(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 How salaries and allowances determined

- (1) The salaries and allowances under section 8 must be determined under section 12 of the Remuneration Authority Act 1977, and the relevant sections of that Act apply accordingly (*see*, for example, sections 16 and 17A to 19).
- (2) The Chief Executive must ensure that a copy of the Remuneration Authority's determination under section 8 is publicly available as soon as practicable after the Chief Executive receives it from the Remuneration Authority in accordance with section 16(1)(a)(iv) of the Remuneration Authority Act 1977.

Section 9(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

10 Period for which salaries and allowances of members of Parliament payable

- (1) The salary and allowance of each member of Parliament are payable for the period—
 - (a) starting on the day after polling day for the election at which the member is elected; and
 - (b) ending on the earlier of the following days:
 - (i) polling day for the next general election of members of Parliament;
 - (ii) the day on which the member's seat becomes vacant.
- (2) Subsection (1)(a) does not apply if—
 - (a) a member is returned at a by-election that is not contested; or
 - (b) a person is declared to be elected to fill a vacancy in the seat of a member elected from a party list.
- (3) The salary and allowance of a member elected in either of the circumstances referred to in subsection (2) are payable starting on the day that the Electoral Commission publicly declares the member to be elected in accordance with the Electoral Act 1993.
- (4) This section is subject to section 11.
Compare: 1979 No 33 s 18(1), (2)

11 Additional salary payable for 3 months if member does not stand or is not re-elected at general election

- (1) This section applies to a person who—
 - (a) is a member of Parliament immediately before the dissolution of a Parliament; and
 - (b) is not a candidate at the next general election or is an unsuccessful candidate at that general election.
- (2) A salary is payable to a person to whom this section applies, starting on the day after the day on which the person's salary ceases to be payable under section 10 and ending—
 - (a) on the day that is 3 months after polling day; or
 - (b) if the person sooner dies, on the date of the death; or
 - (c) if the person is sooner declared to be elected as a member of Parliament following a by-election or a vacancy in the seat of a member elected from a party list, on the day before the day that the Electoral Commission publicly declares the member to be elected in accordance with the Electoral Act 1993.
- (3) The salary is payable at the following rate:

- (a) if the person held office as Speaker or Deputy Speaker on polling day,—
 - (i) for the period starting on the day after polling day and ending on the day of the first meeting of the House of Representatives after the general election, at the rate at which the salary determined under section 8 was payable to the holder of that office as at polling day; and
 - (ii) for the period starting on the day after the first meeting of the House of Representatives and ending on the day 3 months after polling day, at the rate at which the salary determined under section 8 was payable to an ordinary member of Parliament as at polling day:
- (b) if the person was a Minister or a Parliamentary Under-Secretary,—
 - (i) for the period starting on the day after polling day and ending on the day that the person ceases to hold that office, at the rate at which the salary determined under section 8 was payable to the holder of that office as at polling day; and
 - (ii) for the period starting on the day after the person ceases to hold that office and ending on the day 3 months after polling day, at the rate at which the salary determined under section 8 was payable to an ordinary member of Parliament as at polling day:
- (c) if paragraph (a) or (b) does not apply to the person, at the rate at which the salary determined under section 8 was payable to an ordinary member of Parliament as at polling day.

Compare: 1979 No 33 s 18(3)

12 Salaries and allowances payable in case of election petition

- (1) Subsections (2) and (3) apply if there is a trial of an election petition and at the end of the trial the High Court or the Court of Appeal determines—
 - (a) that a person elected or returned was not duly elected or returned; or
 - (b) that the election at which a person was elected or returned was void.
- (2) If this subsection applies, the person elected or returned must be paid the salary and allowance that he or she would have been entitled to if he or she had been duly elected or returned as a member of Parliament.
- (3) The salary and allowance are payable for the period—
 - (a) starting on the day after polling day; and
 - (b) ending on the earlier of the following days:
 - (i) the day on which the House of Representatives gives directions under section 246(2) of the Electoral Act 1993 for the altering of the return:
 - (ii) the day on which the seat becomes vacant.

- (4) Subsection (5) applies if,—
- (a) at the end 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
 - (b) the return is altered in accordance with section 246(2) of the Electoral Act 1993 to carry out that determination.
- (5) If this subsection applies, the person declared elected or returned must be paid the salary and allowance that he or she would have been entitled to if that person's name had been endorsed on the writ or return when it was first returned.

Compare: 1979 No 33 s 19

13 Deductions from payments if member absent from House of Representatives

- (1) The payment of salaries to members of Parliament under this Act is subject to this section and section 14.
- (2) If the number of sitting days in a calendar year that a member of Parliament has been absent from the House of Representatives since the start of that year totals 3 (calculated from the beginning of the first day of the calendar year), then for the fourth and each subsequent sitting day on which the member is absent during the calendar year, an amount calculated in accordance with the following formula must be deducted from the member's gross salary:

$$a \times b$$

where—

- a is 0.2%
 - b is the gross yearly salary payable to that member as at the date of the member's absence.
- (3) Before a deduction is made, the Speaker must certify that—
- (a) the circumstances described in subsection (2) apply to a member; and
 - (b) the member's gross salary may be deducted in accordance with that subsection.
- (4) Subject to subsection (3), the deduction must be made as soon as practicable after the sitting day on which the member is absent.
- (5) A member is not to be treated as being absent on any day on which the member is absent in accordance with the rules of the House of Representatives.

Compare: 1979 No 33 s 20

14 Deductions from payments if member suspended from service of House of Representatives

- (1) If the House of Representatives suspends a member from the service of the House, an amount must be deducted from the member's gross yearly salary for each day that the member is suspended.

- (2) The amount to be deducted must be calculated in accordance with the following formula:

$$a \times b$$

where—

- a is 0.2%
- b is the gross yearly salary payable as at the date of each day that the member is suspended.
- (3) Before a deduction is made, the Speaker must certify that—
- (a) a member has been suspended from the House; and
 - (b) the member is suspended for a specified period (which must be stated in the certificate); and
 - (c) the member's gross salary may be deducted in accordance with subsections (1) and (2).
- (4) Subject to subsection (3), the deduction must be made as soon as practicable after the day that the member is suspended.

15 No payments for period that person receives salary as head of post or head of mission

Despite anything in this Part, if a person receives a salary as head of mission or head of post (within the meaning of the Foreign Affairs Act 1988) in respect of any period, that person may not also receive a payment under this Part or Part 3 in respect of the same period.

Compare: 1979 No 33 s 21A

**Part 3
Services for members of Parliament**

16 Principles

- (1) In making a determination or issuing directions under this Part, the Remuneration Authority, the Speaker, and the Minister Responsible for Ministerial Services must have regard to the following principles:
- (a) that the entitlements of members of Parliament and Ministers to support services should be determined in a way that—
 - (i) recognises the need for public understanding of the work of those persons and their parties and the services they require to enable them to carry out their roles and functions; and
 - (ii) facilitates the delivery of support services in an efficient and effective manner; and
 - (iii) recognises the need to be fair to the taxpayer; and

- (iv) promotes transparency in relation to the allocation and use of public money to provide the support services necessary for members of Parliament, Ministers, and parties to carry out their respective roles and functions; and
 - (v) maintains confidence in the integrity of Parliament; and
 - (vi) maintains the independence of the Remuneration Authority:
 - (b) that entitlements to services should be determined in a way that has regard to the particular requirements of any members of Parliament with physical or sensory impairments:
 - (c) that, if changes to services provided increase or decrease any element of remuneration or other private benefit, the value of that increase or decrease should be taken into account by the Remuneration Authority in determining salaries under Part 2:
 - (d) that entitlements to services should be—
 - (i) clearly defined so that decisions about whether a person or party is eligible for an entitlement can easily be made; and
 - (ii) determined in a way that is consistent with the objectives of efficient and effective delivery of services; and
 - (iii) simple to administer.
- (2) If an entitlement to a service under a determination made by the Remuneration Authority under section 17, directions issued by the Speaker under section 23, or a determination made by the Speaker under section 34 or by the Minister Responsible for Ministerial Services under section 27, results in an element of personal benefit or potential personal benefit for members of Parliament, Ministers, or their family members,—
- (a) the Remuneration Authority, the Speaker, or the Minister Responsible for Ministerial Services, as the case may be, must—
 - (i) consult the Commissioner of Inland Revenue about the taxation consequences of that entitlement; and
 - (ii) assess the value of the benefit; and
 - (iii) include in the determination or direction a statement of the value assessed under subparagraph (ii); and
 - (b) the value must be taken into account by the Remuneration Authority in determining the salaries and allowances of the relevant members of Parliament or Ministers under section 8; and
 - (c) the Remuneration Authority must include in its determination of the salaries and allowances under section 8 a statement that sets out how it has taken values assessed under this subsection into account in determining salaries.

Section 16(1)(c): replaced, on 20 March 2015, by section 11(1) of the Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2015 (2015 No 5).

Section 16(2)(a)(iii): inserted, on 20 March 2015, by section 11(2) of the Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2015 (2015 No 5).

Section 16(2)(b): replaced, on 20 December 2019, by section 12 of the Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2019 (2019 No 83).

Section 16(2)(c): replaced, on 20 March 2015, by section 11(3) of the Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2015 (2015 No 5).

Services determined by Remuneration Authority

17 Services to be determined by Remuneration Authority

- (1) The Remuneration Authority must determine—
 - (a) the entitlements of members of Parliament and qualifying electoral candidates to all accommodation services within New Zealand; and
 - (b) the entitlements of Ministers to all accommodation services within New Zealand that are additional or alternative to the accommodation services determined for members of Parliament under paragraph (a); and
 - (c) the entitlements of family members of members of Parliament, Ministers, and qualifying electoral candidates to travel services within New Zealand; and
 - (d) the extent (if at all) to which services may continue to be provided under paragraphs (a) to (c) after a member of Parliament vacates his or her seat or, in the case of a Minister, ceases to be a member of the Executive Council, for 1 or more of the following purposes:
 - (i) enabling the member to attend to matters associated with leaving Parliament;
 - (ii) enabling the Minister to attend to matters associated with passing on his or her ministerial responsibilities;
 - (iii) ensuring the efficient and effective use of public resources.
- (2) The accommodation services that the Remuneration Authority must determine under subsection (1) do not include—
 - (a) accommodation services in respect of members of Parliament participating in the political exchange programme (*see* section 23(1)(f) in respect of these services); and
 - (b) international accommodation services in respect of members of Parliament travelling for parliamentary purposes where the costs of those accommodation services are met from the party and member support funding appropriated in respect of the party of the member undertaking the travel and are a charge against the leadership funding allocation (*see* section 23(3) in respect of these services); and

- (c) accommodation services in respect of the official inter-parliamentary relations programme (*see* section 34 in respect of these services); and
 - (d) international accommodation services in respect of Ministers.
- (3) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 114, Sch 3
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 17(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

18 Procedure for Remuneration Authority's determinations

- (1) Before making a determination under section 17, the Remuneration Authority must—
- (a) seek advice from the Speaker about—
 - (i) the accommodation services to be provided for members of Parliament and qualifying electoral candidates; and
 - (ii) the entitlements of family members of members of Parliament, or of family members of qualifying electoral candidates, to travel services within New Zealand; and
 - (b) seek advice from the Minister Responsible for Ministerial Services about the additional or alternative—
 - (i) accommodation services within New Zealand to be provided for Ministers; and
 - (ii) travel services within New Zealand to be provided for family members of Ministers; and
 - (c) after complying with paragraphs (a) and (b), prepare a draft determination; and
 - (d) give members of Parliament and Ministers a reasonable opportunity to consider the draft determination and be heard on it; and
 - (e) consult the Commissioner of Inland Revenue about the taxation consequences of the proposed determination.
- (2) The Authority must have regard to, but is not bound by, any advice given by the Speaker or the Minister under subsection (1).

19 Remuneration Authority may require information and obtain independent advice

The Remuneration Authority may, at any time in the course of preparing a determination under this Part,—

- (a) require the Clerk of the House of Representatives, the Chief Executive, the chief executive of the department responsible for Ministerial Services, any party, or any member of Parliament to provide information that it considers necessary for the purposes of making its determination:
- (b) obtain advice from any professional adviser or other person whose background or experience the Authority considers may assist it in making its determination.

Section 19(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

20 Publication of Remuneration Authority's determinations

(1) The Remuneration Authority must give a copy of every determination made by it under section 17 to each of the following persons:

- (a) the Prime Minister:
- (b) the Speaker:
- (c) the Leader of the Opposition:
- (d) the Minister Responsible for Ministerial Services:
- (e) the chief executive of the department responsible for Ministerial Services:
- (f) the Chief Executive.

(2) *[Repealed]*

Section 20(1)(f): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 20(2): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

21 Resolution of issues about Remuneration Authority's determinations

(1) The Remuneration Authority must prescribe procedures for resolving issues that arise about how any provision of a determination made under section 17 is to be interpreted or applied or is to operate, including—

- (a) procedures that provide for the participation of the Chief Executive, in respect of issues concerning entitlements of members of Parliament, qualifying electoral candidates, or family members of those persons; and
- (b) procedures that provide for the participation of the chief executive of the department responsible for Ministerial Services or the person nominated by the chief executive as his or her representative for the purposes of this

- section, in respect of issues concerning entitlements of Ministers or family members of Ministers; and
- (c) procedures that are required to be followed before any issue may be referred to the Authority for final determination under subsection (3).
- (2) If it is not possible to resolve an issue by agreement under the resolution procedures prescribed under subsection (1), that issue may be referred to the Remuneration Authority for final determination.
- (3) On receiving a referral under subsection (2), the Remuneration Authority must—
- (a) satisfy itself that all procedures for resolving that issue have been followed in accordance with subsection (1) and that it has not been possible to resolve the issue by agreement under those procedures; and
- (b) make a final determination on the issue about how the provision of the determination is to be interpreted or applied or is to operate; and
- (c) as soon as practicable, communicate that determination to the Chief Executive.
- (4) This section is subject to section 3E of the Parliamentary Service Act 2000.
- Compare: 1977 No 110 s 12(1)(bb)
- Section 21(1)(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).
- Section 21(3)(c): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

22 Permanent appropriations for services determined by Remuneration Authority

- (1) Expenses may be incurred, without further appropriation than this subsection, to provide the services determined by the Remuneration Authority under section 17 that are administered by the Parliamentary Service.
- (2) Expenses may be incurred, without further appropriation than this subsection, to provide the services determined by the Remuneration Authority under section 17 that are administered by the department responsible for Ministerial Services.

Services and funding subject to Speaker's directions

23 Services and funding subject to Speaker's directions

- (1) The Speaker must issue directions that set out—
- (a) the entitlements of members of Parliament and qualifying electoral candidates to travel services, including the extent (if at all) to which travel services may continue to be provided after a member of Parliament vacates his or her seat for the purpose of enabling the member to attend to matters associated with leaving Parliament; and

- (b) the administrative and support services that must be provided to members of Parliament, parties, and qualifying electoral candidates to support their parliamentary operations; and
 - (c) the entitlements of members of Parliament and qualifying electoral candidates to communications services (other than services including electioneering), including the extent (if at all) to which communications services may continue to be provided after a member of Parliament vacates his or her seat for either or both of the following purposes:
 - (i) enabling a member to attend to matters associated with leaving Parliament;
 - (ii) ensuring the efficient and effective use of public resources; and
 - (d) how each appropriation made by Appropriation Acts for party and member support funding is allocated; and
 - (e) how party and member support funding must be administered, including what party and member support funding may be used for and the requirements that must be met before payments may be made against claims to entitlements to that funding; and
 - (f) the entitlements to travel services of members of Parliament and employees of the Parliamentary Service nominated to participate in the political exchange programme.
- (2) The Speaker's directions must not allow for accommodation services for a member of Parliament to be provided from party and member support funding or to be provided as services under subsection (1)(b), except as provided in subsection (3).
- (3) The Speaker's directions may allow for the costs of international travel and international accommodation services for a member of Parliament travelling for parliamentary purposes, and the costs specified in subsection (4), to be met from the party and member support funding appropriated for that member's party as a charge against the leadership funding allocation.
- (4) The specified costs for the purposes of subsection (3) are the costs of international travel and international accommodation services for a spouse or partner of a party leader who accompanies the party leader when he or she is travelling for parliamentary purposes.
- (5) Directions under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must make it available, at all reasonable times, on the Internet site of Parliament	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 23(1)(a): replaced, on 17 December 2016, by section 66 of the Statutes Amendment Act 2016 (2016 No 104).

Section 23(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

24 Procedure for Speaker's directions

Before issuing directions under section 23, the Speaker must—

- (a) take into account any relevant advice given by the Parliamentary Service Commission under section 14(1) of the Parliamentary Service Act 2000; and
- (b) consult the Minister Responsible for Ministerial Services; and
- (c) consult the Remuneration Authority; and
- (d) consult the Commissioner of Inland Revenue about the taxation consequences of the proposed directions.

25 Publication of Speaker's directions

[Repealed]

Section 25: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26 Resolution of issues about Speaker's directions

- (1) The Speaker must prescribe procedures for resolving issues that arise about how any provision of the directions issued under section 23 is to be interpreted or applied or is to operate, including—
 - (a) procedures that provide for the participation of the Chief Executive; and
 - (b) procedures that are required to be followed before an issue may be referred to the Speaker for final determination under subsection (3).
- (2) If it is not possible to resolve an issue by agreement under the resolution procedures prescribed under subsection (1), that issue may be referred to the Speaker for final determination.
- (3) On receiving a referral under subsection (2), the Speaker must—
 - (a) satisfy himself or herself that all procedures for resolving that issue have been followed in accordance with subsection (1) and that it has not been possible to resolve the issue by agreement under those procedures; and

- (b) make a final determination on the issue about how the provision of the directions is to be interpreted or applied or is to operate; and
 - (c) as soon as practicable, communicate that determination to the Chief Executive.
- (4) This section is subject to section 3E of the Parliamentary Service Act 2000.
- Section 26(1)(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).
- Section 26(3)(c): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Services determined by Minister Responsible for Ministerial Services

27 Services to be determined by Minister Responsible for Ministerial Services

- (1) The Minister Responsible for Ministerial Services must determine the entitlements of Ministers to all travel services within New Zealand that are additional or alternative to the entitlements to travel services for members of Parliament set out in the directions issued by the Speaker under section 23.
- (2) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must make it available, at all reasonable times, on the Internet site of Parliament	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 27(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

28 Procedure for Minister's determination

Before making a determination under section 27, the Minister Responsible for Ministerial Services must—

- (a) consult the Speaker; and
- (b) consult the Remuneration Authority; and
- (c) consult the Commissioner of Inland Revenue about the taxation consequences of the proposed directions.

29 Publication of Minister's determination

[Repealed]

Section 29: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

30 Resolution of issues about Minister's determinations

- (1) The Minister Responsible for Ministerial Services must prescribe procedures for resolving issues that arise about how any provision of a determination made under section 27 is to be interpreted or applied or is to operate, including—
 - (a) procedures that provide for the participation of the chief executive of the department responsible for Ministerial Services or the person nominated by the chief executive as his or her representative for the purposes of this section; and
 - (b) procedures that are required to be followed before any issue may be referred to the Minister for final determination under subsection (3).
- (2) If it is not possible to resolve an issue by agreement under the resolution procedures prescribed under subsection (1), that issue may be referred to the Minister Responsible for Ministerial Services for final determination.
- (3) On receiving a referral under subsection (2), the Minister must—
 - (a) satisfy himself or herself that all procedures for resolving that issue have been followed in accordance with subsection (1) and that it has not been possible to resolve the issue by agreement under those procedures; and
 - (b) make a final determination on the issue about how the provision of the determination is to be interpreted or applied or is to operate; and
 - (c) as soon as practicable, communicate that determination to the chief executive of the department responsible for Ministerial Services.

*General provisions relating to services***31 Conversion of entitlements**

- (1) This section applies if, in respect of a particular activity,—
 - (a) a member of Parliament is entitled to an accommodation service under a determination made by the Remuneration Authority under section 17(1)(a) or a family member of a member of Parliament is entitled to a travel service under a determination made by the Authority under section 17(1)(c); and
 - (b) the cost of doing the activity in a different way is less than the cost of the entitlement under that determination.
- (2) If this section applies, the Chief Executive may, at the request of the member of Parliament, approve the conversion of the entitlement into a right to receive a service costing a lesser amount.
- (3) Before granting approval under subsection (2), the Chief Executive must be satisfied that the service costing the lesser amount is for a parliamentary purpose and that the cost of the service represents a fair value for the service provided.

- (4) The Chief Executive must inform the Remuneration Authority in writing of any conversion relating to a service determined by the Authority under section 17(1)(a) or (c) that the Chief Executive approves under this section.
- (5) Subsections (1) to (4) apply, with all necessary modifications, to—
 - (a) entitlements to accommodation services of Ministers and travel services of family members of Ministers under a determination made by the Remuneration Authority under section 17(1)(b) or (c) and entitlements to travel services of Ministers under a determination made by the Minister Responsible for Ministerial Services under section 27 as if, for every reference to the Chief Executive, there were substituted a reference to the chief executive of the department responsible for Ministerial Services or the person nominated by the chief executive as his or her representative for the purposes of this section; and
 - (b) entitlements to services under directions issued by the Speaker under section 23.

Section 31(2): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 31(3): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 31(4): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 31(5)(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

32 Frequency of adjustments

- (1) The Remuneration Authority must make a determination under section 17 once in each term of Parliament.
- (2) The Authority must consult the Speaker and the Minister Responsible for Ministerial Services at the beginning of each term about the proposed timing of its determination for that term.
- (3) A determination continues in force until it is superseded by another determination made in accordance with subsection (1).
- (4) The Remuneration Authority may amend a determination at any time while it is in force—
 - (a) to remedy a defect or remove an ambiguity; or
 - (b) to deal with a new matter that was not dealt with at the time the determination was made; or
 - (c) if the Authority is satisfied that in all the circumstances there are particular and special reasons that justify amending the determination.
- (5) Subsections (1) to (4) apply, with all necessary modifications, to directions of the Speaker issued under section 23 and a determination made by the Minister Responsible for Ministerial Services under section 27.

- (6) However, in addition to the powers of amendment in subsection (4), the Speaker may amend directions issued under section 23 and the Minister Responsible for Ministerial Services may amend a determination made under section 27 at any time—
- (a) to deal with matters arising from changes that occur from year to year in the amounts appropriated in Appropriation Acts for services and party and member support funding; or
 - (b) to ensure the adequacy of the travel, administrative, and support services for members of Parliament, parties, and qualifying electoral candidates, or, as the case may be, travel services for Ministers.
- (7) An amendment under this section to a determination or to directions is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1977 No 110 s 19(3), (4)

Legislation Act 2019 requirements for secondary legislation made under this section by the Remuneration Authority

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 114, Sch 3
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation made under this section by the Speaker or Minister

Publication	The maker must make it available, at all reasonable times, on the Internet site of Parliament	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 32(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

33 Quarterly reports on travel and accommodation expenses

- (1) The Chief Executive must, as soon as practicable after the end of each quarter, prepare and make publicly available a report setting out, in respect of each member of Parliament and each party,—
- (a) the total expenses incurred against the appropriation in section 22(1) to provide each category of travel service and accommodation service determined by the Remuneration Authority under section 17; and

- (b) the total expenses incurred to provide each category of travel service directed by the Speaker under section 23(1)(a); and
 - (c) the total expenses incurred to provide the travel services directed by the Speaker under section 23(1)(f); and
 - (d) the total expenses incurred to provide the international travel and international accommodation services directed by the Speaker under section 23(3).
- (2) The chief executive of the department responsible for Ministerial Services must, as soon as practicable after the end of each quarter, prepare and make publicly available a report setting out, in respect of each Minister,—
- (a) the total expenses incurred against the appropriation in section 22(2) to provide each category of accommodation service determined by the Remuneration Authority under section 17; and
 - (b) the total expenses incurred to provide each category of travel service determined by the Minister Responsible for Ministerial Services under section 27.

Section 33(1): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Services in respect of official inter-parliamentary relations programme

34 Services in respect of official inter-parliamentary relations programme to be determined by Speaker

- (1) The Speaker must determine the entitlements to travel and accommodation services in respect of members of Parliament participating in the official inter-parliamentary relations programme.
- (2) Before making a determination under this section, the Speaker must consult the Commissioner of Inland Revenue about the taxation consequences of the proposed determination.
- (3) A determination made under this section may be made or amended at any time.
- (4) In this section and section 35, **travel and accommodation services** includes—
 - (a) the payment of money for those services; and
 - (b) additional costs that are associated with, or incidental to, travel or accommodation that are not provided for as part of any other entitlement (whether under Part 2, this Part, or any determination or directions issued under one of those Parts); and
 - (c) provision for those services for the spouse or partner of a member of Parliament participating in the programme who accompanies the member; and

- (d) any other means of meeting the travel and accommodation needs of a member of Parliament in order for the member to be able to travel as a participant in the programme.
- (5) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
- (a) a determination under this section:
- (b) an amendment to a determination under this section.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must make it available, at all reasonable times, on the Internet site of Parliament	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 34(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

35 Conversion of entitlements

A determination made under section 34 may provide for a member of Parliament participating in the inter-parliamentary relations programme to convert an entitlement under the determination into a travel or accommodation service that costs a lesser amount for any purpose related to the member of Parliament's professional development that the Speaker is satisfied is appropriate in relation to the member's participation in the inter-parliamentary relations programme.

36 Publication of determinations

[Repealed]

Section 36: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

37 Quarterly reports on travel and accommodation expenses

The Clerk of the House of Representatives must, as soon as practicable after the end of each quarter, prepare and make publicly available a report setting out, in respect of each member of Parliament and each party, details of the expenses incurred to provide the travel and accommodation services determined by the Speaker under section 34.

Consultation requirement in relation to certain services not under this Part

38 Minister must consult about taxation consequences of certain services for Ministers

The Minister Responsible for Ministerial Services must consult the Commissioner of Inland Revenue about the taxation consequences of the following ser-

vices for Ministers whenever there is any significant change in the nature or extent of those services:

- (a) international travel and international accommodation services:
- (b) communications services (additional or alternative to the communications services for members of Parliament set out in directions issued by the Speaker under section 23(1)(c)).

Part 4

Entitlements of former members and others and miscellaneous matters

Subpart 1—Entitlements of former members, former Prime Ministers, and others

Former members' entitlements

39 Travel entitlements of former members of Parliament

- (1) This section applies to—
 - (a) a person who was a member of Parliament before the 1999 general election and, on the date of commencement of this Act, is no longer a member of Parliament; and
 - (b) a person who was a member of Parliament before the 1999 general election and, on the date of commencement of this Act, is still a member of Parliament.
- (2) On and after the commencement of this Act, a person described in subsection (1)(a) will continue to receive the travel entitlements set out in Schedule 2 at all times while the person is no longer a member of Parliament.
- (3) After the commencement of this Act, a person described in subsection (1)(b) will receive the travel entitlements set out in Schedule 2 when, and at all times subsequently while, the person is no longer a member of Parliament.
- (4) No travel entitlements may be paid to a person, in his or her capacity as a former member,—
 - (a) if the person was elected as a member of Parliament for the first time at or after the 1999 general election; or
 - (b) in respect of any period during which the person was a member of Parliament after 3 October 2008.
- (5) Nothing in subsection (4)—
 - (a) prevents a person from receiving any entitlement that continues in respect of a member of Parliament in accordance with a determination of the Remuneration Authority under section 17(1)(d); or

- (b) prevents a person from receiving any entitlement in the capacity of former Prime Minister or spouse or partner of a former Prime Minister in accordance with a determination of the Remuneration Authority under section 44.
- (6) This section is subject to section 40.

40 Disqualification from receiving former member travel entitlements

- (1) None of the travel entitlements set out in Schedule 2 applies to a former member, or the spouse or partner of a former member, if, at the date that the travel is taken,—
- (a) the former member has been convicted of either of the following, committed during any of the periods specified in subsection (2):
 - (i) an offence punishable by imprisonment for a term of 2 years or more;
 - (ii) a corrupt practice; or
 - (b) the former member has been reported by the High Court in its report on the trial of an election petition to have been proved guilty of a corrupt practice and that corrupt practice was committed during any of the periods specified in subsection (2).
- (2) For the purposes of subsection (1), the specified periods are—
- (a) when the former member was a member of Parliament;
 - (b) when the former member was a candidate for initial election or a candidate for re-election, in the period between polling day and declaration day;
 - (c) after the former member left Parliament.
- (3) None of the travel entitlements in Schedule 2 applies to the spouse or partner of a former member if, at the time that the travel is taken,—
- (a) the spouse or partner has been convicted of either of the following, committed after the former member left Parliament:
 - (i) an offence punishable by imprisonment for a term of 2 years or more; or
 - (ii) a corrupt practice; or
 - (b) the spouse or partner has been reported by the High Court in its report on the trial of an election petition to have been proved guilty of a corrupt practice and that corrupt practice was committed after the former member left Parliament.
- (4) In this section,—
- corrupt practice** means a corrupt practice within the meaning of the Electoral Act 1993

declaration day, in relation to a person,—

- (a) if the person is a candidate for a seat in the House of Representatives representing an electoral district but not on a party list, means the day on which a person (whether that person or some other person) is declared, under section 179 of the Electoral Act 1993, to represent an electoral district; and
- (b) if the person is a candidate whose name is specified in a party list but not a candidate for a seat representing an electoral district, means the day on which the Electoral Commission declares, under section 193(5) of the Electoral Act 1993, candidates on the party list to be elected; and
- (c) if the person is both a candidate for a seat representing an electoral district and a candidate whose name is specified in a party list, means the earliest of the following days:
 - (i) the day on which the person is declared, under section 179 of the Electoral Act 1993, to represent the electoral district:
 - (ii) the day on which the person is declared, under section 193(5) of the Electoral Act 1993, elected from the party list:
 - (iii) the first day on which both of the following apply:
 - (A) another candidate has been declared, under section 179 of the Electoral Act 1993, to represent the electoral district; and
 - (B) the Electoral Commission has declared, under section 193(5) of the Electoral Act 1993, the candidates entitled to be elected from the party list and the person is not one of those candidates.

41 Issues concerning former member travel entitlements to be determined by Remuneration Authority

- (1) The Remuneration Authority must prescribe procedures for resolving issues that arise about a person's eligibility for travel entitlements under section 39 or how any provision of Schedule 2 is to be interpreted or applied or is to operate, including—
 - (a) procedures that provide for the participation of the Chief Executive; and
 - (b) procedures that are required to be followed before any issue may be referred to the Authority for final determination under subsection (3).
- (2) If it is not possible to resolve an issue by agreement under the resolution procedures prescribed under subsection (1), that issue may be referred to the Remuneration Authority for final determination.
- (3) The Remuneration Authority must,—
 - (a) on receiving a referral under subsection (2), satisfy itself that all procedures for resolving that issue have been followed in accordance with sub-

section (1) and that it has not been possible to resolve the issue by agreement under those procedures; and

- (b) make a final determination on the issue about the person's eligibility for travel entitlements or how the provision of Schedule 2 is to be interpreted or applied or is to operate; and
- (c) as soon as practicable, communicate that determination to the Chief Executive.

Section 41(1)(a): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 41(3)(c): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

42 Reporting on expenses for travel entitlements of former members of Parliament

A statement setting out, in respect of each former member of Parliament and his or her spouse or partner, the total expenses incurred to provide each type of travel entitlement set out in Schedule 2 must be included in the annual financial statements of the Parliamentary Service, in addition to the requirements of section 45B(2) of the Public Finance Act 1989.

Former Prime Ministers' entitlements

43 Annuity of former Prime Minister and spouse or partner of former Prime Minister

- (1) If a person has held the office of Prime Minister for not less than 2 years (whether before or after the commencement of this Act, and whether the office was held for a continuous period or for periods totalling 2 years),—
 - (a) that person must be paid an annuity, until he or she dies, at a yearly rate for each year of service up to and including 5 years of service; and
 - (b) the surviving spouse or partner of that person must be paid an annuity, until he or she dies, at half the yearly rate at which an annuity would have been payable to the person under paragraph (a) had that person not died.
- (2) An annuity is payable under subsection (1) whether or not—
 - (a) the former Prime Minister has died before or after the commencement of this Act; and
 - (b) the surviving spouse or partner remarries or re-partners.
- (3) However, no annuity may be paid to a person under subsection (1) in respect of any period during which he or she—
 - (a) receives an additional salary under section 11 (other than where the person, on the day before that additional salary started to be payable, was

receiving the salary of an ordinary member of Parliament under section 10); or

- (b) holds an office for which a salary (other than the salary of an ordinary member of Parliament) is payable under this Act or the Governor-General Act 2010.
- (4) The yearly rate under subsection (1)(a) must be determined by the Remuneration Authority.
- (5) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (6) Expenses may be incurred, without further appropriation than this section, to provide the annuities under this section.

Compare: 1979 No 33 s 22

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 114, Sch 3
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 43(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

44 Travel entitlements of former Prime Ministers

- (1) The Remuneration Authority must determine the entitlements (if any) to travel services within New Zealand of former Prime Ministers and their spouses or partners.
- (2) An entitlement of a spouse or partner determined under subsection (1) continues after the death of the former Prime Minister, regardless of whether the surviving spouse or partner remarries or re-partners.
- (3) If an issue arises about how any provision of a determination made under this section is to be interpreted or applied or is to operate, that issue must be determined by the Remuneration Authority.
- (4) Expenses may be incurred, without further appropriation than this section, to provide the travel entitlements under this section.
- (5) A determination under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 114, Sch 3

Disallowance It is not disallowable because an exemption applies under LA19 s 115(d), Sch 3 Schedule 3 of the Legislation Act 2019

This note is not part of the Act.

Section 44(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Member of Parliament dying in office: entitlements of family members

45 Payments to spouse, partner, or dependent children of member of Parliament dying in office

- (1) This section applies if a member of Parliament dies while in office.
- (2) If the member is survived by a spouse or partner, the surviving spouse or partner must be paid as income a sum of money equivalent to the salary payable to an ordinary member of Parliament for the 3-month period starting on the day after the date of death.
- (3) If the member is not survived by a spouse or partner, but is survived by 1 or more dependent children, that child is to be paid as income, or those children are to be paid in equal shares as income, a sum of money equal to the sum referred to in subsection (2).
- (4) In a case where a sum of money is payable under this section to a person who is under the age of 18, the sum of money may be paid, by direction of the Speaker, to—
 - (a) that person; or
 - (b) a guardian of, or person caring for, that person to be applied for the maintenance, education, advancement, or benefit of that person.
- (5) The receipt of the guardian or person to whom payment is made is a complete discharge for the payment.
- (6) Section 8(4) provides an appropriation for any payments under this section.

Compare: 1979 No 33 s 23(1)–(4)

Resolution of conflicting claims to entitlements

46 Conflicting claims

- (1) If more than 1 person claims to be entitled to an annuity under section 43(1)(b) or to a payment under section 45(2) or (3), 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 43(1)(b), a person who has been authorised to make decisions under this section by the Minister Responsible for Ministerial Services; and

- (b) in relation to a payment made under section 45(2) or (3), the Chief Executive.
- (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 2016 and sections 126 to 130 of the District Court Act 2016, with all necessary modifications, apply to an appeal under subsection (5) as if it were an appeal under section 124 of that Act.
- (7) The provisions of the Senior Courts Act 2016 relating to appeals to the Court of Appeal against a decision of the High Court apply to an order or a decision of the High Court on an appeal under subsection (5).

Compare: 1979 No 33 s 27

Section 46(2)(b): amended, on 24 October 2019, by section 106 of the Statutes Amendment Act 2019 (2019 No 56).

Section 46(6): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 46(7): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Subpart 2—Amendments to Parliamentary Service Act 2000

47 **Parliamentary Service Act 2000 amended**

Sections 48 to 58 amend the Parliamentary Service Act 2000.

48 **Interpretation**

Section 3 is amended by inserting the following definitions in their appropriate alphabetical order:

qualifying electoral candidate has the same meaning as in section 5 of the Members of Parliament (Remuneration and Services) Act 2013

Remuneration Authority has the same meaning as in section 5 of the Members of Parliament (Remuneration and Services) Act 2013

49 **Meaning of funding entitlements for parliamentary purposes**

- (1) Section 3B(1) is amended by repealing paragraphs (c) to (f) and substituting the following paragraphs:

(c) the provision of accommodation services for members of Parliament and qualifying electoral candidates and travel services for family members of

those persons in accordance with a determination made by the Remuneration Authority under section 17(1) of the Members of Parliament (Remuneration and Services) Act 2013:

- (d) the provision of travel services for members of Parliament and qualifying electoral candidates in accordance with directions issued by the Speaker under section 23(1)(a) of the Members of Parliament (Remuneration and Services) Act 2013:
- (e) the provision of communications services (other than services including electioneering) in accordance with directions issued by the Speaker under section 23(1)(c) of the Members of Parliament (Remuneration and Services) Act 2013:
- (f) the provision of travel services in accordance with directions issued by the Speaker under section 23(1)(f) of the Members of Parliament (Remuneration and Services) Act 2013:
- (g) the provision of services and resources to qualifying electoral candidates in accordance with directions issued by the Speaker under section 23 of the Members of Parliament (Remuneration and Services) Act 2013.

(2) Section 3B(2)(d) is amended by—

- (a) omitting “section 20A of the Civil List Act 1979” and substituting “section 34 of the Members of Parliament (Remuneration and Services) Act 2013”; and
- (b) omitting “travel programme” and substituting “relations programme”.

50 New section 3E substituted

Section 3E is repealed and the following section substituted:

3E Interpretation of determinations and directions under Members of Parliament (Remuneration and Services) Act 2013

Every determination made by the Remuneration Authority under section 17 of the Members of Parliament (Remuneration and Services Act) 2013 and all directions issued by the Speaker under section 23 of that Act must be interpreted consistently with sections 3B and 3C of this Act.

51 Purposes of this Act

Section 4 is amended by repealing paragraph (d) and substituting the following paragraph:

- (d) to provide for regular and independent reviews of the amounts appropriated in Appropriation Acts for services and funding to support the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates:

52 Principal duties of Parliamentary Service

Section 7 is amended by repealing paragraph (b) and substituting the following paragraphs:

- (b) to administer the payment of funding entitlements for parliamentary purposes, except those funding entitlements for parliamentary purposes that the Speaker and the Minister who is, with the authority of the Prime Minister, for the time being responsible for Ministerial Services agree should not be administered by the Parliamentary Service; and
- (c) to administer the entitlements of members of the Executive under Part 3 of the Members of Parliament (Remuneration and Services) Act 2013 that the Speaker and the Minister who is, with the authority of the Prime Minister, for the time being responsible for Ministerial Services agree should be administered by the Parliamentary Service; and
- (d) to administer the payment of the travel entitlements of former members of Parliament.

53 New section 8 substituted

Section 8 is repealed and the following section substituted:

8 Services and administration of funding in accordance with Members of Parliament (Remuneration and Services) Act 2013, determinations and directions, etc

- (1) In carrying out its duties under section 7(a) to (c), the Parliamentary Service must act in accordance with—
 - (a) Part 3 of the Members of Parliament (Remuneration and Services Act) 2013 and the determinations made, directions issued, and procedures prescribed under that Part; and
 - (b) directions issued by the Speaker under subsection (3) in respect of services to be provided to the House of Representatives.
- (2) In carrying out its duties under section 7(d), the Parliamentary Service must act in accordance with sections 39 to 42 of the Members of Parliament (Remuneration and Services) Act 2013 and determinations made by the Remuneration Authority under section 41 of that Act.
- (3) The Speaker must, in each financial year, issue directions to the Parliamentary Service as to the nature of the administrative and support services to be provided to the House of Representatives and the objectives to be achieved by the Service in providing those services.
- (4) The Speaker must take into account any relevant advice and any relevant recommendation of the Parliamentary Service Commission given under section 14(1) before issuing directions under subsection (3).

54 Sections 9A to 9D repealed

Sections 9A to 9D are repealed.

55 Principal responsibilities of General Manager

Section 11 is amended by adding the following subsections as subsections (2) and (3):

- (2) In addition to the responsibilities in subsection (1), the General Manager must—
 - (a) ensure that information is provided in accordance with section 19 of the Members of Parliament (Remuneration and Services) Act 2013; and
 - (b) perform the functions conferred on the General Manager by that Act, and under any procedures prescribed by the Remuneration Authority in accordance with that Act.
- (3) The General Manager is responsible to the Remuneration Authority for the matters referred to in subsection (2).

56 Functions of Parliamentary Service Commission

- (1) Section 14 is amended by repealing subsection (1) and substituting the following subsection:

- (1) The Parliamentary Service Commission has the following functions:
 - (a) to advise the Speaker on the nature of the services to be provided to the House of Representatives, members of Parliament, parties, and qualifying electoral candidates (other than services in respect of members participating in the official inter-parliamentary relations programme);
 - (b) to advise the Speaker on proposed directions relating to the allocation and administration of funding appropriated in Appropriation Acts to support the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates;
 - (c) to nominate members of Parliament for participation in the political exchange programme.

- (2) Section 14(4) is amended by adding “; or” and also by adding the following paragraph:

- (c) any matter for which the Clerk of the House of Representatives has responsibility.

57 Establishment of committee to review appropriations

- (1) The heading to section 20 is amended by inserting “**annual**” after “**review**”.
- (2) Section 20 is amended by repealing subsection (1) and substituting the following subsection:

- (1) The Speaker may from time to time, and must at least once during every term of Parliament, establish a review committee of up to 3 persons to review the

amounts of money appropriated in Appropriation Acts for the following purposes:

- (a) administrative and support services provided to support the parliamentary operations of members of Parliament, parties, and qualifying electoral candidates;
- (b) communications services provided to members of Parliament and qualifying electoral candidates;
- (c) party and member support funding.

58 Work of review committee

Section 21 is amended by repealing subsection (1) and substituting the following subsection:

- (1) In carrying out its work, the review committee must consider—
 - (a) whether the amounts of money appropriated are being used efficiently; and
 - (b) whether the amounts of money appropriated are adequate to enable members of Parliament, parties, and qualifying electoral candidates to effectively perform their respective functions; and
 - (c) the need for fiscal responsibility.

Subpart 3—Amendments to Remuneration Authority Act 1977

59 Remuneration Authority Act 1977 amended

Sections 60 to 63 amend the Remuneration Authority Act 1977.

60 Functions of Authority

- (1) Section 12(1)(a)(i) is amended by omitting “Civil List Act 1979” and substituting “Members of Parliament (Remuneration and Services) Act 2013”.
- (2) Section 12 is amended by inserting the following subsection after subsection (2A):

(2AB) For the avoidance of doubt, the superannuation subsidy may only be paid in accordance with subsection (2A)(a) if a member makes a contribution in the actual year to which the subsidy relates, and a member may not, in any year, make a lump sum payment of contributions in respect of past years and claim an entitlement to a subsidy in respect of the contributions paid in that year that relates to past years.

61 Publication of determinations fixing Parliamentary salary and allowances

- (1) Section 16(1)(a)(iii) is amended by omitting “; and” and substituting “:”.
- (2) Section 16(1)(a) is amended by adding the following subparagraph:
 - (iv) the General Manager of the Parliamentary Service; and

62 Obligation to consult before making determinations about Parliamentary salaries and allowances

Section 17A is amended by repealing paragraphs (a) and (b) and substituting the following paragraphs:

- (a) consult the Speaker of the House of Representatives and the Minister who is, with the authority of the Prime Minister, for the time being responsible for Ministerial Services about the services for which they have jurisdiction, including, for the purposes of section 16(2) of the Members of Parliament (Remuneration and Services) Act 2013, about—
 - (i) whether any element of personal benefit or potential personal benefit for members of Parliament, Ministers, or their family members arises under an entitlement to a service; and
 - (ii) in the case of any such benefit arising under directions issued by the Speaker under section 23 or 34 of that Act or a determination made by the Minister Responsible for Ministerial Services under section 27 of that Act, the value of any such benefit assessed by the Speaker or the Minister; and
- (b) consult the Commissioner of Inland Revenue—
 - (i) about the taxation consequences of the Authority's proposed determination; and
 - (ii) as required under section 16(2)(a) of the Members of Parliament (Remuneration and Services) Act 2013).

63 Remuneration of existing holder not to be reduced

Section 24(2) is amended by adding “or section 16 or 17 of the Members of Parliament (Remuneration and Services) Act 2013.”

Subpart 4—Repeal, revocations, consequential amendments, and review**64 Civil List Act 1979 repealed**

The Civil List Act 1979 (1979 No 33) is repealed.

65 Determinations and order revoked

- (1) The following determinations are revoked:
 - (a) Parliamentary (Official Inter-Parliamentary Travel Programme) Travel and Accommodation Determination 2007 (SR 2007/117):
 - (b) Parliamentary Travel, Accommodation, Attendance, and Communications Services Determination 2012 (SR 2012/155):
 - (c) Executive Travel, Accommodation, Attendance, and Communications Services Determination (No 2) 2009 (SR 2009/323):

- (d) Executive Travel, Accommodation, Attendance, and Communications Services Determination (No 2) 2009 Amendment Determination 2010 (SR 2010/187).
- (2) The Civil List (Pay Periods) Order 1982 (SR 1982/240) is revoked.

66 Consequential amendments to other enactments

The Acts specified in Schedule 3 are amended in the manner set out in that schedule.

67 Review of Act

- (1) The Parliamentary Service and the department responsible for the administration of Ministerial Services must, within the time specified in subsection (3),—
 - (a) review the operation of this Act, since the date of its commencement, in so far as it relates to—
 - (i) services for members of Parliament, Ministers, qualifying electoral candidates, and family members of those persons; and
 - (ii) in relation to the determination of salaries and allowances of members of Parliament, the operation of section 16(2) and Part 3; and
 - (b) prepare a report on the review for the Speaker and the Minister Responsible for Ministerial Services.
- (2) The review must include recommendations to the Speaker and the Minister Responsible for Ministerial Services on whether any amendments to the Act are necessary or desirable.
- (3) The review must be completed—
 - (a) as soon as practicable after the Remuneration Authority, the Speaker, and the Minister Responsible for Ministerial Services complete the determination and directions in accordance with section 32(1) and (5) for the second complete term of Parliament after this section comes into force; and
 - (b) not later than the end of the second complete term of Parliament after this section comes into force.
- (4) As soon as practicable after receiving the report, the Speaker must present a copy of that report to the House of Representatives.

Subpart 5—Validations, savings, and transitional provisions

68 Validation of salary payments to list members declared elected under section 137 of Electoral Act 1993

- (1) This section applies to every payment that, before the commencement of this Act, has been made to a person declared to be elected as a member of Parliament in accordance with section 137 of the Electoral Act 1993 by way of salary

or allowance for the period or any part of the period beginning on the day that the person was declared to be elected as a member of Parliament and ending on polling day for the next general election of members of Parliament (or, if applicable, on the earlier day on which the member's seat became vacant).

- (2) Every payment to which this section applies must be taken to be, and to always have been, as lawful as if section 10(3) of this Act were in force, and applied in respect of the payment, when it was made.

69 Validations and savings concerning salaries and allowances of members of Parliament and annuities and travel services for former Prime Ministers

- (1) Nothing in this Act affects the validity of—
- (a) a determination made by the Remuneration Authority under section 16 or 22 of the Civil List Act 1979; or
 - (b) an agreement made before the commencement of this Act for a former Prime Minister and his or her spouse or partner or surviving spouse or partner to be provided with specified travel services.
- (2) Despite anything in this Act,—
- (a) every salary and allowance in respect of which a determination by the Remuneration Authority has been made under section 16 of the Civil List Act 1979 must continue to be paid at the rate applicable at the commencement of this Act until the determination relating to that salary or allowance has been superseded by a determination of the Remuneration Authority under section 8 of this Act; and
 - (b) every annuity in respect of which a determination by the Remuneration Authority has been made under section 22 of the Civil List Act 1979 must continue to be paid at the rate applicable at the commencement of this Act until the determination relating to that annuity has been superseded by a determination of the Remuneration Authority under section 43 of this Act.

70 Transitional provision concerning services entitlements

- (1) Subsections (2) to (5) apply for the transitional period starting on the day on which this Act comes into force and ending on the date of the next general election (the **transitional period**).
- (2) The entitlements of members of Parliament, Ministers, and qualifying electoral candidates to accommodation services, and the entitlements of family members of those persons to travel services set out in the following documents are deemed to have been determined by the Remuneration Authority, in accordance with section 17, to be the entitlements of those persons:
- (a) the document entitled “Directions by the Speaker of the House of Representatives 2011” (the **2011 directions document**) incorporated by refer-

ence in the Parliamentary Travel, Accommodation, Attendance, and Communications Services Determination 2012:

- (b) the document entitled “Travel, Accommodation, and Communications Services Available to Members of the Executive” (the **Executive Services document**) incorporated by reference in the Executive Travel, Accommodation, Attendance, and Communications Services Determination (No 2) 2009.
- (3) The directions of the Speaker set out in the 2011 directions document relating to travel services, administrative and support services, communications services, and funding referred to in section 23 are deemed to be directions of the Speaker issued in accordance with that section.
- (4) The entitlements of members of Parliament participating in the official inter-parliamentary relations programme set out in the document entitled “Specification for Travel, Accommodation, and Related Services Available to Members of Parliament Participating in the Official Inter-Parliamentary Travel Programme” incorporated by reference in the Parliamentary (Official Inter-Parliamentary Travel Programme) Travel and Accommodation Determination 2007 are deemed to have been determined by the Speaker, in accordance with section 34, to be the entitlements of those persons.
- (5) The entitlements of members of the Executive to travel services set out in the Executive Services document are deemed to have been determined by the Minister Responsible for Ministerial Services in accordance with section 27.
- (6) Despite section 32,—
 - (a) the Remuneration Authority must, before 1 September 2014 or the end of the transitional period, whichever is the earlier, make a determination under section 17 that comes into force at the end of the transitional period; and
 - (b) the Authority may make a determination amending any entitlement referred to in subsection (2) at any time before it makes a determination in accordance with paragraph (a); and
 - (c) the Speaker must, before 1 September 2014 or before the end of the transitional period, whichever is the earlier, issue directions under section 23 and make a determination under section 34 that come into force at the end of the transitional period; and
 - (d) the Speaker may issue directions amending any directions referred to in subsection (3), or make a determination amending any entitlement referred to in subsection (4), at any time before the Speaker issues directions or, as the case may be, makes a determination in accordance with paragraph (c); and
 - (e) the Minister Responsible for Ministerial Services must, before 1 September 2014 or before the end of the transitional period, whichever is the

earlier, make a determination under section 27 that comes into force at the end of the transitional period; and

- (f) the Minister Responsible for Ministerial Services may make a determination amending any entitlement referred to in subsection (5) at any time before the Minister makes a determination in accordance with paragraph (e).

71 Transitional provision concerning section 22

During the transitional period referred to in section 70(1), section 22 does not apply, regardless of whether the Remuneration Authority makes a determination under section 70(6)(b).

72 Transitional provision concerning ongoing travel entitlements of former members

Despite the repeal by this Act of the Civil List Act 1979 and the revocation of the Parliamentary Travel, Accommodation, Attendance, and Communications Services Determination 2012, during the period beginning on 16 December 2013 and ending on the close of 30 June 2014,—

- (a) subpart 3 of Part 6 of the document entitled “Directions by the Speaker of the House of Representatives 2011” (which provides for ongoing travel entitlements of certain former members of Parliament) (the **Speaker’s directions**), as in force on 15 December 2013, continues to apply; and
- (b) the provisions of that subpart must be interpreted, and the entitlements under it must be administered, in accordance with the Speaker’s directions as if this Act had not been enacted.

73 Transitional provision concerning tax-treatment of ongoing travel entitlements of former members

Despite the repeal and substitution, by this Act, of sections CW 31 and CX 12 of the Income Tax Act 2007, during the period beginning on 16 December 2013 and ending on the close of 30 June 2014,—

- (a) those sections, as in force on 16 December 2013, do not apply to the travel entitlements of former members paid under section 72 of this Act; and
- (b) those sections, as in force on 15 December 2013, continue to apply to those entitlements.

Schedule 1

Qualifying electoral candidates

s 5

The persons in the first column, at the times specified in the second column, are qualifying electoral candidates.

Person	Time
1 A person who vacates the office of member of Parliament under section 54(1)(b) or (2)(b) of the Electoral Act 1993 at the close of a polling day and is a candidate in the general election concerned.	Between the close of the polling day and,— (a) if the person is a candidate for a seat in the House of Representatives representing an electoral district, the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district; or (b) if the person's name is specified in a party list, the day on which, under section 193(5) of the Electoral Act 1993, the Electoral Commission declares candidates to be elected in the election.
2 A candidate at a by-election who is the former member of Parliament and whose vacation of the seat concerned caused the by-election to be required.	Between the close of the polling day and the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district concerned.
3 A candidate at a general election for a seat in the House of Representatives representing an electoral district who did not vacate the office of member of Parliament under section 54(1)(b) or (2)(b) of the Electoral Act 1993 at the close of the polling day for the election, if the preliminary results made available by the Electoral Commission on polling day or the day after indicate that— (a) he or she received more votes than any other candidate for the seat; or (b) he or she is one of 2 or more candidates who received a number of votes that is equal, and greater than the number of votes received by any other candidate for the seat.	Between the close of polling day and the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district.
4 A candidate at a general election whose name is specified in a party list and who did not vacate the office of member of Parliament under section 54(1)(b) or (2)(b) of the Electoral Act 1993 at the	Between the close of polling day and the day on which, under section 193(5) of the Electoral Act 1993, the Electoral Commission declares candidates to be elected in the election.

Person	Time
close of the polling day for the election, if the preliminary results made available by the Electoral Commission on polling day or the day after indicate that the Electoral Commission would, under section 193(5) of the Electoral Act 1993, declare him or her to be elected in the election if the results of the official count were the same as those preliminary results.	
5 A candidate at a by-election who is neither a member of Parliament nor the former member of Parliament whose vacation of the seat concerned caused the by-election to be required, if the preliminary results made available by the Electoral Commission on polling day or the day after indicate that— (a) he or she received more votes than any other candidate for the seat; or (b) he or she is one of 2 or more candidates who received a number of votes that is equal, and greater than the number of votes received by any other candidate for the seat.	Between the close of polling day and the day on which a person (whether that person or some other person) is, under section 179 of the Electoral Act 1993, declared elected to represent the district.

Schedule 2

Travel entitlements of former members of Parliament

ss 39–42

Former members' air travel entitlements

- 1 Rebates for travel on scheduled air services payable to former members who were members before 1999 general election**
- (1) A former member of Parliament who was a member before the 1999 general election is entitled to a rebate for travel on scheduled air services undertaken by the former member in accordance with the following rules:
- (a) a rebate is payable in respect of expenditure incurred by the former member personally, and a rebate is not payable where the fare is paid from public funds or from any other source;
 - (b) no rebate is payable in respect of any travel undertaken by the former member for private business purposes;
 - (c) where a journey is undertaken for a mixture of personal and private business purposes, the rebate is payable in respect of any portion of the fare that is an additional cost to that which would have been incurred had only the business part of the journey been undertaken;
 - (d) the amount of rebate to which a former member is entitled is the appropriate percentage of the fare that applies to that former member as calculated in accordance with the table below;
 - (e) the fare—
 - (i) includes any tax and service fees payable in respect of the travel; and
 - (ii) does not include any amounts paid in respect of cancellation fees or accommodation;
 - (f) in the case of domestic travel,—
 - (i) the rebate is calculated on the economy or discounted fare used for the travel; and
 - (ii) if the former member travels premium economy, business class, or other class above economy (however that class may be described), the rebate must be calculated on the equivalent economy-class fare for the journey undertaken;

- (g) in the case of international travel, the fare used may be an economy, a discounted, or a business-class fare and the rebate is calculated on the basis of whichever fare is used.

Table of rebates applicable

Number of complete Parliaments through which former member served	Percentage of fare payable (%)
Less than 2	Nil
2	If former member has served as a Speaker or as a Minister (not including Parliamentary Under-Secretary): 50 Other cases: nil
2 (and part of a third)	If former member has served as a Speaker or as a Minister (not including Parliamentary Under-Secretary): 50 Other cases: nil
3	60
3 (and part of a fourth)	60
4	75
4 (and part of a fifth)	75
5 or more	90

- (2) Subclause (1) is subject to clauses 2 and 3.

2 Limitations on rebates for former members' domestic air travel

- (1) A former member is entitled to a rebate for 12 return air trips between any 2 points within New Zealand in each year.
- (2) For the purpose of subclause (1), a rebate for a one-way trip counts as one-half of a return trip.
- (3) Rebates are paid for open tickets only if the departure date for the first part of the trip is determined at the time the ticket is purchased and it is the date of the return flight that is left open.
- (4) Rebates are paid for travel in respect of the relevant year.

3 Limitations on rebates for former members' international air travel

- (1) The total amount paid to a former member by way of rebates for international air travel in each year must not exceed the amount of rebate to which the former member would have been entitled if he or she had flown between Auckland and London using the lowest-cost online business-class return air fare as at 1 July in the relevant year.
- (2) Rebates are paid for open tickets only if the departure date for the first part of the trip is determined at the time the ticket is purchased and it is the date of the return flight that is left open.
- (3) Rebates are paid for travel in respect of the relevant year.

Former members' rail, road, and ferry travel entitlements

4 Rebates for travel on rail, road, and ferry services in New Zealand

- (1) A former member is entitled to a rebate on the following scheduled travel services within New Zealand in accordance with the same rules and limitations as set out in clauses 1 and 2 in respect of scheduled air services:
 - (a) rail travel; and
 - (b) road travel; and
 - (c) inter-island travel on inter-island ferries.
- (2) The entitlement in subclause (1) does not extend to—
 - (a) suburban rail travel; or
 - (b) suburban road travel; or
 - (c) the carriage of a motor vehicle, or the use of a cabin, on an inter-island ferry.

Travel entitlements of former members' spouses or partners

5 Application of clauses 6 and 7

- (1) Clauses 6 and 7 apply to a spouse or partner of a former member who—
 - (a) was the spouse or partner of the former member at the time the former member ceased to be a member of Parliament; and
 - (b) is the spouse or partner of the former member at the time of claiming an entitlement under clause 6 or 7.
- (2) The entitlements of a spouse or partner of a former member under clauses 6 and 7 continue after the death of the former member, whether or not the surviving spouse or partner remarries or re-partners, provided that the spouse or partner was still the spouse or partner of the former member at the date of his or her death.
- (3) For the purposes of clauses 6 and 7, **former member** includes a member of Parliament who dies in office, and who becomes a former member on the date of his or her death.

6 Domestic and international air travel: spouse or partner entitlement

A spouse or partner to whom this clause applies is entitled to a rebate for travel on scheduled domestic and international air services at the same rate and subject to the same conditions as the former member.

7 Rail, road, and ferry travel: spouse or partner entitlement

A spouse or partner to whom this clause applies is entitled to the same rail, road, and ferry travel entitlements as the former member.

8 Entitlements in this schedule do not include travel for private business purposes

- (1) The entitlements to travel set out in this schedule do not include any entitlement to travel for private business purposes, and each provision of this schedule must be interpreted accordingly.
- (2) In this schedule, **private business purposes** means purposes on behalf of a person's own business interests, or on behalf of the business interests of any other person, trust, company, or organisation.

Schedule 3

Consequential amendments to other enactments

s 66

Electoral Act 1993 (1993 No 87)

Paragraph (d)(i) of the definition of **public servant** in section 3(1): omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Finance Act 1988 (1988 No 107)

Section 6: repeal.

Goods and Services Tax Act 1985 (1985 No 141)

Section 6(3)(c)(i): omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Government Superannuation Fund Act 1956 (1956 No 47)

Definition of **member** in section 82(1): omit “section 16 of the Civil List Act 1979” and substitute “section 8 of the Members of Parliament (Remuneration and Services) Act 2013”.

Definition of **ordinary member** in section 82(1): omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Definition of **salary** in section 82(1): omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Income Tax Act 2007 (2007 No 97)

Section CW 31: repeal and substitute:

CW 31 Services for members and former members of Parliament

An amount is exempt income of a person to the extent that it is income of the person and is not exempt income of the person under another provision of subpart CW, if the amount is—

- (a) travel, accommodation, or communication services, and is—
 - (i) paid under section 17, 23, 27, 31, 34, or 35 of the Members of Parliament (Remuneration and Services) Act 2013; and
 - (ii) provided to a member of Parliament (including in his or her capacity as a member of the Executive), a qualifying electoral candidate, or a family member of one of those persons:
- (b) the travel entitlements of a former member of Parliament (including the travel entitlements that apply in respect of a former member’s spouse or partner) and is paid under section 39 of the Members of Parliament (Remuneration and Services) Act 2013 after 30 June 2014:

Income Tax Act 2007 (2007 No 97)—continued

- (c) the travel entitlements of a former Prime Minister (including the travel entitlements that apply in respect of a former Prime Minister’s spouse or partner) and is paid under section 44 of the Members of Parliament (Remuneration and Services) Act 2013:
- (d) international travel, international accommodation, or communications services provided to a member of the Executive.

Defined in this Act: exempt income, family member, pay, qualifying electoral candidate

Section CX 12: repeal and substitute:

CX 12 Services for members and former members of Parliament

When fringe benefit arises

- (1) A fringe benefit arises when travel, accommodation, and communications services are exempt income under section CW 31 (services for members and former members of Parliament).

Relationship with sections CX 5 and CX 28

- (2) This section overrides sections CX 5 (relationship with exempt income) and CX 28 (accommodation).

Defined in this Act: exempt income, fringe benefit

Section CX 33B: omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Section YA 1: insert in their appropriate alphabetical order:

family member means a family member as defined in section 5 of the Members of Parliament (Remuneration and Services) Act 2013

qualifying electoral candidate means a qualifying electoral candidate as defined in section 5 of the Members of Parliament (Remuneration and Services) Act 2013

Parliamentary Superannuation Determination 2003 (SR 2003/306)

Definition of **member** in clause 3: omit “section 16 of the Civil List Act 1979” and substitute “section 8 of the Members of Parliament (Remuneration and Services) Act 2013”.

Definition of **ordinary member** in clause 3: omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Definition of **salary** in clause 3: omit “Civil List Act 1979” and substitute “Members of Parliament (Remuneration and Services) Act 2013”.

Petroleum Demand Restraint Act 1981 (1981 No 12)

Section 14(6): omit “and to sections 14 and 15 of the Civil List Act 1979”.

Stamp and Cheque Duties Act 1971 (1971 No 51)

Item relating to Civil List Act 1950 in Schedule 1: omit.

Notes

1 *General*

This is a consolidation of the Members of Parliament (Remuneration and Services) Act 2013 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2019 (2019 No 83): Part 2

Statutes Amendment Act 2019 (2019 No 56): section 106

Statutes Amendment Act 2016 (2016 No 104): Part 18

District Court Act 2016 (2016 No 49): section 261

Senior Courts Act 2016 (2016 No 48): section 183(b)

Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2015 (2015 No 5): Part 2