

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
14th August, 1936.*

Right Hon. Mr. Savage.

CIVIL LIST AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p><i>Parliamentary Under-Secretaries.</i></p> <p>2. Governor-General may appoint members of General Assembly to hold office as Parliamentary Under-Secretaries.</p> <p>3. Term of office of Parliamentary Under-Secretary.</p> <p>4. Notice of appointment of and vacation of office by Parliamentary Under-Secretary.</p> <p>5. Parliamentary Under-Secretary to take oath of office.</p> <p>6. Salaries and allowances of Parliamentary Under-Secretaries.</p>	<p>7. Functions of Parliamentary Under-Secretary.</p> <p>8. Execution of instruments by Parliamentary Under-Secretary.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>9. Provision for increased number of paid Ministers without increase of total salaries.</p> <p>10. Specific statutory authority not required for expenditure of moneys appropriated by Parliament for purpose of providing travelling-facilities and other privileges for members of General Assembly and their families.</p> <p>Schedule.</p>
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A BILL INTITULED

AN ACT to amend the Civil List Act, 1920.

Title.

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

1. This Act may be cited as the Civil List Amendment Act, 1936, and shall be read together with and deemed part of the Civil List Act, 1920 (hereinafter referred to as the principal Act).

Short Title.

For Civil List Act, 1920, see Reprint of Statutes, Vol. I, p. 1020

Parliamentary Under-Secretaries.

Governor-General may appoint members of General Assembly to hold office as Parliamentary Under-Secretaries.

2. (1) The Governor-General may from time to time, by Warrant under his hand, appoint any member of the Legislative Council or any member of the House of Representatives to be a Parliamentary Under-Secretary, 5
to hold office as such in accordance with this Act.

(2) The office of Parliamentary Under-Secretary shall be held in relation to one or more Ministerial offices, to be specified in that behalf in the Warrant of appointment. 10

(3) For the purposes of this section the expression "Ministerial offices" means the Ministerial offices (including the office of Prime Minister) specified in the Third Schedule to the principal Act, and includes any other Ministerial office (whether created before or after 15
the passing of this Act).

Term of office of Parliamentary Under-Secretary.

3. (1) Every person appointed as a Parliamentary Under-Secretary shall vacate his office if he ceases to be a member of the Legislative Council or a member of the House of Representatives (as the case may be): 20

Provided that no person who is in office as a Parliamentary Under-Secretary immediately prior to the dissolution of the General Assembly shall be deemed on such dissolution to have vacated his office by the operation of this subsection. 25

(2) Subject to the provisions of the *last preceding* subsection, every person appointed as a Parliamentary Under-Secretary shall hold office as such during the pleasure of the Governor-General.

Notice of appointment of and vacation of office by Parliamentary Under-Secretary.

4. Notice of the appointment of any person as a Parliamentary Under-Secretary, and of the vacation of his office by resignation or otherwise, shall forthwith after such appointment or vacation of office, as the case may be, be published in the *Gazette*. 30

Parliamentary Under-Secretary to take oath of office.

5. (1) Every person appointed to the office of Parliamentary Under-Secretary shall, as soon as may be after his acceptance of office, take and subscribe an oath of office in the form in the Schedule hereto or to the effect thereof. 35

(2) Such oath may be administered by any member of the Executive Council, or by the Clerk of the Executive Council. 40

Salaries and allowances of Parliamentary Under-Secretaries.

6. (1) There shall, without further appropriation than this section, be paid to every person for the time being holding office as a Parliamentary Under-Secretary a salary at the rate of *six hundred* pounds a year. 45

(2) Every person for the time being holding office as a Parliamentary Under-Secretary shall also be entitled to receive, without further appropriation than this section, the same allowances for travelling within New Zealand on the public service and in lieu of a residence at the seat of Government as he would be entitled to receive if he were a member of the Executive Council.

(3) Section twenty-one of the principal Act is hereby consequentially amended by adding after paragraph (c) the following words: " or

"(d) Is a Parliamentary Under-Secretary."

7. (1) A Parliamentary Under-Secretary holding office as such in respect of any Ministerial office shall have and may exercise under the direction of the Minister such of the powers, duties, and functions of the Minister of the Crown for the time being holding such office as may from time to time be assigned to him by that Minister, but no Minister shall be debarred from personally exercising any power, duty, or function by reason of the fact that he has assigned any power, duty, or function to a Parliamentary Under-Secretary.

Functions of
Parliamentary
Under-
Secretary.

(2) The fact that any person holding office as a Parliamentary Under-Secretary purports to exercise any power, duty, or function of a Minister of the Crown shall be conclusive evidence of his authority so to do.

8. (1) Every instrument that is executed by a Parliamentary Under-Secretary on behalf of a Minister of the Crown shall be signed by him with his personal signature, to which shall be added the words: " Parliamentary Under-Secretary for the office of the Minister of [Reference to Ministerial office]", or words to the like effect.

Execution of
instruments by
Parliamentary
Under-
Secretary.

(2) Every instrument that is executed by a Parliamentary Under-Secretary as such shall be as valid and effective as if it had been executed by the Minister for the time being holding the relative Ministerial office.

Miscellaneous.

9. (1) Notwithstanding anything in section ten of the principal Act or in the Third Schedule thereto, payment may be made to eleven Ministers of the Crown in addition to the Prime Minister (instead of to ten such Ministers), but in any such case the salaries of all the Ministers (including the Prime Minister) shall

Provision
for increased
number of
paid Ministers
without increase
of total
salaries.

be so reduced that the total amount paid in any year shall not exceed the total amount prescribed by Part I of the Third Schedule to the principal Act, as reduced by the Public Expenditure Adjustment Act, 1921-22.

(2) A certificate under the hand of the Prime Minister or the Minister of Finance shall be sufficient evidence for all purposes of the amount of the salary or of the reduced salary payable to any Minister in accordance with this section. 5

Specific statutory authority not required for expenditure of moneys appropriated by Parliament for purpose of providing travelling-facilities and other privileges for members of General Assembly and their families.

10. (1) The appropriation by Parliament of moneys for the purpose of providing benefits or privileges of a specified kind to members or former members of the General Assembly or to members of their families shall be sufficient authority for the grant of any such benefits or privileges, and where moneys are so appropriated it shall not be necessary as a condition for their lawful expenditure that the appropriation be implemented by any statutory enactment other than this section. 15

(2) Nothing in this section shall authorize the payment of any money to any member of the General Assembly or to any member of the family of any such person. 20

(3) The operation of this section shall not be limited in its application to any benefits or privileges by reason merely of the fact that, with respect to any specified benefits or privileges, there may, in addition to the authority conferred by this section, be an express statutory authority: 25

Provided that nothing in this subsection shall be construed to authorize the expenditure of any money contrary to the express provisions of any Act. 30

Schedule.

SCHEDULE.

OATH OF OFFICE TO BE TAKEN BY PARLIAMENTARY UNDER-SECRETARY.

I, _____, do swear that I will well and truly serve His Majesty King Edward the Eighth [*or as the case may be*], his heirs and successors, according to law, in the office of Parliamentary Under-Secretary. So help me God.