

## CIVIL LIST AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Civil List Act 1979.

*Clause 1* relates to the Short Title and commencement. Except for *clause 3* (which comes into force on 1 April 1985), this Bill comes into force on its passing.

*Clause 2* amends section 2 of the principal Act. That section makes provision for the payment out of the Consolidated Account without further appropriation than that section of the several sums specified in the principal Act. The section, as amended by *clause 2*, makes similar provision for the payment of the several sums determined or fixed under the principal Act.

*Clause 3* provides that the salary payable to the Governor-General is to be paid at a rate determined from time to time by the Higher Salaries Commission. The determination is to be made on the basis that that salary is and will remain exempt from income tax. It is expressly provided that the salary of a Governor-General is not to be reduced during the continuance of the Governor-General's commission.

*Clause 4* provides that the rate of annuity payable under section 4 of the principal Act to a former Governor-General and the rate of the annuity payable under that section to a spouse of a former Governor-General are, in each case, to be determined by the Higher Salaries Commission.

*Clause 5* aligns the provisions of section 12 (1) of the principal Act (relating to vacation of office by Parliamentary Under-Secretaries) with those of section 9 (2) of the principal Act (relating to vacation of office by Ministers of the Crown). In both cases such office holders will be required (subject to an exception in the case of a dissolution of Parliament) to vacate office within 21 days if they cease to be members of Parliament. Under the present Act, as enacted in 1979, the 21-day period applies only in the case of Ministers of the Crown.

*Clause 6* tidies up section 18 (3) of the principal Act (which provides that where a sitting member of Parliament is defeated the salary of that member continues to be paid to the member for a period of 3 months). In the case of certain office holders, such as Ministers of the Crown, the office holder's salary is payable until the member ceases to hold the office (which may be weeks after polling day). The salary of an ordinary member of Parliament is then payable for the balance of the 3-month period. The proposed amendment makes the same provision in respect of Parliamentary Under-Secretaries.

*Clause 7* increases the rate at which the Governor-General's salary is payable. In respect of the period beginning on 6 November 1982 and ending with the close of 31 March 1985, that rate is increased from \$45,000 a year to \$55,000 a year. On 1 April 1985, that rate is increased to \$60,000 a year, and that salary will continue to be paid at that rate until that rate is superseded by a different rate determined, after 1 April 1985, by the Higher Salaries Commission.

*Clause 8* validates the payment of \$20,000 that was made to the Governor-General, by way of an advance on his salary, on 7 September 1984.

*Clause 9* increases the rates at which an annuity is payable to a former Governor-General or a spouse of a former Governor-General. The increased rates take effect on 6 November 1982, and will continue to apply until superseded by different rates determined by the Higher Salaries Commission.

The annuities are payable where the appointee to the office of Governor-General was domiciled in New Zealand at the time of the appointment.

If such an appointee holds office as Governor-General for a total period of less than 2 complete years, the annuity is payable at the yearly rate of \$3,000. This clause increases that yearly rate, on 6 November 1982, to \$4,000.

If such an appointee holds office as Governor-General for a total period of 2 complete years or more, the annuity is payable at the yearly rate of \$3,000 for each complete year (not exceeding 5) of the total period. This clause increases that yearly rate, on 6 November 1982, to \$4,000 for each complete year (not exceeding 5) of the total period.

The annuity payable to the widow or widower of such an appointee is payable at half the rates mentioned above.

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*Right Hon. David Lange*

## CIVIL LIST AMENDMENT

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### ANALYSIS

Title	
1. Short Title and commencement	6. Salaries and allowances of members of Parliament
2. Grants for civil purposes	7. Increases in salary of Governor-General
3. Salary and allowance of Governor-General	8. Validation of payment to Governor-General of advance on salary
4. Annuity for former Governor-General and spouse of former Governor-General	9. Increase in annuity for former Governor-General and spouse of former Governor-General
5. Term of office	

### A BILL INTITULED

#### **An Act to amend the Civil List Act 1979**

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

- 1. Short Title and commencement**—(1) This Act may be cited as the Civil List Amendment Act 1985, and shall be read together with and deemed part of the Civil List Act 1979\* (hereinafter referred to as the principal Act).
- 10 (2) Except as provided in **section 3 (3)** of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.
- 2. Grants for civil purposes**—Section 2 of the principal Act is hereby amended by inserting, after the words "specified in  
15 this Act", the words "and the several sums determined or fixed under this Act".

\*1979, No. 33  
Amendment: 1983, No. 23

**3. Salary and allowance of Governor-General**—(1) Section 3 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) There shall be paid to the Governor-General— 5

“(a) A salary at a rate determined from time to time by the Higher Salaries Commission, which salary shall be determined on the basis that it is and will remain exempt from income tax; and

“(b) An allowance, at a rate fixed from time to time by Order 10 in Council, for expenses.

“(2) Any determination or Order in Council made under subsection (1) of this section shall come into force on a date to be specified therein, whether on or before or after the date of the making of the determination or order.” 15

(2) Section 3 of the principal Act is hereby amended by adding the following subsections:

“(5) The salary of a Governor-General shall not be reduced during the continuance of the Governor-General’s commission.

“(6) Every determination and every Order in Council made 20 under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.”

(3) This section shall come into force on the 1st day of April 1985.

**4. Annuity for former Governor-General and spouse of former Governor-General**—(1) Section 4 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) Where a person who has held office as Governor-General (whether before or after the commencement of this Act) was, 30 at the time of that person’s appointment, domiciled in New Zealand, there shall (as from the end of the period of 3 months specified in section 3 (4) of this Act, but subject to subsections (3) to (5) of this section) be paid to that person, until that person dies,— 35

“(a) If that person held office as Governor-General for a total period of less than 2 complete years, an annuity at a yearly rate determined from time to time by the Higher Salaries Commission:

“(b) If that person held office as Governor-General for a total 40 period of 2 complete years or more, an annuity at a yearly rate, determined from time to time by the Higher Salaries Commission, for each complete year (not exceeding 5) of that total period.

“(2) Where a person who has held office as Governor-General (whether before or after the commencement of this Act) dies, being a person who was, at the time of that person’s appointment, domiciled in New Zealand, there shall, subject to subsections (3) to (5) of this section, be paid to the widow or widower of that person, until that widow or widower dies or remarries,—

“(a) If that person held office as Governor-General for a total period of less than 2 complete years, an annuity at a yearly rate determined from time to time by the Higher Salaries Commission:

“(b) If that person held office as Governor-General for a total period of 2 complete years or more, an annuity at a yearly rate, determined from time to time by the Higher Salaries Commission, for each complete year (not exceeding 5) of that total period.”

(2) Section 4 of the principal Act is hereby amended by adding the following subsections:

“(6) Every determination under this section shall come into force on a day to be specified in the determination, whether on or before or after the date of the making of the determination.

“(7) Every determination under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.”

**5. Term of office**—Section 12 (1) of the principal Act is hereby amended by inserting, after the words “that office”, the words “within 21 days”.

**6. Salaries and allowances of members of Parliament**—Section 18 (3) of the principal Act is hereby amended by inserting, after the words “Executive Council”, the words “or a Parliamentary Under-Secretary”.

**7. Increases in salary of Governor-General**—Notwithstanding anything in section 3 of the principal Act or in section 3 of this Act,—

(a) The salary payable to the Governor-General under section 3 (1) (a) of the principal Act shall be deemed to have been increased on the 6th day of November 1982 and to be and to have been payable in respect of the period beginning on that date and ending with the close of the 31st day of March 1985 at the rate of \$55,000 a year; and

- (b) On and after the 1st day of April 1985, a salary at the rate of \$60,000 a year shall be payable to the Governor-General under **section 3 (1) (a)** of the principal Act until that rate is superseded by a different rate determined after that date by the Higher Salaries Commission. 5

**8. Validation of payment to Governor-General of advance on salary**—The payment to the Honourable Sir David Stuart Beattie, the Governor-General, of \$20,000, on the 7th day of September 1984, as an advance on the salary payable to him under **section 3 (1) (a)** of the principal Act, is hereby validated and declared to have been lawfully made out of the Consolidated Account, and to have been lawfully charged to the Vote: Internal Affairs. 10

**9. Increase in annuity for former Governor-General and spouse of former Governor-General**—Notwithstanding anything in section 4 of the principal Act or in **section 4** of this Act,— 15

- (a) The annuities payable under section 4 (1) of the principal Act shall be deemed to have been increased on the 6th day of November 1982 and to have become payable on that date as if, for the expression “\$3,000” in section 4 (1) (a) and section 4 (1) (b) of the principal Act, there had in each case been substituted on that date the expression “\$4,000”; and 20 25
- (b) The annuities payable under section 4 (2) of the principal Act shall be deemed to have been increased on the 6th day of November 1982 and to have become payable on that date as if, for the expression “\$1,500” in section 4 (2) (a) and section 4 (2) (b) of the principal Act, there had in each case been substituted on that date the expression “\$2,000”; and 30
- (c) Any annuity payable under section 4 of the principal Act shall continue to be payable at the rate prescribed by that section, as modified by **paragraphs (a) and (b)** of this section, until that rate is superseded by a different rate determined after the passing of this Act by the Higher Salaries Commission. 35