

CIVIL LIST BILL

EXPLANATORY NOTE

THIS Bill, which is in substitution for the Civil List Act 1950 and its amendments, consolidates and amends the law relating to the civil list.

References to the existing statutory law are shown as footnotes to the clauses of the Bill.

Clause 1 relates to the Short Title and commencement. Except for *clause 19*, the Act is to come into force on the day on which it receives the Governor-General's assent.

Clause 2 re-enacts the existing provision which provides that the several sums specified in the Bill are to be paid without further appropriation, except as expressly provided.

PART I

GOVERNOR-GENERAL

Clause 3: Subclauses (1) and (2) specify the salary and provide for the allowance of the Governor-General. A new rate of salary of \$45,000 a year is to come into force on 1 April 1980. The allowance continues, as at present, to be fixed by Order in Council.

Subclause (3) deals with the term during which the salary and allowance is payable. The reference in this subclause to emplaning as well as to embarking is new.

Paragraph (a) (iii) of this subclause is new. It makes provision for the salary and allowance of the Governor-General to become payable on the date on which, in the case of a person domiciled in New Zealand immediately before his appointment, he, as a preliminary to his appointment, embarks or emplanes for a destination outside New Zealand to be received in audience by the Sovereign.

Subclause (4) provides for the payment of 3 months' salary and allowance to a Governor-General on his vacating office. Under the existing subsection 3 months' salary and allowance is the upper limit of the payment that can be made and the payment requires the approval of the Minister of Finance. The new subclause also makes it clear that the payment cannot be made where the Governor-General dies in office.

Clause 4: Subclause (1) specifies the annuities that are payable to a former Governor-General and to the widow or widower of a deceased Governor-General or former Governor-General. The subclause now specifies the actual annuities payable. Under the existing provision the annuities payable (which are less than those set out in this subclause) are those payable to a former Prime Minister or to the widow of a former Prime Minister.

Subclauses (2) to (5) are to the same effect as existing provisions.

The substance of the existing subsection (5) is now covered by *clause 24* of the Bill.

Clause 5 is new. It enables the Minister of Finance to enter into an agreement with a Governor-General designate in relation to his superannuation rights where those rights will be lost or adversely affected by the acceptance of the office of Governor-General. Such an agreement may provide for any annuity payable pursuant to *clause 4* to be payable at a reduced rate.

Clause 6 re-enacts, with minor amendments, the existing provision relating to travelling expenses.

Clause 7 re-enacts, with one substantive amendment, the existing provision relating to the granting of exemptions from taxation. The power to grant exemptions from estate duty has been limited so that such exemptions can be granted only in respect of the estate of a person who was not domiciled in New Zealand at the time of the appointment of the Governor-General.

Clause 8 relates to the salary of the Administrator of the Government.

Subclause (1) (which is a modification of an existing provision) provides that the Administrator of the Government is to be paid, for the period of his administration,—

- (a) A salary at half the rate of the Governor-General's salary; or
- (b) Where the Administrator is the holder of any other office, either—
 - (i) A salary at half the rate of the Governor-General's salary and a salary at half the rate of the salary of the other office; or
 - (ii) A salary at the rate of the salary of the other office,—
 whichever is the greater.

Subclause (2) is new. It makes it clear that the salary paid to a person holding office as Administrator is in substitution for the salary paid to that person as the holder of any other office.

Subclause (3) is new. It provides, by way of clarification, that this clause shall have effect notwithstanding the provision of the Judicature Act 1908 which provides that the salary of a Judge shall not be diminished during the continuance of his commission. The Administrator of the Government is usually the Chief Justice or a senior Judge of the Supreme Court.

Subclause (4) is new. It provides that where the Administrator is both the holder of another office and a contributor to the Government Superannuation Fund, his rate of salary, for the purposes of the Government Superannuation Fund Act 1956, is deemed to remain, during his period of administration, that of the other office.

PART II

MINISTERS OF THE CROWN AND PARLIAMENTARY UNDER-SECRETARIES

This Part (*clauses 9 to 15*) re-enacts, with minor amendments, a number of existing provisions. Provisions specifying salaries and allowances have been omitted as salaries and allowances are now fixed by determination of the Higher Salaries Commission.

PART III

REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY UNDER-SECRETARIES, AND MEMBERS OF PARLIAMENT

This Part (*clauses 16 to 21*) is largely a re-enactment of existing provisions. Provisions specifying salaries and allowances have been omitted as salaries and allowances are now fixed by determination of the Higher Salaries Commission.

Clause 16 (2) is new. It makes plain that salaries and allowances fixed by the Higher Salaries Commission may differ in accordance with the office that the member of Parliament holds (whether or not that office is specified in *clause 16 (1)*) or with the electorate that the member represents or in accordance with such other considerations as may be determined by the Higher Salaries Commission.

Clause 19 is new. This clause, which is deemed to have come into force on 28 November 1978, deals with the situation that arises when the election of a member of Parliament is questioned by an election petition. The clause makes plain that both the person who is unseated by such a petition and the person (if any) who is installed in his place are entitled to be paid, back to polling day, the salary and allowance of a member. In the case of the unseated member that period during which he is entitled to be paid ends with the earlier of the following days:

- (a) The day on which the House of Representatives, pursuant to section 172 (2) of the Electoral Act 1956, gives directions for the altering of the return:
- (b) The day on which the seat becomes vacant, by death or otherwise.

Under *clause 20 (a)* the amount that is deducted from a member's salary for every sitting day (in excess of 14) on which he is absent in a session has been increased from \$4 to \$10. This provision is now applied to all members of Parliament including Ministers of the Crown, the Speaker, the Chairman of Committees, and Parliamentary Under-Secretaries. No deduction is made where the Speaker certifies that the absence is caused by illness or other unavoidable cause or where the absence is caused by the member's attendance at any conference, meeting, or ceremony, or the member's travelling on any mission or business, as a representative of Parliament or with the authority of the House of Representatives.

Clause 21 is a modification of an existing provision. The clause limits the amount that may be paid by way of travelling allowances and travelling expenses to members of Parliament travelling within New Zealand on public service at the request of a Minister of the Crown. The new clause differs from the existing provision in that, while the new clause imposes a limit, it does not authorise the payment of the allowances and expenses. It will be for the Higher Salaries Commission, if it thinks fit, to make provision by way of determination for the payment of the allowances and expenses.

PART IV

MISCELLANEOUS PROVISIONS

Clause 22 re-enacts, with modifications, the existing provision providing for the payment of an annuity to a person who has held the office of Prime Minister for a period or periods amounting in all to not less than 2 years. Under the existing provision the widow of such a person also qualifies for an annuity. The new clause also makes provision for a widower. The rates of the annuities (which were formerly fixed by Order in Council on the

recommendation of a Royal Commission) are now to be determined by the Higher Salaries Commission. Every determination of the Higher Salaries Commission under this clause is deemed to be a regulation and will be published accordingly.

Clause 23 re-enacts, with minor modifications, the existing provision providing for payments to the spouse or dependent children of a member of Parliament who dies in office.

Clause 24: Subclause (1) provides that, in general, salaries, annuities, and allowances are to be paid monthly.

Subclause (2) is new. It authorises the Governor-General by Order in Council to direct that payments be made at intervals of less than one month.

Subclause (3) is a modified version of the existing provisions requiring proportionate payments for fractions of a month (or such other period as is prescribed pursuant to *subclause (2)*).

Subclause (4) excludes certain payments from this clause.

Clause 25 re-enacts the existing provision relating to the appropriation of money for benefits or privileges.

Clause 26: Subclause (1) repeals the Civil List Act 1950 and its amendments.

Subclause (2) revokes the Parliamentary Salaries and Allowances Order 1970 and its amendments.

Subclause (3) preserves, until superseded by determination of the Higher Salaries Commission, the only provision of the Parliamentary Salaries and Allowances Order 1970 that has not already been superseded. That provision (clause 18A) fixes the rate of the annuity payable to a former Prime Minister and the rate of the annuity payable to the widow of a former Prime Minister.

Rt. Hon. Mr Muldoon

CIVIL LIST

ANALYSIS

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Title</p> <ol style="list-style-type: none">1. Short Title and commencement2. Grants for civil purposes <p style="text-align: center;">PART I</p> <p style="text-align: center;">GOVERNOR-GENERAL</p> <ol style="list-style-type: none">3. Salary and allowance of Governor-General4. Annuity for former Governor-General and spouse of former Governor-General5. Compensation for lost or adversely affected superannuation rights6. Travelling expenses7. Power to grant exemptions from taxation8. Salary of Administrator of the Government <p style="text-align: center;">PART II</p> <p style="text-align: center;">MINISTERS OF THE CROWN AND PARLIAMENTARY UNDER-SECRETARIES</p> <p style="text-align: center;"><i>Ministers of the Crown</i></p> <ol style="list-style-type: none">9. Ministers to be members of Parliament10. Order of precedence of Ministers <p style="text-align: center;"><i>Parliamentary Under-Secretaries</i></p> <ol style="list-style-type: none">11. Appointment of Parliamentary Under-Secretaries12. Term of office13. Notice of appointment and vacation of office14. Functions of Parliamentary Under-Secretaries | <ol style="list-style-type: none">15. Execution of instruments by Parliamentary Under-Secretary <p style="text-align: center;">PART III</p> <p style="text-align: center;">REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY UNDER-SECRETARIES, AND MEMBERS OF PARLIAMENT</p> <ol style="list-style-type: none">16. Salaries and allowances to be fixed by Higher Salaries Commission17. Speaker of House of Representatives and Chairman of Committees18. Salaries and allowances of members of Parliament19. Questioned elections of members of Parliament20. Deductions from members' salaries and allowances21. Limits on allowance payable to members travelling within New Zealand on public business <p style="text-align: center;">PART IV</p> <p style="text-align: center;">MISCELLANEOUS PROVISIONS</p> <ol style="list-style-type: none">22. Annuity for former Prime Minister and spouse of former Prime Minister23. Payments to spouse or dependent children of member of Parliament dying in office24. Payment of salaries, annuities, and allowances25. Appropriation of money for benefits and privileges26. Repeals, revocations, and savings Schedules |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

A BILL INTITULED

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

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the Civil List Act 1979.

(2) Except as provided in section 19 (4) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent. 10

2. Grants for civil purposes—The several sums specified in this Act shall be payable in every year out of the Consolidated Account and (except as by this Act expressly provided) without further appropriation than this section. 15

Cf. 1950, No. 99, s. 2

PART I

GOVERNOR-GENERAL

3. Salary and allowance of Governor-General—(1) There shall be paid to the Governor-General— 20

(a) A salary, which shall be paid—

(i) In respect of the period beginning with the commencement of this Act and ending with the close of the 31st day of March 1980, at the rate of \$26,000 a year; and 25

(ii) On and after the 1st day of April 1980, at the rate of \$45,000 a year; and

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

(2) Any Order in Council made under subsection (1) (b) 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 order. 30

(3) The salary and allowance of the Governor-General shall— 35

(a) Commence to be payable on the earliest of the following dates:

(i) The date on which he assumes the duties of his office:

(ii) The date on which he embarks or emplanes for New Zealand to assume the duties of his office: 40

5 (iii) The date on which, in the case of a person domiciled in New Zealand immediately before his appointment, he, as a preliminary to his appointment, embarks or emplanes for a destination outside New Zealand to be received in audience by the Sovereign; and

(b) Continue to be payable until the date on which he ceases to hold office as Governor-General or on which he leaves New Zealand with the intention of vacating his office, whichever date is the earlier.

10 (4) Where the office of Governor-General becomes vacant (otherwise than by the death of the person holding that office), there shall, in respect of the period of 3 months beginning with the date on which the vacancy occurs or on which
15 the Governor-General leaves New Zealand with the intention of vacating his office, whichever is the earlier, be paid to him a sum equal to the salary and allowance of the Governor-General for that period of 3 months.

20 Cf. 1950, No. 99, s. 3; 1957, No. 5, s. 2; 1972, No. 50, s. 2 (1)

4. Annuity for former Governor-General and spouse of former Governor-General—(1) Where a person who has held office as Governor-General (whether before or after the commencement of this Act) was, at the time of that person's
25 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,—

30 (a) If that person held office as Governor-General for a total period of less than 2 complete years, an annuity at the yearly rate of \$3,000:

(b) If that person held office as Governor-General for a total period of 2 complete years or more, an annuity at the yearly rate of \$3,000 for each complete year
35 (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,
40 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 the yearly rate of \$1,500:
- (b) If that person held office as Governor-General for a total period of 2 complete years or more, an annuity at the yearly rate of \$1,500 for each complete year (not exceeding 5) of that total period. 5
- (3) No annuity shall be paid to any person under subsection (1) or subsection (2) of this section in respect of any period during which that person— 10
- (a) Is not resident or is not domiciled in New Zealand; or
- (b) Holds an office for which a salary is payable under this Act.
- (4) For the purposes of subsection (3) (a) of this section, a person entitled to an annuity under subsection (1) or subsection (2) of this section shall be deemed not to have ceased to reside in New Zealand by reason only of his temporary absence from New Zealand occasioned by holiday or other temporary purpose. 15
- (5) Where any person would be entitled, but for this subsection, to be paid both an annuity under subsection (1) or subsection (2) of this section and an annuity under section 22 of this Act, that person,— 20
- (a) If the annuity payable to that person under section 22 of this Act is equal to or greater than the annuity payable to that person under subsection (1) or subsection (2) of this section, shall be entitled to be paid, of the applicable annuities, only an annuity under section 22 of this Act; or 25
- (b) If the annuity payable to that person under section 22 of this Act is less than the annuity payable to that person under subsection (1) or subsection (2) of this section, shall be entitled to be paid, of the applicable annuities, only an annuity under subsection (1) or subsection (2) of this section. 30 35

Cf. 1950, No. 99, s. 3A (2)–(4); 1977, No. 17, s. 2

5. Compensation for lost or adversely affected superannuation rights—(1) Where the superannuation rights of a person who has been appointed to the office of Governor-General, or the superannuation rights of the spouse or any child of any such person, have been lost or otherwise adversely affected by that person's acceptance of the office of Governor-General, there shall, from the date on which that person ceases to hold the office of Governor-General, be paid to that person or to the widow or widower or child of that person, by way of compensation, such sum or annuity or both, as may be provided for in a written agreement made between that person and the Minister of Finance before that person assumed office as Governor-General.

5
10
15
20
(2) An agreement made pursuant to subsection (1) of this section may provide for the payment of contributions by the Governor-General.

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

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

Cf. 1950, No. 99, s. 4

7. Power to grant exemptions from taxation—(1) Notwithstanding anything to the contrary in any Act, but without limiting any exemption under any other Act, the Minister of Finance may from time to time wholly or partly exempt from any public or local tax, duty, rate, levy, or fee, any of the following persons:

35 (a) The Governor-General:

(b) A member of the personal staff of the Governor-General, if that person is resident in New Zealand solely for the purpose of performing his duties as such a member:

40 (c) The wife and any dependent child or children of the Governor-General or of any person to whom paragraph (b) of this subsection applies.

(2) The powers conferred on the Minister of Finance by subsection (1) of this section shall be deemed to include—

(a) Power to exempt from stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee or duty under any other Act any instrument or class of instruments to which any of the persons referred to in that subsection is a party: 5

(b) Power, on the death of any person referred to in that subsection,—

(i) To exempt wholly or partly from estate duty 10 under the Estate and Gift Duties Act 1968 the estate of any such person who was not domiciled in New Zealand at the time of the appointment of the Governor-General; and

(ii) To exempt any instrument or document or 15 class of instruments or documents made for or relating to the appointment of an executor or administrator in the estate of that person, or to the administration or distribution of the estate, from stamp duty under the Stamp and Cheque Duties 20 Act 1971 and from any fee or duty under any other Act.

(3) Any exemption granted under subsection (1) of this section may be granted either unconditionally or subject to such conditions as the Minister of Finance thinks fit, and the 25 Minister may at any time revoke any such exemption or revoke, vary, or add to any such conditions.

(4) Every such exemption shall come into force on such date as may be specified in that behalf by the Minister of Finance. The date so specified may be before or after the date 30 of the granting of the exemption or before or after the commencement of this Act.

(5) If any question arises as to the persons entitled to any such exemption or as to the extent of any such exemption, it shall be determined by the Minister of Finance, and his 35 decision shall be final.

(6) The Minister of Finance may direct that such refunds or payments be made from any public fund or account or from the money of any local authority, public body, or person as may in the opinion of the Minister be necessary to give 40 effect to any such exemption.

(7) Where any loss is suffered by any public fund or account other than the Consolidated Account by the granting of any such exemption or by the making of any refund or payment directed under this section, the Minister of 45 Finance may direct that such payments be made from the

Consolidated Account to that other fund or account as may be necessary in the opinion of the Minister to reimburse that loss.

(8) Where any loss is suffered by any local authority, public body, or person by the granting of any such exemption or by the making of any refund or payment directed under this section, the Minister of Finance shall direct that such payments be made from the Consolidated Account to that local authority, public body, or person as may be necessary in the opinion of the Minister to reimburse that loss.

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

Cf. 1950, No. 99, s. 4A; 1957, No. 5, s. 3

8. Salary of Administrator of the Government—(1) Where any person is sworn to administer the Government during the absence or incapacity of the Governor-General or during a vacancy in the office, that person shall, for the period of that person's administration, be paid—

(a) A salary at half the rate of the Governor-General's salary; or

(b) Where that person is the holder of any other office, either—

(i) A salary at half the rate of the Governor-General's salary and a salary at half the rate of the salary of the other office; or

(ii) A salary at the rate of the salary of the other office,—

whichever is the greater.

(2) Where any person to whom subsection (1) of this section applies is also the holder of any other office, the salary paid under subsection (1) (b) of this section shall, for the period of that person's administration, be in substitution for the salary payable in respect of the other office.

(3) This section shall have effect notwithstanding anything in section 10 of the Judicature Act 1908.

(4) Notwithstanding subsections (1) and (2) of this section, if a person to whom those subsections apply is also, during the period of that person's administration both the holder of any other office and a contributor to the Government Superannuation Fund, that person's rate of salary shall, for the purposes of the Government Superannuation Fund Act 1956, be deemed to remain, during that person's period of administration, that of the other office.

Cf. 1950, No. 99, s. 5

PART II

MINISTERS OF THE CROWN AND PARLIAMENTARY UNDER-SECRETARIES

Ministers of the Crown

9. Ministers to be members of Parliament—(1) No person shall be appointed as a Minister of the Crown or as a member of the Executive Council unless that person is at the time of appointment a member of Parliament. 5

(2) Every person appointed as a Minister of the Crown or as a member of the Executive Council shall vacate that office within 21 days if that person ceases to be a member of Parliament: 10

Provided that no person who is in office as a Minister of the Crown or as a member of the Executive Council immediately before the dissolution of any Parliament shall, by the operation of this section, vacate office on that dissolution. 15

Cf. 1950, No. 99, s. 6

10. Order of precedence of Ministers—The Governor-General may from time to time fix the order of precedence of Ministers. 20

Cf. 1950, No. 99, s. 11

Parliamentary Under-Secretaries

11. Appointment of Parliamentary Under-Secretaries—(1) The Governor-General may from time to time, by warrant under the hand of the Governor-General, appoint any member of Parliament to be a Parliamentary Under-Secretary. 25

(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. 30

Cf. 1950, No. 99, s. 12

12. Term of office—(1) Every person appointed as a Parliamentary Under-Secretary shall vacate that office if that person ceases to be a member of Parliament:

Provided that no person who is in office as a Parliamentary Under-Secretary immediately before the dissolution of any Parliament shall, by the operation of this section, vacate office on that dissolution. 35

(2) Subject to the foregoing provisions of this section, every person appointed as a Parliamentary Under-Secretary shall hold office as such during the pleasure of the Governor-General.

5 Cf. 1950, No. 99, s. 13

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

Cf. 1950, No. 99, s. 14

14. **Functions of Parliamentary Under-Secretaries**—(1) A Parliamentary Under-Secretary holding office as such in
15 respect of any Ministerial office shall have and may exercise under the direction of the Minister concerned—

(a) Such of the powers, duties, and functions of the Minister of the Crown for the time being holding that office as may from time to time be assigned to
20 the Parliamentary Under-Secretary by that Minister; and

(b) Such of the powers, duties, and functions of the Minister of the Crown for the time being holding any other Ministerial office as may from time to
25 time be assigned to the Parliamentary Under-Secretary by the Prime Minister.

(2) No Minister shall be debarred from personally exercising any power, duty, or function by reason of the fact that any power, duty, or function has been assigned to a
30 Parliamentary Under-Secretary.

(3) 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 that person's authority to do so.

35 Cf. 1950, No. 99, s. 17

15. **Execution of instruments by Parliamentary Under-Secretary**—(1) Every instrument that is executed by a Parliamentary Under-Secretary on behalf of a Minister of the Crown shall be signed by the Parliamentary Under-
40 Secretary with the personal signature of the Parliamentary

Under-Secretary, to which shall be added the words “Parliamentary Under-Secretary, for the Minister of _____”, or words to the like effect.

(2) Every instrument that is executed by a Parliamentary Under-Secretary on behalf of a Minister of the Crown shall be as valid and effective as if it had been executed by that Minister. 5

Cf. 1950, No. 99, s. 18

PART III

REMUNERATION OF MINISTERS OF THE CROWN, PARLIAMENTARY UNDER-SECRETARIES, AND MEMBERS OF PARLIAMENT 10

16. Salaries and allowances to be fixed by Higher Salaries Commission—(1) The Higher Salaries Commission shall from time to time, in accordance with the Higher Salaries Commission Act 1977, fix the salaries and allowances to be paid to the Prime Minister and other Ministers of the Crown or members of the Executive Council, to Parliamentary Under-Secretaries, to the Speaker of the House of Representatives, to the Chairman of Committees of the House of Representatives, to the Leader of the Opposition, and to other members of Parliament. 15 20

(2) Such salaries and allowances may differ in accordance with the office that the member of Parliament holds (whether or not that office is specified in subsection (1) of this section) or with the electorate that the member represents or in accordance with such other considerations as may be determined by the Higher Salaries Commission. 25

(3) The salaries and allowances fixed pursuant to subsection (1) of this section shall be payable in every year out of the Consolidated Account without further appropriation than this section. 30

Cf. 1950, No. 99, s. 27; 1977, No. 110, s. 33 (1)

17. Speaker of House of Representatives and Chairman of Committees—The person holding the office of Speaker of the House of Representatives at the time of the dissolution of any Parliament and the person holding the office of Chairman of Committees of the House of Representatives at that time shall, for the purposes of this Act, each be deemed to hold his office until the first meeting of the next Parliament or, if he sooner dies, until the date of his death. 35 40

Cf. 1950, No. 99, ss. 19 (2), 20 (2)

18. Salaries and allowances of members of Parliament—

(1) The salary and allowance of each member of Parliament shall be payable in respect of the period commencing on the day after polling day for the election at which the member
5 is elected and ending with the earlier of the following days:

(a) Polling day for the next general election of members of Parliament:

(b) The day on which the member's seat becomes vacant, by death or otherwise.

10 (2) Notwithstanding subsection (1) of this section, where a member is returned unopposed at a by-election that is not contested, the period in respect of which the salary and allowance of that member shall be payable shall commence on the day on which the Returning Officer publicly declares
15 that member to be elected.

(3) Notwithstanding subsection (1) of this section, where any person who was a member immediately before the dissolution of any Parliament is an unsuccessful candidate at the next general election of members of Parliament, a salary,
20 at the rate payable, as at polling day for that election, to a member of Parliament, shall be payable—

(a) In the case of a person who was a Minister of the Crown or a member of the Executive Council or the Speaker or Chairman of Committees of the House
25 of Representatives, in respect of the period commencing on the day after the day on which that person ceases to hold that office and ending with the day 3 months after polling day or, if that person sooner dies, with the date of that person's
30 death:

(b) In the case of any other person, in respect of the period commencing on the day after polling day and ending with the day 3 months after polling day or, if that person sooner dies, with the date
35 of that person's death.

(4) The payment of the salary and allowance of a member of Parliament shall not be made to any member of Parliament for any period during which that member is in receipt of any other salary payable under this Act.

40 (5) In this section the expression "polling day", in relation to any election, means the day appointed in the writ for that election for the polling to take place if a poll is required.

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

19. Questioned elections of members of Parliament—

(1) Where, at the conclusion of the trial of an election petition, the Supreme Court determines that the person whose election or return was complained of was not duly elected or returned or that the election at which that person was elected or returned was void, the salary and allowance to which that person would have been entitled if that person had been duly elected and returned as a member of Parliament shall be paid to that person, in respect of the period commencing on the day after polling day and ending with the earlier of the following days: 5

- (a) The day on which the House of Representatives, pursuant to section 172 (2) of the Electoral Act 1956, gives directions for the altering of the return: 5
- (b) The day on which the seat becomes vacant, by death or otherwise. 15

(2) Where, at the conclusion of the trial of an election petition, the Supreme Court determines that a person, other than the person whose election or return was complained of, was duly elected and the return, in accordance with directions given under section 172 (2) of the Electoral Act 1956, is altered to carry out that determination, the salary and allowance to which the person declared elected pursuant to the altered writ would have been entitled if that person's name had been endorsed on the writ when it was first returned shall, notwithstanding anything in subsection (1) of this section, be paid to that person. 20 25

(3) In this section the expression "polling day" has the meaning assigned to that term by section 18 (5) of this Act.

(4) This section shall be deemed to have come into force on the 28th day of November 1978. 30

20. Deductions from members' salaries and allowances—

The payment under this Act of salaries and allowances to persons who are members of Parliament shall be subject to the following provisions: 35

- (a) If during any session a member is absent for any number of sitting days exceeding 14, there shall be deducted from the payment to be made to the member the sum of \$10 for every sitting day (exclusive of those 14 sitting days) during which the member was absent: 40
- (b) The exemption from deduction for absence for 14 sitting days during any session shall be reckoned from the commencement of the session and allowed

accordingly, after which the prescribed deduction for absence shall be made from the instalment or instalments accruing due next after the occurrence of any such absence:

- 5 (c) No deduction for absence shall be made where the absence is certified by the Speaker of the House to be caused—
- (i) By illness; or
- (ii) By any other cause certified by the Speaker
- 10 of the House to be unavoidable:
- (d) No deduction for the absence of the member shall be made where the absence is caused by the member's attendance at any conference, meeting, or ceremony, or the member's travelling on any mission or
- 15 business, as a representative of Parliament or with the authority of the House of Representatives:
- (e) In this section the expression "sitting day" means a day on which the House of Representatives is appointed to sit for the transaction of business during
- 20 any session.

Cf. 1950, No. 99, s. 23

21. Limits on allowance payable to members travelling within New Zealand on public business—Where the Higher Salaries Commission determines that travelling allowances

25 and travelling expenses are payable to any member of Parliament who travels within New Zealand on public service at the request of any Minister of the Crown,—

- (a) The rate of any travelling allowance so determined shall not exceed the rate of travelling allowance
- 30 for the time being payable to members of the Executive Council; and
- (b) No provision shall be made under this section for payment in respect of travelling undertaken by a member wholly within the member's own electorate.

35 Cf. 1950 No. 99, s. 26; 1977, No. 110, s. 33 (1)

PART IV

MISCELLANEOUS PROVISIONS

22. Annuity for former Prime Minister and spouse of former Prime Minister—(1) Where a person has held the

40 office of Prime Minister for a period or periods amounting in all to not less than 2 years, whether before or after the

commencement of this section, there shall, subject to subsection (2) of this section and to section 4 (5) of this Act, be paid—

(a) To that person, until he dies, an annuity at a rate to be fixed from time to time by the Higher Salaries Commission: 5

(b) To the widow or widower of that person (including the widow of any such person who has died before the commencement of this Act), until that widow or widower dies or remarries, an annuity at a rate to be fixed from time to time by the Higher Salaries Commission. 10

(2) No annuity shall be paid to any person under subsection (1) of this section in respect of any period during which that person holds an office for which a salary (other than the salary of a member of Parliament) is payable under this Act. 15

(3) Every determination under this section shall come into force on a day to be specified in the determination, whether on or before or after the date of the determination. 20

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

Cf. 1950, No. 99, s. 7A (1), (3); 1973, No. 120, s. 2 (1)

23. Payments to spouse or dependent children of member of Parliament dying in office—(1) Where a member of Parliament dies, the following provisions shall apply— 25

(a) If the member leaves a wife or husband, there shall be paid to the surviving wife or husband as income a sum of money equivalent to that which would have been paid to the member if a salary, at the rate payable as at the date of death to a member of Parliament, had been payable to the member in respect of the period of 3 months commencing on the day after the date of death: 30 35

(b) If the member does not leave a wife or husband but leaves one or more dependent children, there shall be payable to that child or those children (and if more than one in equal shares) as income a sum of money equal to the sum mentioned in paragraph (a) of this subsection. 40

(2) Any sum of money payable pursuant to paragraph (a) or paragraph (b) of subsection (1) of this section shall be paid out of the Consolidated Account without further appropriation than this section.

5 (3) In any case where a sum of money is payable under this section to any person who is a minor, that sum may by direction of the Prime Minister be paid to—

(a) That person; or

10 (b) Any guardian of, or any person caring for, that person to be applied for the maintenance, education, advancement, or benefit of that person.

(4) The receipt of any person or guardian to whom payment is so made shall be a sufficient discharge therefor.

15 (5) For the purposes of this section the dependent children of a deceased member comprise such of the children of the member as the member had a legal duty to support in whole or in part at the time of the death of the member.

Cf. 1950, No. 99, s. 27B; 1975, No. 131, s. 2

24. Payment of salaries, annuities, and allowances—

20 (1) Every salary, annuity, or allowance payable pursuant to any provision of this Act shall, subject to subsections (2) to (4) of this section, be paid by equal monthly instalments on the last day of each month.

25 (2) The Governor-General may from time to time by Order in Council, direct that any salary, annuity, or allowance payable pursuant to any provision of this Act shall be paid by equal periodic instalments at the end of such other period (being a period of less than 1 month) as may be specified in the order; and every such order shall have effect
30 according to its tenor.

(3) A proportionate payment is to be made for any fraction of—

(a) A month; or

35 (b) Any other period prescribed pursuant to subsection (2) of this section.

(4) Nothing in subsections (1) to (3) of this section shall apply in respect of—

(a) Any payment made pursuant to section 3 (4) or section 23 of this Act; or

40 (b) Any allowance (such as a setting-up allowance) which is of such a nature as to require it to be paid in a lump sum.

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

25. Appropriation of money for benefits and privileges—

(1) The appropriation by Parliament of money for the purpose of providing benefits or privileges of a specified kind for—

- (a) The Governor-General or a former Governor-General; 5
or
- (b) The Prime Minister or a former Prime Minister; or
- (c) Other Ministers of the Crown; or
- (d) Parliamentary Under-Secretaries; or
- (e) Members or former members of Parliament; or 10
- (f) Members of the families (including a wife, husband, widow, widower, or issue) of any of the persons specified in paragraphs (a), (b), (c), (d), or (e) of this subsection,—

shall be sufficient authority for the grant of such benefits or 15
privileges, and where money is so appropriated it shall not be necessary as a condition for the lawful expenditure of any money so appropriated that the appropriation be implemented by any statutory authority other than this section.

(2) Nothing in this section shall authorise the payment of 20
any money to any member of Parliament or to any member of the family of any member of Parliament.

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

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

Cf. 1950, No. 99, s. 28; 1977, No. 17, s. 3

26. Repeals, revocations, and savings—(1) The enactments specified in the First Schedule to this Act are hereby repealed.

(2) The Orders in Council specified in the Second Schedule to this Act are hereby revoked. 35

(3) Notwithstanding the revocations effected by subsection (2) of this section, the annuities in respect of which the Higher Salaries Commission may make determinations under section 22 of this Act shall, until the rates at which those annuities are payable are superseded by a determination 40
of the Commission, continue to be payable at the rates applicable at the commencement of this Act under clause 18B of the Parliamentary Pay and Allowances Order 1970 (as inserted by clause 5 of the Parliamentary Pay and Allowances Order 1970, Amendment No. 3). 45

SCHEDULES

FIRST SCHEDULE

Section 26 (1)

ENACTMENTS REPEALED

- 1950, No. 99—The Civil List Act 1950. (Reprinted 1979, R.S. Vol. 1, p. 489.)
- 1954, No. 27—The Civil List Amendment Act 1954. (Reprinted 1979, R.S. Vol. 1, p. 505.)
- 1957, No. 5—The Civil List Amendment Act 1957. (Reprinted 1979, R.S. Vol. 1, p. 505.)
- 1972, No. 50—The Civil List Amendment Act 1972. (Reprinted 1979, R.S. Vol. 1, p. 506.)
- 1973, No. 120—The Civil List Amendment Act 1973. (Reprinted 1979, R.S. Vol. 1, p. 506.)
- 1975, No. 131—The Civil List Amendment Act 1975. (Reprinted 1979, R.S. Vol. 1, p. 507.)
- 1977, No. 17—The Civil List Amendment Act 1977. (Reprinted 1979, R.S. Vol. 1, p. 507.)
- 1977, No. 110—The Higher Salaries Commission Act 1977: So much of the Fifth Schedule as relates to the Civil List Act 1950.

SECOND SCHEDULE

Section 26 (2)

ORDERS IN COUNCIL REVOKED

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