

**Reprint
as at 24 September 2017**



**Members of Parliament (Accommodation Services for
Members and Travel Services for Family Members and
Former Prime Ministers) Amendment Determination
2017**

(LI 2017/117)

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017: revoked, on 24 September 2017, by clause 56(b) of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2017 (LI 2017/263).

Pursuant to section 17 of the Members of Parliament (Remuneration and Services) Act 2013 and to the Remuneration Authority Act 1977, the Remuneration Authority, after complying with section 18 of the Members of Parliament (Remuneration and Services) Act 2013, makes the following determination (to which is appended an explanatory memorandum).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

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Determination

1 Title

This determination is the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017.

2 Commencement

- (1) Clauses 4 to 6 come into force on 24 September 2017.
- (2) The rest of this determination comes into force on 9 June 2017.

3 Principal determination

This determination amends the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Determination 2014 (the **principal determination**).

4 New clauses 14A to 14D and cross-heading inserted

In Part 2, after the subpart 1 heading, insert:

Prime Minister

14A Continuous accommodation: Prime Minister's residence (Premier House)

- (1) This clause applies to the Prime Minister, whether or not the Prime Minister's home base is within the Wellington commuting area.
- (2) The Prime Minister is entitled to be provided with the official residence in Wellington known as Premier House—Te Whare Piriāia.
- (3) If the Prime Minister takes up residence in Premier House, the actual and reasonable costs of moving to and from Premier House and either (but not both) of the following residences will be met:
 - (a) the Prime Minister's home base:
 - (b) an alternative Wellington residence.
- (4) Premier House is to be provided with the services specified in the Schedule. This subclause does not apply to any other accommodation.

- (5) The Prime Minister must vacate Premier House not later than 14 days after the date on which he or she ceases to hold the office of Prime Minister.

14B Continuous accommodation: accommodation payment for Prime Minister not taking up official residence

- (1) This clause applies if the Prime Minister's home base is outside the Wellington commuting area and the Prime Minister does not take up residence in Premier House.
- (2) If this clause applies, the Prime Minister may elect to receive an accommodation payment in respect of Wellington accommodation.
- (3) The amount of the accommodation payment is \$41,000 per year.

14C Non-continuous accommodation: reimbursement of costs where Prime Minister stays in hotel

- (1) This clause applies if the Prime Minister's home base is outside the Wellington commuting area and the Prime Minister does not take up residence in Premier House, and the Prime Minister elects not to use continuous accommodation.
- (2) If this clause applies, the Prime Minister is entitled to claim reimbursement of actual and reasonable expenses of hotel accommodation in the Wellington commuting area.
- (3) The maximum amounts that may be claimed under subclause (2) are—
- (a) \$240 in respect of a single night's accommodation;
 - (b) \$41,000 per year.
- (4) In subclause (2), **actual and reasonable expenses** excludes charges for all meals, laundry, use of a minibar, or parking at the accommodation.

14D Limit on total amount of accommodation payments and hotel costs payable in respect of Prime Minister

The maximum cumulative amount that the Prime Minister may be paid by way of accommodation payments under clause 14B and reimbursement of hotel costs under clause 14C is \$41,000 per year.

5 Clause 20 amended (Purpose and basis of providing accommodation services to Ministers)

In clause 20(1), after "ministerial business by", insert "the Prime Minister and".

6 Clause 21 amended (Application)

Replace clause 21(1) with:

- (1) Clauses 22 to 25 apply—
- (a) only to Ministers other than the Prime Minister; and

- (b) only if the Minister's home base is outside the Wellington commuting area.

7 New clause 37A inserted (Ministers' accommodation when hosting Guest of Government)

After clause 37, insert:

37A Ministers' accommodation when hosting Guest of Government

- (1) This clause applies when a Minister incurs expenses in respect of accommodation outside the Wellington commuting area in connection with the function of hosting an official guest who has been granted full Guest of Government status by the Prime Minister.
- (2) The Minister may be paid the actual and reasonable expenses of the accommodation paid, and the maximum amounts specified in clause 37(2) do not apply.
- (3) In this clause, **actual and reasonable expenses** has the same meaning as in clause 37(4).

Dated at Wellington this 30th day of May 2017.

Fran Wilde,
Chairperson.

Geoff Summers,
Member.

Len Cook,
Member.

Explanatory memorandum

This memorandum is not part of the determination, but is intended to indicate its general effect.

This determination makes changes to the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Determination 2014 (the **principal determination**) in 2 areas. The clauses of the determination that relate to accommodation services for the Prime Minister

come into force on 24 September 2017, and the remainder of the provisions come into force on 9 June 2017.

Accommodation services for Prime Minister

Clause 4 inserts *new clauses 14A to 14D* into the principal determination. Those new clauses set out the accommodation services entitlements of the Prime Minister. There is no provision in the current principal determination that enables a Wellington-based member of Parliament who becomes Prime Minister to reside at Premier House. It is our view that all Prime Ministers should be able to reside at Premier House, irrespective of the location of their home base, as it is the recognised official residence of the New Zealand Prime Minister. It is also a more cost-effective option than other alternatives.

Clause 5 is a consequential amendment and *clause 6* amends *clause 21* of the principal determination to exclude the Prime Minister from the group of Ministers to whom *clauses 22 to 25* of the principal determination apply. The only substantive difference between the provisions that set out the entitlements of the Prime Minister and those that set out the entitlements of other Ministers is that the Prime Minister is entitled to take up residence in Premier House even if the Prime Minister's home base is in Wellington.

Expenses related to official Guests of Government

Clause 7 inserts *new clause 37A* into the principal determination to address circumstances in which a Minister travels and incurs expenses as a result of hosting a guest who has been granted full Guest of Government status by the Prime Minister. This is because official Guests of Government are high-ranking visitors hosted officially by the New Zealand Government and the quality of their accommodation is often beyond the ceiling placed on normal ministerial accommodation. A Guest of Government is usually accompanied by a Minister, and it is essential that the Minister concerned is able to stay at the same accommodation. A Minister's actual and reasonable accommodation expenses associated with the hosting of a Guest of Government are covered by Vote Internal Affairs: Members of the Executive - travel appropriation.

The Authority is satisfied that—

- there are particular and special reasons that justify amending the principal determination to provide for these changes; and
- the changes do not provide an additional personal benefit, or potential personal benefit, to members.

Reprints notes

1 *General*

This is a reprint of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 that incorporates all the amendments to that determination as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2017 (LI 2017/263): clause 56(b)