

**Reprint  
as at 24 September 2017**



**Members of Parliament (Accommodation Services for  
Members and Travel Services for Family Members and  
Former Prime Ministers) Determination 2014**

(LI 2014/287)

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Determination 2014: revoked, on 24 September 2017, by clause 56(a) of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2017 (LI 2017/263).

Pursuant to sections 17 and 44 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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## Determination

### 1 Title

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

### 2 Commencement

This determination comes into force on 21 September 2014.

## **Part 1**

### **Preliminary matters**

#### **3 Where this determination fits into scheme of things**

- (1) This determination is made under sections 17 and 44 of the Members of Parliament (Remuneration and Services) Act 2013.
- (2) Section 17 of the Act provides for accommodation services within New Zealand for members of Parliament, qualifying electoral candidates, and Ministers, and their family members.
- (3) Section 44 of the Act provides for travel services for former Prime Ministers and their spouses or partners.
- (4) This determination does not provide for the following services:
  - (a) travel services, administrative and support services, and communications services for members of Parliament and qualifying electoral candidates (*see* section 23(1) of the Act):
  - (b) travel services in respect of members of Parliament participating in the political exchange programme (*see* section 23(1)(f) of the Act):
  - (c) international travel and accommodation services in respect of members of Parliament travelling for parliamentary purposes (*see* section 23(3) of the Act):
  - (d) travel services within New Zealand for Ministers that are additional or alternative to travel services referred to in paragraphs (a) to (c) (*see* section 27 of the Act):
  - (e) travel and accommodation services in respect of members of Parliament participating in the official inter-parliamentary relations programme (*see* section 34 of the Act).

#### **4 Overview**

- (1) This determination comprises 5 Parts.
- (2) This Part contains—
  - (a) principles that underpin this determination and indicate the spirit in which it should be interpreted and applied; and
  - (b) definitions used in the determination; and
  - (c) separate clauses defining home base, parliamentary business, and year; and
  - (d) a provision that prorates a service if eligibility to the service changes during a year; and
  - (e) a provision that includes goods and services tax and card use charges in any amounts specified in this determination; and

- (f) a provision about the resolution or determination of issues relating to the interpretation, application, or operation of this determination; and
  - (g) a provision about which organisations are responsible for administering different provisions of this determination.
- (3) Part 2 provides for accommodation services in Wellington (subpart 1), accommodation services outside Wellington (subpart 2), and an increase in non-Wellington accommodation expense payments in certain circumstances (subpart 3).
  - (4) Part 3 provides for travel services for family members of members of Parliament and qualifying electoral candidates.
  - (5) Part 4 provides for travel services for former Prime Ministers and their spouses or partners.
  - (6) Part 5 contains miscellaneous provisions relating to administrative matters.
  - (7) This clause—
    - (a) is only a guide to the general scheme of this determination; and
    - (b) does not limit or affect the other clauses of this determination.

## **5 Principles**

- (1) This clause sets out the principles—
  - (a) that underpin this determination; and
  - (b) that indicate the spirit in which this determination should be interpreted and applied.

### *Ministers and members of Parliament*

- (2) The services set out in this determination in relation to Ministers and members of Parliament are intended to support Ministers and members of Parliament in performing their role and functions.
- (3) Ministers and members of Parliament should not personally have to meet work-related expenses.
- (4) Any personal benefits to Ministers and members of Parliament should be kept to a minimum.
- (5) Ministers and members of Parliament are personally responsible for the use of services, even where expenses are incurred on their behalf under delegated authority.
- (6) Ministers and members of Parliament must satisfy themselves that the expenses under this determination—
  - (a) represent value for money; and
  - (b) are incurred having regard to efficiency and effectiveness.
- (7) Ministers and members of Parliament must be open and transparent in using the services under this determination and, to this end, should keep proper docu-

mentation to facilitate sound administration and to enable any scrutiny required.

*Qualifying electoral candidates*

- (8) The principles set out in subclauses (2) to (7) apply, with any necessary modifications, in relation to the services provided in this determination for qualifying electoral candidates.

*Former Prime Ministers and spouses or partners*

- (9) The principles set out in subclauses (2) to (7) also apply, with any necessary modifications, in relation to the services provided in this determination for former Prime Ministers and their spouses or partners.

## **6 Interpretation**

- (1) In this determination, unless the context otherwise requires,—

**Act** means the Members of Parliament (Remuneration and Services) Act 2013

**Deputy Speaker** has the same meaning as in section 3 of the Parliamentary Service Act 2000

**former Prime Minister** means a Prime Minister who—

- (a) holds office on or after the commencement of this determination; and
- (b) ceases to hold office after the commencement of this determination

**House** means the House of Representatives

**Leader of the Opposition** means the Leader of the largest party in terms of its parliamentary membership that is not in Government or coalition with a Government party and who is recognised as Leader of the Opposition in accordance with the Standing Orders of the House

**Minister** includes a Parliamentary Under-Secretary

**ministerial business** includes the performance or exercise of the role, functions, or powers of a Minister as set out in the Cabinet Manual, especially in paragraphs 2.21 and 2.22

**official function** means any function to which a member of Parliament may have been invited by reason of his or her status as a member of Parliament

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

**private business purposes**—

- (a) 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; but
- (b) in relation to a former Prime Minister, does not include the purpose of supporting charitable trusts, community organisations, or business organisations by travelling to speak to them

**scheduled**, in relation to ferry services, includes carriage of a motor vehicle on vehicular ferries

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

**Wellington commuting area** means the cities of Wellington, Lower Hutt, Upper Hutt, and Porirua.

- (2) In this determination, unless the context otherwise requires, terms that are not defined in this determination but that are defined in the Act (for example, **accommodation services**, **dependent child**, **family member**, **partner**, **polling day**, and **qualifying electoral candidate**) have the same meaning as in the Act.

#### 7 **Meaning of home base**

- (1) This clause defines a member of Parliament's home base.
- (2) If the member of Parliament is the Speaker, the Deputy Speaker, a Minister, or the Leader of the Opposition, the member's **home base** is the place he or she maintains, and in which he or she would normally live, if not required to spend continuous periods in Wellington on parliamentary business.
- (3) A member of Parliament's **home base** is Wellington if—
- (a) the member's constituency is predominantly within the Wellington commuting area; or
  - (b) the member lives permanently in the Wellington commuting area.
- (4) The **home base** of any other member of Parliament is the place where the member normally lives when not engaged on parliamentary business in Wellington.

#### 8 **Meaning of parliamentary business**

- (1) This clause defines parliamentary business.
- (2) A member of Parliament is on **parliamentary business** if the member undertakes any task or function—
- (a) that he or she could reasonably be expected to carry out in his or her capacity as a member of Parliament; and
  - (b) that complements the business of the House.
- (3) Without limiting subclause (1), a member of Parliament is on **parliamentary business** if the member—
- (a) attends a sitting of the House; or
  - (b) attends a meeting of a select committee of the House of which the member is a member, or that the member is required to attend because of being in charge of a Bill or other matter under consideration by the committee, or because of any other valid reason relating to the business of the committee; or



- (c) undertakes research or administrative functions that relate directly to the business of the House; or
  - (d) attends meetings or communicates by other means for the purpose of representing electors, explaining the application of policy, or receiving representations; or
  - (e) attends caucus meetings that are expressly for the purpose of enhancing the parliamentary process; or
  - (f) attends meetings of his or her party; or
  - (g) attends any ceremony or official function or national conference as a representative of Parliament or with the authority of the House.
- (4) A qualifying electoral candidate is to be treated as being on **parliamentary business** if he or she—
- (a) participates in processes related to the formation of a Government; or
  - (b) participates in party meetings relating to post-election strategies, internal policies and procedures, and the selection of office holders or positions; or
  - (c) commences or continues representation of constituencies and other parliamentary duties, including meeting with constituents; or
  - (d) participates in preparing, critiquing, informing, and providing communications material on policies, views, activities, and services to the media, constituents, other communities of interest, and the general public; or
  - (e) initiates and participates in the ongoing administrative support arrangements at Parliament and elsewhere in New Zealand (for example, the selection of support staff and the establishment of out-of-Parliament offices); or
  - (f) undertakes administrative responsibilities relating to services and funding entitlements; or
  - (g) attends official functions, conferences, engagements, and ceremonies in his or her capacity as a candidate for election.
- (5) A task or function is not to be treated as **parliamentary business** if undertaken for—
- (a) personal or private benefit; or
  - (b) a purpose directly related to the administration or management of a political party; or
  - (c) electioneering purposes; or
  - (d) personal purposes.

## **9 Meaning of year**

- (1) This clause defines a year.

- (2) A **year** means the period beginning on 1 July and ending on 30 June in the following year.
- (3) However, if a general election occurs during that period, the following are to be treated as if they were a year:
  - (a) the period beginning on 1 July and ending on the date of the general election;
  - (b) the period beginning on the day after the date of the general election and ending on the day that is the next 30 June.
- (4) If a service is to be provided under this determination in relation to a year, the service is to be provided in relation to a period described in subclause (3) in proportion to the period.
- (5) If prorating a service under subclause (4) produces less than a whole number, the number is to be rounded up to the next whole number.

#### **10 Changes in circumstances during year affecting eligibility for services**

- (1) Subclause (2) applies if a person is to be provided under this determination with a service that is expressed in relation to a year and, during a year, there is a change in the person's circumstances that affects the person's eligibility for the service.
- (2) The person may receive the service in proportion to the period for which he or she was eligible for the service.

#### **11 Continuation of accommodation payment in certain circumstances**

- (1) This clause applies to a person if the person—
  - (a) is the Speaker, the Deputy Speaker, a Minister, or a member of Parliament; and
  - (b) is occupying leased premises in respect of which the person receives an accommodation payment under Part 2; and
  - (c) ceases to hold office as the Speaker, the Deputy Speaker, a Minister, or a member of Parliament, as the case may be, at any time other than on polling day at a general election.
- (2) The person may continue to receive the accommodation payment for the shorter of the following periods:
  - (a) the period of 3 months beginning on the day after the date of ceasing to hold office;
  - (b) the period of notice required under the lease to determine the lease.
- (3) To avoid doubt, while a person continues to receive an accommodation payment under Part 2, the member may not receive any other payment under that Part in respect of accommodation.

## **12 GST and card charges**

In this determination, reference to an amount of money or to costs is to be treated as—

- (a) including any goods and services tax; but
- (b) not including any charge for using a credit card or purchase card.

Clause 12: replaced, on 1 December 2016, by clause 4 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2016 (LI 2016/264).

## **13 Resolution or determination of issues**

### *Parts 2 and 3*

- (1) If an issue arises about the interpretation, application, or operation of Part 2 or 3, the issue is to be resolved—
  - (a) in accordance with the procedures prescribed by the Remuneration Authority under section 21(1) of the Act; and
  - (b) if the issue is not resolved under those procedures, by the Remuneration Authority under section 21(3) of the Act.

### *Part 4*

- (2) If an issue arises about the interpretation, application, or operation of Part 4, section 44(3) of the Act provides that the issue is to be determined by the Remuneration Authority.

## **14 Administration of determination**

The provisions of this determination are administered as follows:

- (a) the provisions of Parts 2 and 3 are to be administered in accordance with section 7 of the Parliamentary Service Act 2000; and
- (b) the provisions of Part 4 are to be administered by the Department of Internal Affairs.

## **Part 2**

### **Accommodation services**

#### **Subpart 1—Accommodation services in Wellington**

##### *Prime Minister*

Heading: inserted, on 24 September 2017, by clause 4 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

## **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 Pirimia.
- (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.

Clause 14A: inserted, on 24 September 2017, by clause 4 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

#### **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.

Clause 14B: inserted, on 24 September 2017, by clause 4 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

#### **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.

Clause 14C: inserted, on 24 September 2017, by clause 4 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

**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.

Clause 14D: inserted, on 24 September 2017, by clause 4 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

*Speaker and Deputy Speaker*

**15 Continuous accommodation: Speaker's residence**

- (1) This clause and clauses 16 to 18 apply if the home base of the Speaker is outside the Wellington commuting area.
- (2) If this clause applies, the Speaker is entitled to be provided with an official residence in Wellington.
- (3) The Speaker must vacate the official residence not later than 5 working days after the day he or she vacates the office of Speaker, if that happens at any time other than on polling day at a general election.
- (4) However, if the person who holds the office of Speaker on polling day at a general election vacates office before the first meeting of the House after polling day, he or she must vacate the official residence not later than 5 working days after the date on which he or she vacates office or the day before the first meeting of the House, whichever is the earlier.
- (5) In this clause and clause 16, **official residence**—
  - (a) means a residence owned by the Crown, or owned or rented by the Parliamentary Corporation (within the meaning of the Parliamentary Service Act 2000) for the Speaker to reside in; and
  - (b) may be a house, an apartment, or a town house.

**16 Continuous accommodation: accommodation payment for Speaker not taking up official residence or staying in hotel**

- (1) If the Speaker does not occupy an official residence, he or she may elect to receive an accommodation payment in respect of Wellington accommodation.
- (2) The amount of the accommodation payment is \$41,000 per year.
- (3) Subject to clause 11, the accommodation payment is payable until the Speaker vacates the office of Speaker.

**17 Non-continuous accommodation: payment of costs where Speaker uses hotel as Wellington accommodation**

- (1) If the Speaker does not occupy an official residence and elects not to use continuous accommodation, he or she is entitled to claim reimbursement of actual and reasonable expenses of hotel accommodation in the Wellington commuting area.
- (2) The maximum amounts that may be claimed under subclause (1) are—
  - (a) \$240 in respect of a single night's accommodation;
  - (b) \$41,000 per year.
- (3) In subclause (1), **actual and reasonable expenses** excludes charges for all meals, laundry, use of a minibar, or parking at the accommodation.

**18 Limit on total amount of accommodation payments and hotel costs payable in respect of Speaker**

In respect of the Speaker, the maximum cumulative amount payable by way of accommodation payments under clause 16 and hotel expenses under clause 17 is \$41,000 per year.

**19 Deputy Speaker's residence or other accommodation**

Clauses 15 to 18 also apply to the Deputy Speaker and, for that purpose, those clauses are to be read as if references to the Speaker were references to the Deputy Speaker.

*Ministers*

**20 Purpose and basis of providing accommodation services to Ministers**

- (1) Ministers have additional functions that require them to spend significantly more time in Wellington than ordinary members of Parliament. The provision of an official residence, an accommodation payment, or a reimbursement arrangement is intended to facilitate the conduct of ministerial business by the Prime Minister and those Ministers whose home base is outside the Wellington commuting area.
- (2) Accommodation payments made under this subpart are based on estimated market rentals for suitable properties in central Wellington with a contribution to, but not full reimbursement of, other property-related expenses such as utilities, cleaning, and gardening services.

Clause 20(1): amended, on 24 September 2017, by clause 5 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

**21 Application**

- (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.
- (2) Clauses 22 to 25 do not apply to Parliamentary Under-Secretaries.  
Clause 21(1): replaced, on 24 September 2017, by clause 6 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

**22 Continuous accommodation: official residence**

- (1) The Minister Responsible for Ministerial Services may, in his or her discretion, allocate an official residence to a Minister.
- (2) If a Minister takes up an official residence, the actual and reasonable costs of moving to and from the official residence and either (but not both) of the following residences will be met:
  - (a) the Minister's home base:
  - (b) an alternative Wellington residence.
- (3) All official residences are to be provided with the services specified in the Schedule. This subclause does not apply to any other accommodation.
- (4) A Minister must vacate his or her official residence not later than 14 days after the day on which he or she ceases to hold office as a Minister.

**23 Continuous accommodation: accommodation payment for Minister not allocated official residence**

- (1) A Minister who is not occupying an official residence may elect to receive an accommodation payment.
- (2) The maximum amount of the accommodation payment is \$41,000 per year.

**24 Non-continuous accommodation: reimbursement of costs where Minister stays in hotel**

- (1) A Minister who does not occupy an official residence and who does not elect to use continuous accommodation is entitled to claim reimbursement of actual and reasonable expenses of hotel accommodation in the Wellington commuting area.
- (2) The maximum amounts that may be claimed under subclause (1) are—
  - (a) \$240 in respect of a single night's accommodation:
  - (b) \$41,000 per year.
- (3) In subclause (1), **actual and reasonable expenses** excludes charges for all meals, laundry, use of a minibar, or parking at the accommodation.

**25 Limit on total amount by way of accommodation payments and reimbursement of hotel costs**

The maximum cumulative amount that a Minister may be paid by way of accommodation payments under clause 23 and reimbursement of hotel costs under clause 24 is \$41,000 per year.

**26 Security**

*[Revoked]*

Clause 26: revoked, on 1 December 2016, by clause 6 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2016 (LI 2016/264).

*Members***27 Meaning of Wellington accommodation**

In clauses 28 to 31, unless the context otherwise requires, **Wellington accommodation** means the accommodation of a member of Parliament within the Wellington commuting area when engaged on parliamentary business in Wellington.

**28 Basis of providing Wellington accommodation services for members**

Accommodation payments made under this subpart are based on estimated market rentals for suitable properties in central Wellington with a contribution to, but not full reimbursement of, other property-related expenses such as utilities, cleaning, and gardening services.

**29 Wellington accommodation payment: general**

- (1) Clauses 30 and 31 apply in respect of a member of Parliament's Wellington accommodation expenses if—
  - (a) the member's home base is outside the Wellington commuting area; and
  - (b) the member is not provided with a residence at the public cost.
- (2) The maximum amount that may be paid to a member under clauses 30 and 31 is \$28,000 per year.

**30 Wellington accommodation payment: non-continuous accommodation**

- (1) If a member of Parliament elects to use non-continuous accommodation in Wellington, the Wellington accommodation payment for the member is the member's actual and reasonable expenses of accommodation to the maximum for any 1 night of—
  - (a) \$190, if the accommodation is in commercial premises; or
  - (b) \$60, in the case of other premises.
- (2) In subclause (1), **actual and reasonable expenses** excludes charges for all meals, laundry, use of a minibar, or parking at the accommodation.



**31 Wellington accommodation payment: continuous accommodation**

- (1) If a member of Parliament elects to use continuous accommodation in Wellington, a Wellington accommodation payment is payable to the member.
- (2) The amount of the Wellington accommodation payment is \$28,000 per year.

*Shared accommodation*

**32 Limit on accommodation payment where member shares accommodation**

- (1) If a member of Parliament lives in the same accommodation with 1 or more other persons, the maximum amount of the accommodation payment that may be paid to the member in respect of the accommodation is as follows:
  - (a) if the member shares the same accommodation with 1 other person, 70% of the member's accommodation that would be payable if the member were not sharing the accommodation:
  - (b) if the member shares the same accommodation with 2 other persons, 60% of the member's accommodation that would be payable if the member were not sharing the accommodation:
  - (c) if the member shares the same accommodation with 3 or more other persons, 55% of the member's accommodation that would be payable if the member were not sharing the accommodation.
- (2) To avoid doubt, if a member is a Minister, references in subclause (1) to a member's accommodation payment are to be treated as references to the Minister's accommodation in his or her capacity as a Minister.
- (3) For the purposes of subclause (1), **other person**—
  - (a) includes a person whether or not a member of Parliament; but
  - (b) does not include a family member of the member of Parliament.

*Qualifying electoral candidates*

**33 Purpose and basis of providing accommodation services for qualifying electoral candidates**

Members of Parliament cease to hold office at the close of polling day. However, it is recognised that members who vacate office at the close of polling day and are seeking re-election, and other candidates who appear to have been elected on the basis of election-night results, need to be supported after the election. The provision of services between polling day and the official election results enables those candidates to participate in processes related to the formation of a Government and the making of arrangements at Parliament, commence representation of their constituencies and other parliamentary duties, and, where applicable, participate in parliamentary induction after the election. The position is similar if there is a by-election.

**34 Wellington accommodation**

- (1) Subclause (2) applies to qualifying electoral candidates described in item 1 or 2 of Schedule 1 of the Act.
- (2) Clauses 15 to 32 continue to apply to a qualifying electoral candidate as if the qualifying electoral candidate had continued to hold—
  - (a) office as a member of Parliament; and
  - (b) any of the offices referred to in clause 44(2), if the qualifying electoral candidate held any of those offices on polling day.
- (3) Subclause (4) applies to qualifying electoral candidates described in item 3, 4, or 5 of Schedule 1 of the Act.
- (4) Clauses 29 and 30 apply to a qualifying electoral candidate as if the qualifying electoral candidate had—
  - (a) held office as a member of Parliament on polling day; and
  - (b) continued to hold office as a member of Parliament after polling day.

Subpart 2—Accommodation services outside Wellington

*Speaker and Leader of Opposition*

**35 Non-Wellington accommodation expense payment for Speaker and Leader of Opposition**

- (1) This clause applies if the Speaker or the Leader of the Opposition, while on parliamentary business, incurs expenses in respect of accommodation outside the Wellington commuting area and those expenses are incurred in circumstances where—
  - (a) the Speaker or the Leader of the Opposition is at least 80 km from his or her home base; and
  - (b) the Speaker or the Leader of the Opposition could not reasonably be expected to travel to his or her home base by conventional methods or safely.
- (2) If this clause applies, the Speaker or the Leader of the Opposition may be paid the actual and reasonable expenses of the accommodation up to the following maximum amounts:
  - (a) \$290 per night, if the accommodation is in commercial premises in Auckland or Christchurch;
  - (b) \$260 per night, if the accommodation is in commercial premises not in Auckland or Christchurch;
  - (c) \$60 per night, in the case of other premises.
- (3) The Speaker or the Leader of the Opposition may also be paid the actual and reasonable expenses under this clause for the accommodation of 1 or more

family members accompanying him or her, but (to avoid doubt) the maximum amounts specified in subclause (2) apply to the aggregate of the accommodation expenses of the Speaker or the Leader of the Opposition and his or her family member or members.

- (4) In this clause, **actual and reasonable expenses**—
- (a) includes charges for breakfast and Internet services; but
  - (b) excludes charges for other meals, laundry, use of a minibar, or parking at the accommodation.

### *Ministers*

#### **36 Purpose and basis of providing accommodation to Ministers**

Ministers travel frequently outside Wellington, often accompanied by office staff or departmental officials. They require accommodation where they can hold meetings and attend to their normal ministerial work while travelling. The accommodation they require is accordingly more expensive than that required by members. These provisions apply also to the Speaker and the Leader of the Opposition whose circumstances are similar.

#### **37 Non-Wellington accommodation expense payment for Ministers**

- (1) This clause applies if a Minister, while on ministerial business, incurs expenses in respect of accommodation outside the Wellington commuting area and those expenses are incurred in circumstances where—
- (a) the Minister is at least 80 km from his or her home base; and
  - (b) the Minister could not reasonably be expected to travel to his or her home base by conventional methods or safely.
- (2) If this clause applies, the Minister may be paid the actual and reasonable expenses of the accommodation paid up to the following maximum amounts:
- (a) \$290 per night, if the accommodation is in commercial premises in Auckland or Christchurch;
  - (b) \$260 per night, if the accommodation is in commercial premises not in Auckland or Christchurch;
  - (c) \$60 per night, in the case of other premises.
- (3) A Minister may also be paid the actual and reasonable expenses under this clause for the accommodation of 1 or more family members accompanying the Minister, but (to avoid doubt) the maximum amounts specified in subclause (2) apply to the aggregate of the accommodation expenses of the Minister and his or her family member or members.
- (4) In this clause, **actual and reasonable expenses**—
- (a) includes charges for breakfast and Internet services; but

- (b) excludes charges for other meals, laundry, use of a minibar, or parking at the accommodation.

### **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).

Clause 37A: inserted, on 9 June 2017, by clause 7 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

#### *Spouse or partner of certain members*

### **38 Cost of evening meal for spouse or partner of certain members**

- (1) A member of Parliament who is a specified member may be paid for the expense of an evening meal up to a maximum of \$80 for his or her spouse or partner if—
  - (a) the member considers that it is necessary and appropriate for his or her spouse or partner to accompany him or her on ministerial business or parliamentary business to an official function or official event outside the Wellington commuting area; and
  - (b) this requires the spouse or partner to be away from the member's home base overnight; and
  - (c) an evening meal is not provided at the function or event.
- (2) This clause applies despite clauses 35(3) and (4)(b) and 37(3) and (4)(b).
- (3) In this clause, **specified person**—
  - (a) means the Speaker, a Minister, or the Leader of the Opposition; but
  - (b) does not include a Parliamentary Under-Secretary.

#### *Members*

### **39 Non-Wellington accommodation expense payment for members**

- (1) This clause applies if a member of Parliament, while on parliamentary business, incurs expenses in respect of accommodation outside the Wellington commuting area and those expenses are incurred in circumstances where—
  - (a) the member is at least 1 hour's travel or 80 km from his or her home base; or

- (b) the member could not reasonably be expected to travel to his or her home base by conventional methods or safely.
- (2) If this clause applies, the member may be paid the actual and reasonable expenses of the accommodation paid up to the following maximum amounts:
  - (a) \$210 per night, if the accommodation is in commercial premises in Auckland or Christchurch:
  - (b) \$190 per night, if the accommodation is in commercial premises not in Auckland or Christchurch:
  - (c) \$60 per night, in the case of other premises.
- (3) A member may also be paid the actual and reasonable expenses under this clause for the accommodation of 1 or more family members accompanying the member, but (to avoid doubt) the maximum amounts specified in subclause (2) apply to the aggregate of the accommodation expenses of the member and his or her family member or members.
- (4) In this clause, **actual and reasonable expenses**—
  - (a) includes charges for breakfast and Internet services; but
  - (b) excludes charges for other meals, laundry, use of a minibar, or parking at the accommodation.

### *Security*

Heading: inserted, on 1 December 2016, by clause 7 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2016 (LI 2016/264).

#### **40 Security system payments**

- (1) Any member of Parliament who has a security system installed at his or her home base may have the actual and reasonable costs associated with the security system paid up to the maximum of—
  - (a) \$2,500 for installing the system; and
  - (b) \$1,000 in any year for monitoring, call-outs, and repairs.
- (2) A member who is not a Minister may be provided additional security measures, at the member's request, at—
  - (a) the member's home base; and
  - (b) the continuous accommodation in Wellington used by the member.
- (3) A member who is a Minister must be provided additional security measures at all official residences, Wellington residences, and home bases.
- (4) Security measures provided under subclauses (2) and (3)—
  - (a) are in addition to the provision of security services under subclause (1); and

- (b) must be provided at the level recommended by an official risk and security assessment.

Clause 40: replaced, on 1 December 2016, by clause 7 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2016 (LI 2016/264).

### *Qualifying electoral candidates*

#### **41 Non-Wellington accommodation expense payment**

- (1) Subclause (2) applies to qualifying electoral candidates described in item 1 or 2 of Schedule 1 of the Act.
- (2) Clauses 39, 40, and 42 continue to apply to a qualifying electoral candidate as if the qualifying electoral candidate had continued to hold office as a member of Parliament.
- (3) Subclause (4) applies to a qualifying electoral candidate described in item 3, 4, or 5 of Schedule 1 of the Act.
- (4) Clauses 39 and 42 apply to a qualifying electoral candidate as if the qualifying electoral candidate had—
- (a) held office as a member of Parliament on polling day; and
  - (b) continued to hold office as a member of Parliament after polling day.

#### **Subpart 3—Increase in non-Wellington accommodation in certain circumstances**

#### **42 Increase in non-Wellington accommodation expense payment in certain circumstances**

- (1) This clause applies if—
- (a) the cost of accommodation outside Wellington has increased since the commencement of this determination; and
  - (b) the increase is attributable to—
    - (i) a shortage of suitable accommodation because of a cultural, sporting, or diplomatic event; or
    - (ii) a lack of suitable available accommodation in particular centres within the amounts specified in clause 35, 37, or 39; or
    - (iii) a premium payable for late booking if the late booking is due to unexpected engagements or to unexpected travel conditions, such as flight cancellations or weather conditions; or
    - (iv) the unavailability of accommodation, within the amounts specified in clause 35, 37, or 39, for a member or a member's family member if the member or family member has a disability.

- (2) If this clause applies, an accommodation payment in excess of the amounts specified in clause 35, 37, or 39 may be authorised.
- (3) An increase in the accommodation payment authorised under subclause (2)—
  - (a) may—
    - (i) not exceed \$90, in relation to clauses 35 and 37; and
    - (ii) not exceed \$70, in relation to clause 39; and
    - (iii) apply to 1 or more members of Parliament or 1 or more groups of members of Parliament; and
  - (b) must be specified to apply—
    - (i) on 1 or more occasions; or
    - (ii) during a period not exceeding 3 months.
- (4) The responsibility for granting an authorisation under this clause is to be determined in accordance with section 7 of the Parliamentary Service Act 2000.

### **Part 3**

#### **Travel services for family members of members of Parliament and qualifying electoral candidates**

##### *Travel services for family members of members of Parliament*

#### **43 Travel by family members**

- (1) A family member of a member of Parliament may travel—
  - (a) on scheduled air, rail, ferry, and non-urban bus services throughout New Zealand in accordance with this Part; and
  - (b) by taxi to connect with a travel service specified in paragraph (a).
- (2) The purpose of the travel must be—
  - (a) to accompany the member of Parliament on a trip the member is taking—
    - (i) on parliamentary business:
    - (ii) on ministerial business, if the member is a Minister and travelling in that capacity; or
  - (b) to join the member of Parliament at a destination of the trip the member is taking—
    - (i) on parliamentary business:
    - (ii) on ministerial business, if the member is a Minister and travelling in that capacity.
- (3) The purpose of the travel must not be for private business purposes or for personal purposes.

- (4) If a family member is travelling to join a member, the family member must—
  - (a) arrive no sooner than 24 hours before the member's scheduled arrival; and
  - (b) depart no later than 24 hours after the member's departure.
- (5) To avoid doubt, in this clause and clause 44(5), **destination** includes—
  - (a) Wellington;
  - (b) a place in New Zealand that is the departure point for a member's international travel, if the international travel is otherwise provided for under the Act.
- (6) A member claiming for travel services under this clause must certify in writing that the travel in respect of which the claim is made complies with the requirements of this clause.
- (7) Subclause (6) is in addition to, and not in place of, the requirements of clause 57.

#### 44 Limits on number of trips by family members

- (1) Travel under clause 43 is subject to the limits set out in this clause.
- (2) In the case of a family member of a member of Parliament who is not a specified member, the limits are as follows:
  - (a) not more than 20 one-way trips in a year by the member's spouse or partner;
  - (b) not more than 8 one-way trips in a year by a member's child if the child is 5 years or older, but not older than 17 years.
- (3) In the case of a family member of a member of Parliament who is a specified member, the limits are as follows:
  - (a) not more than 30 one-way trips in a year by the member's spouse or partner;
  - (b) not more than 8 one-way trips in a year by a member's child if the child is 5 years or older, but not older than 17 years.
- (4) There are no limits on the number of one-way trips—
  - (a) the spouse or partner of the Prime Minister may take under clause 43; or
  - (b) a child who is under 5 years old may take under clause 43.
- (5) In this clause,—

**child** means a child, stepchild, or dependent child within the meaning of paragraphs (b) and (c) of the definition of family member in section 5 of the Act

**one-way trip** means a trip by the most appropriate route by a family member between—

  - (a) the home base of the member; and



(b) the destination of a trip by the member

**specified member—**

(a) means the Speaker, the Deputy Speaker, a Minister, or the Leader of the Opposition; but

(b) does not include a Parliamentary Under-Secretary.

#### **45 Chauffeur-driven cars**

(1) The spouse or partner of a member of Parliament referred to in subclause (2) may, at the member's discretion, travel at any time for any purpose related to the member's parliamentary or ministerial business—

(a) by VIP Transport Service chauffeur-driven car; or

(b) by any other chauffeur-driven car or taxi arranged by VIP Transport Service.

(2) The members are—

(a) the Speaker:

(b) the Deputy Speaker:

(c) a Minister:

(d) the Leader of the Opposition:

(e) the leader (including a co-leader) of a party that is not in Government or in coalition with a Government party, if the party has 25 or more parliamentary members.

#### *Travel services for family members of qualifying electoral candidates*

#### **46 Travel by family members of qualifying electoral candidates**

(1) Subclause (2) applies in relation to family members of a qualifying electoral candidate described in item 1 or 2 of Schedule 1 of the Act.

(2) Clauses 43 to 45 continue to apply in relation to a family member as if the qualifying electoral candidate had continued to hold—

(a) office as member of Parliament; and

(b) any of the offices referred to in clause 45(2), if the qualifying electoral candidate held any of those offices on polling day.

(3) Subclause (4) applies in relation to family members of qualifying electoral candidates described in item 3, 4, or 5 of Schedule 1 of the Act.

(4) Clauses 43 and 44 apply in relation to a family member as if the qualifying electoral candidate had—

(a) held office as a member of Parliament on polling day; and

(b) continued to hold office as a member of Parliament after polling day.

## **Part 4**

### **Travel services for former Prime Ministers and spouses or partners of former Prime Ministers**

*[Revoked]*

Part 4: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

#### **47 Suspension of travel services under this Part**

*[Revoked]*

Clause 47: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

*Former Prime Minister*

*[Revoked]*

Heading: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

#### **48 Provision of travel services**

*[Revoked]*

Clause 48: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

#### **49 Travel services**

*[Revoked]*

Clause 49: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

#### **50 Chauffeur-driven cars**

*[Revoked]*

Clause 50: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

#### **51 Self-drive car**

*[Revoked]*

Clause 51: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

*Spouses and partners of former Prime Ministers*

*[Revoked]*

Heading: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

**52 Provision of travel services**

*[Revoked]*

Clause 52: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

**53 Travel services**

*[Revoked]*

Clause 53: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

**54 Self-drive cars**

*[Revoked]*

Clause 54: revoked, on 24 September 2017, by clause 15 of the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261).

**Part 5**

**Miscellaneous and administrative matters**

**55 Information to be provided to members about use of services under determination, including travel services by family members**

In each month, the Parliamentary Service and the Department of Internal Affairs must provide to each member of Parliament information showing the use of services under this determination by the member and his or her family members.

**56 Policies, procedures, and guidelines to follow if claiming entitlements**

Requirements that must be met before payments may be made against claims to services under this determination are set out in the policies, procedures, and guidelines prescribed by the Speaker and the Minister Responsible for Ministerial Services (including procedures for the certification of expenditure).

**57 Certificate of expenditure**

- (1) The purpose of the procedures for the certification of expenditure referred to in clause 56 is to ensure that all expenditure met from Vote: Parliamentary Service and Vote: Internal Affairs in funding the services provided under this determination complies with the directions and any policies, procedures, and guidelines prescribed by the Speaker or the Minister Responsible for Ministerial Services in order to provide confidence that public expenditure is being correctly applied.

- (2) Persons claiming services under this determination must provide certification, in accordance with the prescribed procedures, to formally verify that the expenditure to which the certification relates has been incurred for a purpose authorised by this determination.

### **58 Reimbursement of expenditure**

- (1) If the Parliamentary Service or the Department of Internal Affairs has paid for an invoice and subsequently believes that the invoice relates to a purpose not authorised by this determination, it may seek reimbursement of the expenditure from the person concerned.
- (2) If the Remuneration Authority determines that the person did not have an entitlement to funding for the invoice, the Parliamentary Service or the Department of Internal Affairs may seek recovery of the amount paid as a debt due to the service pursuant to section 35A of the Parliamentary Service Act 2000.

## **Schedule**

### **Services provided with official residences**

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The following services are provided by or through the Department of Internal Affairs for each official residence:

- (a) provision of utilities and payment of utility charges:
- (b) furnishing, including furniture, linen, whiteware, electrical appliances, and kitchenware:
- (c) house cleaning on a weekly basis:
- (d) changing bed linen and towel laundry (but not personal or other laundry) on a weekly basis:
- (e) window, carpet, and soft furnishing cleaning as required:
- (f) grounds maintenance.

Dated at Wellington this 19th day of August 2014.

John Errington,  
Chairman.

A Foulkes,  
Member.

D Morcom,  
Member.

## Explanatory memorandum

**Note:** The following explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Members of Parliament (Former Prime Ministers Travel Services) Determination 2017**
- **Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017**
- **Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2016**

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

This determination comes into force on 21 September 2014.

### Background

The Members of Parliament (Remuneration and Services) Act 2013 (the **Act**) gave the Remuneration Authority (the **Authority**) responsibility for setting accommodation services within New Zealand for members of Parliament, travel services within New Zealand for members' family members, and travel services within New Zealand for former Prime Ministers and their spouses or partners.

This determination is the first made under the Act. Accommodation services within New Zealand for members, and travel services within New Zealand for their families, were formerly set by the Speaker and by the Minister Responsible for Ministerial Services; travel services within New Zealand for former Prime Ministers were formerly set by the Prime Minister of the day.

This determination reflects the fresh look taken at these services by the Authority. The Act requires the Authority, in making its determination, to have regard to a number of factors, including fairness to the taxpayer and independence of approach.

### Starting points for Authority

The starting points for the Authority in making this determination were that—

- members and Ministers should not personally have to meet the expenses, such as accommodation, that they require to enable them to do their job;
- any personal benefit to members should be kept to a minimum.

Members and Ministers are generally recognised as having 2 places of work: Wellington, where they attend Parliament and, in the case of Ministers, Cabinet, and their home base, where they attend to a wide range of matters affecting constituents. They

are obliged by the nature of their duties to have 2 places of residence if their home base is outside Wellington. It is appropriate that the costs of their accommodation in Wellington, if they do not already live there, should be a public expense.

Members travel a lot as part of their work, both within their electorates and around the country. This is the case for list members, as well as constituency members. List members customarily have bases in electorates as well as responsibilities for nationwide communities of interest. All members routinely attend evening and weekend meetings, and other events. They must be constantly available to constituents, the general public, and the media in a way not required of most other groups. The pressures on Ministers and the Prime Minister are especially demanding. As a consequence, members and Ministers have much less of the family life other New Zealanders take for granted, often over a long period of years. Some limited family-friendly measures designed to recognise that reality are accordingly included in this determination.

The Act gives the Authority responsibility for only some of the services required by members and Ministers. Travel services and office, communication, and other support for members remain the responsibility of the Speaker. Travel services for Ministers remain the responsibility of the Minister Responsible for Ministerial Services. Within the constraints of that framework, we have tried, for reasons of practicality, to bring some consistency between the services for members and Ministers. We have, for example, replaced a reimbursable accommodation payment for members with an annual accommodation payment, an arrangement that Ministers have had since 2009.

The determination aligns certain services for the Speaker, Deputy Speaker, and Leader of the Opposition with those for Ministers, and it aligns certain provisions for qualifying electoral candidates with those for members. These alignments reflect differentials in current arrangements.

### **Process we followed**

The Authority has engaged extensively with members on this determination. As required by the Act, we have sought the advice of the Minister Responsible for Ministerial Services and the Speaker. We have had the benefit of the views of the cross-party Parliamentary Service Commission and a working group of members set up by the Commission to talk to us as well as discussions with individual members. We conducted a confidential and anonymous online survey in March 2014 to obtain the views of members.

As required by the Act, we provided members and Ministers with the opportunity to comment on the determination in draft form. We sent the draft determination to them on 24 June 2014 and asked for comments by 24 July 2014. Following comments received from members in writing, and in meetings with us, we finalised the determination in August 2014.

As part of our research we reviewed the accommodation and family member travel provisions available in jurisdictions with parliamentary systems and traditions similar to our own, particularly in the United Kingdom, Canada, and Australia. We looked

also at the way in which the public sector, and some private sector bodies in New Zealand, address work-related expenses. We also sought the views of a number of others with an interest in this matter, including the Parliamentary Service and Ministerial Services, given their responsibilities for the administration of the services. We reviewed the many reports on the matter of allowances for members and Ministers that have been written in recent years.

As required by the Act, we consulted the Commissioner of Inland Revenue about the taxation consequences of the determination.

### **Accommodation payments in Wellington**

There is no doubt, on the basis both of the Authority's survey of members and our own independent assessment of Wellington accommodation, that the cap on members' accommodation payment of \$24,000 a year for furnished accommodation close to Parliament and a contribution to some utilities is inadequate. We think it appropriate for the payment, set in 2007, to be increased to \$28,000, reflecting the movement in the New Zealand Consumers Price Index (CPI) since 2007 and changes in the cost of furnished rental accommodation in central Wellington, and in utilities.

For reasons of administrative efficiency, the Authority considers that the claim and reimbursement system currently applying to members for rented accommodation should be replaced by an annual payment, thereby replicating the approach currently applying to Ministers.

Because of the nature of their duties, Ministers and the Speaker typically spend more nights every week, and more weeks every year, working in Wellington than is the case for members. They are more likely to have their spouse or partner or family members stay with them for some of the time they are in Wellington. Because of the nature of their work they are likely to require more space and greater security than members. The accommodation allowance for Ministers' Wellington residences was set at \$37,500 a year in 2009. The Authority considers it appropriate to increase this to \$41,000 a year, given the changes in the cost of furnished accommodation near Parliament and in utilities, as well as movement in the CPI, in the period since 2009.

A number of members have shared rented accommodation in recent times, some telling us that that was because it had become too expensive to rent alone. The Authority does not wish to bar members from sharing accommodation if they wish. Under this determination, members will, however, receive a smaller allowance if they share accommodation, to reflect the cost savings in such arrangements.

Some members and Ministers choose to use non-continuous (hotel or serviced apartment) accommodation while they are at work in Wellington. As is the case for rented accommodation, hotel accommodation needs to be close to Parliament. The maximum amounts available, currently \$160 a night for members and \$200 for Ministers, set in 2007, have been increased to \$190 for members and \$240 for Ministers, to reflect the increased costs of accommodation since the rates were last set. The daily rates are subject to an annual cap equal to the allowance that applies to rented accommodation.

The determination contains a new provision for the continuation of the accommodation payment for individuals ceasing to hold office during a parliamentary term. These individuals will continue to receive the accommodation payment until the end of the period of notice required under their lease, or for 3 months from the date they cease to hold office, whichever is sooner.

### **Accommodation payments outside Wellington**

Ministers, and to a lesser extent members, are required to travel out of Wellington for business meetings and to attend conferences and other work-related events all around the country. Members and Ministers also regularly stay away from home within their electorates, some of which are very large, to attend to constituency business. As with accommodation in Wellington, the cost of staying away from their home base in these circumstances is a work-related expense, appropriately paid from public funds.

We have reviewed accommodation payments with a view to ensuring that members and Ministers, while travelling on parliamentary or ministerial business, are able to use accommodation that is conveniently situated in relation to the activity being undertaken; promotes the efficient use of time and resources; and provides utilities at the level required to undertake the job (eg, wi-fi, 24-hour room service if possible, and easy access to air transport). We think it is reasonable for breakfast to be included in the costs of that accommodation, because that is the common practice for others who travel away from home for work purposes.

The maximum rate for members was last set at \$160 a night (\$180 in Auckland) in 2000.

We have increased the rate for members to a maximum of \$190 a night (\$210 for Auckland and Christchurch, given the higher rate applying in those 2 cities). We have set an accommodation rate for Ministers of \$260 a night (\$290 a night in Auckland and Christchurch), reflecting their requirement for accommodation with space for meetings and facilities that allow them to undertake their normal ministerial work while travelling. These rates can be increased by up to \$70 a night for members and by \$90 for Ministers if accommodation cannot be obtained in certain specific circumstances, eg, because of a major sporting, cultural, or diplomatic event, or the unavailability of suitable accommodation with facilities appropriate for those with disabilities.

### **Travel services for family members of members and Ministers**

The Act requires the Authority to determine travel services within New Zealand for members' and Ministers' families; a nil determination would be inconsistent with the Act.

As noted above, the Authority is of the view that it is appropriate that Parliament and the Executive display a family-friendly approach to members and Ministers. That is consistent with the approach taken in many New Zealand workplaces in the interests of recruiting, retaining, and engaging employees.

At present, the spouses or partners of members and Ministers are entitled to travel at public expense for any purpose, except private business purposes, and on any sched-



uled air, or non-urban bus, train, or ferry service, and similar arrangements apply to members' children under 5 who are accompanied by the member or member's spouse or partner. Children of members and Ministers aged 5 to 17 have 4 return trips a year between home base and Wellington to be with the member while the member is on parliamentary business. Use of these services is very uneven. Some members and Ministers, reflecting their family circumstances, make extensive use of these provisions; others do not use the provisions at all.

Our engagement with members, even those who do not use the services, left us in no doubt that they regard the ability to spend time with family, especially children, as a critical ingredient in maintaining a sense of normality in what are unusually demanding work circumstances. We accept the importance of the principle. We do not, however, consider that the current open-ended arrangements are appropriate.

We have accordingly limited the use of spouse and partner travel. First, the travel must be to accompany or join the member or Minister while he or she is on parliamentary or ministerial business. Secondly, we have introduced a cap on the number of trips. A member's spouse or partner can have 20 single trips a year; a Minister's spouse or partner 30 single trips a year. That difference reflects the larger number of official engagements undertaken by Ministers at which the presence of a spouse is likely to be required. The travel of the spouse or partner of the Prime Minister is not capped, given the significant number of official events at which the spouse or partner is expected to accompany the Prime Minister.

Similar changes have been made for the travel arrangements for children. The travel must be to accompany or join the member or Minister while he or she is on parliamentary business. The number of trips for children between the ages of 5 and 17 are unchanged, except that trips are expressed as single trips, rather than round trips, for reasons of administrative convenience. There is no limit on the number of trips for children under the age of 5. In the interests of facilitating the ability of members to spend time with family, we have included a new provision allowing members and Ministers to have their family members stay with them when the member or Minister is travelling on parliamentary or ministerial business, provided that the maximum daily rate for the member or Minister is not exceeded.

The travel services for family members of members and Ministers set out in this determination are similar to those in the United Kingdom, Canada, and Australia. Family members' travel in those countries is similarly subject to a capped number of trips and linked to accompanying the member on parliamentary business. We note that our approach echoes that set out in the Report of the Fourth Triennial Parliamentary Appropriations Review (2010), chaired by former Speaker, the Hon Sir Douglas Kidd.

### **Travel services for former Prime Ministers**

The Act requires the Authority to determine the entitlements, if any, to travel services within New Zealand of former Prime Ministers and their spouses or partners.

Since the mid-1970s, former Prime Ministers and their spouses have had access to certain travel services to support them in carrying out public duties on leaving office.

Those services, and the annuity for Prime Ministers in office for at least 2 years, had their origin in the Royal Commissions on parliamentary salaries and allowances in 1964 and 1973. Those commissions noted that the office of Prime Minister inevitably attracts obligations of a social nature that do not disappear with retirement, and involve personal expense.

The Authority considers that there continues to be an expectation that former Prime Ministers and their spouses will play a part in public life as a result of the office they once held. In our view, it is accordingly fair both to the individuals concerned and to the taxpayer that costs directly related to that ongoing role are publicly met. We note in this context that the travel services and the annuity go some way to addressing the very modest salaries received by successive Prime Ministers.

Over the 40 or so years since these services were first provided in the mid-1970s, the detail of the arrangements (set out in letters from the Prime Minister of the day) has varied. In this determination, we have maintained broad consistency with past practice, but have specified some limitations on some of the services currently provided. Specifically, the determination links the provision of free scheduled air and other travel to the fulfilment of commitments related to the former Prime Minister's role as Prime Minister (and, as the case may be, to commitments of the spouse or partner that arise from his or her former role) and VIP chauffeur-driven cars are not to be used for private business purposes or employment purposes. These limitations are already reflected to some extent in some of the individual letters to former Prime Ministers, or are observed in practice by former Prime Ministers.

The provision of a self-drive car remains unchanged. The case for this is finely balanced. Use of a car undoubtedly has a considerable personal benefit. On the other hand, a former Prime Minister is likely to have to travel to and from airports and around the country in the course of commitments arising from his or her former role. Use of a self-drive car is likely to be more cost effective than use of taxis or chauffeur-driven cars.

Under the Act, this determination applies only to former Prime Ministers in the future. The Act specifies that existing individual agreements on travel services for former Prime Ministers cannot be changed.

### **Other matters**

The Act states that if services provided to members and Ministers include an element of remuneration, or result in any other private benefit, the value of that benefit should be taken into account by the Authority in determining members' and Ministers' salaries. The Authority will do that in a salary determination to be made later in the year.

The determination specifies that members and Ministers are personally responsible for the use of the services set out in this determination, even when expenses are incurred on their behalf under delegated authority. They must satisfy themselves that the expenses under the determination represent value for money and are incurred having regard to efficiency and effectiveness. They are required to keep proper documentation and to certify that their expenditure complies with the determination. The Au-

thority notes that the Act requires information to be published every quarter, showing every member's and every Minister's total expenses incurred in respect of the accommodation services and the travel services for family members set out in this determination.

Some services provided for in this determination are administered by the Parliamentary Service and other services by the Department of Internal Affairs. The Speaker and the Minister Responsible for Ministerial Services will agree on these administrative arrangements in accordance with section 7 of the Parliamentary Service Act 2000.

The Act requires the Authority to make a determination on accommodation services for members and Ministers, and travel services for their families, once in each term of Parliament. The Authority has developed the current determination with a view to its enduring throughout the term of the next Parliament. Barring unforeseen circumstances, the Authority does not propose to issue a new determination until late 2016. The arrangements set out in this determination will be thoroughly reviewed at that time.

**Note: The preceding explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:**

- **Members of Parliament (Former Prime Ministers Travel Services) Determination 2017**
- **Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017**
- **Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2016**

## 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) Determination 2014 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(a)

Members of Parliament (Former Prime Ministers Travel Services) Determination 2017 (LI 2017/261): clause 15

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 2016 (LI 2016/264)