

Reprint  
as at 18 October 2020



**Members of Parliament (Accommodation Services for  
Members and Travel Services for Family Members)  
Determination 2017**

(LI 2017/263)

Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2017: revoked, on 18 October 2020, by clause 59 of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) Determination 2020 (LI 2020/206).

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) Determination 2017.

### 2 Commencement

This determination comes into force on 24 September 2017.

## Part 1 Preliminary matters

### 3 About this determination

- (1) This determination is made under section 17 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) 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 4 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 in, and excludes card use charges from, 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 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 contains miscellaneous provisions relating to administrative matters.
- (6) 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.

##### *Speaker, Deputy Speaker, ministers, and other members of Parliament*

- (2) The services set out in this determination in relation to the Speaker, the Deputy Speaker, ministers, and other members of Parliament are intended to support them in performing their respective roles and functions.
- (3) The Speaker, the Deputy Speaker, ministers, and other members of Parliament should not personally have to meet work-related expenses.
- (4) Any personal benefits to them should be kept to a minimum.

- (5) They are personally responsible for the use of services, even where expenses are incurred on their behalf under delegated authority.
- (6) They 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) They must be open and transparent in using the services under this determination and, to that end, should keep proper documentation 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.

## 6 Interpretation

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

**1 day** means a 24-hour period beginning at midnight

**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

**House** means the House of Representatives

**Leader of the Opposition** means the person 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

**Ministerial Services** means the so-named unit of the Department of Internal Affairs

**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** 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

**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.
- (3) In this determination, travel on scheduled ferry services includes carriage of a motor vehicle on vehicular ferries.

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

- (1) This clause defines a member of Parliament's home base.
- (2) 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.
- (3) If subclause (2) does not apply, then,—
  - (a) 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 that the member maintains and in which the member would normally live if not required to spend continuous periods in Wellington on ministerial business or parliamentary business; and
  - (b) in any other case, the member's **home base** is the place where the member normally lives when not engaged on ministerial business or parliamentary business in Wellington.

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

In this determination, **parliamentary business** means the undertaking of any task or function that a member could reasonably be expected to carry out in his or her capacity as a member of Parliament that complements the business of the House and—

- (a) includes, in respect of a member,—
  - (i) attending a sitting of the House; and
  - (ii) attending a meeting of a select committee of the House of which the member is a member, or which 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; and
  - (iii) undertaking research or administrative functions that relate directly to the business of the House; and
  - (iv) attending meetings or communicating by other means for the purpose of representing electors, explaining the application of policy, or receiving representations; and

- (v) attending caucus meetings that are expressly for the purpose of enhancing the parliamentary process; and
  - (vi) attending meetings of his or her party; and
  - (vii) attending any ceremony or official function or national or international conference as a representative of Parliament or with the authority of the House; and
- (b) includes, in respect of qualifying electoral candidates,—
- (i) participating in processes related to the formation of a government; and
  - (ii) participating in party meetings relating to post-election strategies, internal policies and procedures, and the selection of office-holders or positions; and
  - (iii) commencing or continuing representation of constituencies and other parliamentary duties, including meeting with constituents; and
  - (iv) participating 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; and
  - (v) initiating and participating 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); and
  - (vi) undertaking administrative responsibilities relating to services and funding entitlements; and
  - (vii) attending official functions, conferences, engagements, and ceremonies as a candidate for election representing the party or the electorate as the member-elect; but
- (c) does not include—
- (i) work undertaken for personal or private benefit; or
  - (ii) work directly related to the administration or management of a political party; or
  - (iii) electioneering; or
  - (iv) any undertakings for personal purposes.

## 9 Meaning of year

- (1) This clause defines a year.
- (2) A **year** means the period beginning on 1 July in one year 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.

*Prorating in certain circumstances*

**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 the person was eligible for the service.

*Continuation of certain payments*

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

- (1) This clause applies to a person who—
  - (a) ceases to hold office as the Speaker, the Deputy Speaker, a minister, or a member of Parliament (other than the Speaker, the Deputy Speaker, or a minister) at any time outside a period beginning immediately before the dissolution or expiry of a Parliament and ending at the commencement of the first meeting of the House of the next Parliament; and
  - (b) is occupying leased premises in respect of which the person receives a continuous accommodation payment under Part 2.
- (2) The person may continue to receive the continuous accommodation payment for the shorter of the following periods:
  - (a) the period of 3 months beginning on the day after the date on which the person ceases to hold office;
  - (b) the period of notice required under the lease to determine the lease.

**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.

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

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.

### **14 Administration of determination**

The provisions of this determination are administered as follows:

- (a) in relation to members of Parliament (other than ministers) and their family members, by the Parliamentary Service; and
- (b) in relation to ministers and their family members, by Ministerial Services.

## **Part 2 Accommodation services**

### Subpart 1—Accommodation services in Wellington

#### **15 Purpose and basis of providing accommodation services**

- (1) The Prime Minister, Speaker, Deputy Speaker, and 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, a continuous accommodation payment, or a reimbursement arrangement is intended to facilitate the conduct of ministerial business and parliamentary business by—
  - (a) the Prime Minister; and
  - (b) the Speaker, Deputy Speaker, and ministers if their home base is outside the Wellington commuting area.
- (2) Continuous 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.

*Prime Minister*

**16 Prime Minister's official 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 or 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 ceasing to hold the office of Prime Minister.

**17 Continuous accommodation: Prime Minister**

- (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 a continuous accommodation payment in respect of Wellington accommodation.
- (3) The maximum amount of the continuous accommodation payment is \$45,000 per year.

**18 Non-continuous accommodation: Prime Minister**

- (1) This clause applies if the Prime Minister's home base is outside the Wellington commuting area, the Prime Minister does not take up residence in Premier House, and the Prime Minister does not elect to receive a continuous accommodation payment.
- (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) \$320 in respect of a single night's accommodation:
  - (b) \$45,000 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.

**19 Limit on total amount of accommodation payments: Prime Minister**

The maximum cumulative amount that the Prime Minister may be paid by way of continuous accommodation payments under clause 17 and reimbursement of hotel expenses under clause 18 is \$45,000 per year.

*Speaker and Deputy Speaker*

**20 Speaker: official residence**

- (1) This clause and clauses 21 to 23 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) If the Speaker takes up residence in 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 Speaker's home base:
  - (b) an alternative Wellington residence.
- (4) The official residence is to be provided with the services specified in the Schedule. This subclause does not apply to any other accommodation.
- (5) The Speaker must vacate the official residence not later than 5 working days after vacating the office of Speaker, if that happens at any time other than on polling day at a general election.
- (6) 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, the person must vacate the official residence not later than 5 working days after vacating office or the day before the first meeting of the House, whichever is the earlier.
- (7) In this clause and clause 21, **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.

**21 Continuous accommodation: Speaker**

- (1) If the Speaker does not occupy an official residence, the Speaker may elect to receive a continuous accommodation payment in respect of Wellington accommodation.
- (2) The maximum amount of the continuous accommodation payment is \$45,000 per year.

**22 Non-continuous accommodation: Speaker**

- (1) If the Speaker does not occupy an official residence and does not elect to receive a continuous accommodation payment, the Speaker is entitled to claim reimbursement of the Speaker's 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) \$320 in respect of a single night's accommodation:
  - (b) \$45,000 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.

**23 Limit on total amount of accommodation payments: Speaker**

The maximum cumulative amount that the Speaker may be paid by way of continuous accommodation payments under clause 21 and reimbursement of hotel expenses under clause 22 is \$45,000 per year.

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

Clauses 20 to 23 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*

**25 Application of clauses 26 to 29**

- (1) Clauses 26 to 29 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 26 to 29 do not apply to parliamentary under-secretaries.

**26 Minister: official residence**

- (1) The Minister Responsible for Ministerial Services may, in that minister's 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 the official residence not later than 14 days after ceasing to hold office as a minister.

**27 Continuous accommodation: minister**

- (1) If a minister does not occupy an official residence, the minister may elect to receive a continuous accommodation payment in respect of Wellington accommodation.
- (2) The maximum amount of the continuous accommodation payment is \$45,000 per year.

**28 Non-continuous accommodation: minister**

- (1) If a minister does not occupy an official residence and does not elect to receive a continuous accommodation payment, the minister 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) \$320 in respect of a single night's accommodation;
- (b) \$45,000 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.

**29 Limit on total amount of accommodation payments: minister**

The maximum cumulative amount that a minister may be paid by way of continuous accommodation payments under clause 27 and reimbursement of hotel expenses under clause 28 is \$45,000 per year.

*Members*

**30 Meaning of Wellington accommodation**

In clauses 31 to 34, unless the context otherwise requires, **Wellington accommodation** means the accommodation of a member of Parliament within the Wellington commuting area when the member of Parliament is engaged on parliamentary business in Wellington.

**31 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.

**32 Application of clauses 33 to 36**

Clauses 33 to 36 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.

**33 Continuous accommodation: member**

- (1) A member of Parliament may elect to receive a continuous accommodation payment in respect of Wellington accommodation.
- (2) The maximum amount of the continuous accommodation payment is \$31,000 per year.

**34 Non-continuous accommodation: member**

- (1) If a member of Parliament does not elect to receive a continuous accommodation payment, the member is entitled to claim reimbursement of the member's actual and reasonable expenses of accommodation up to the following maximum amounts:
  - (a) \$240 per night, if the accommodation is in commercial premises; or
  - (b) \$65 per night, if the accommodation is in 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.

**35 Limit on total amount of accommodation payments: member**

The maximum cumulative amount that a member may be paid by way of continuous accommodation payments under clause 33 and reimbursement of accommodation expenses under clause 34 is \$31,000 per year.

*Shared accommodation*

**36 Limit on continuous 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 continuous accommodation payment that may be paid to the member in respect of the accommodation is as follows:
  - (a) if the member shares the accommodation with 1 other person, 70% of the continuous accommodation payment that would be payable if the member were not sharing the accommodation;
  - (b) if the member shares the accommodation with 2 other persons, 60% of the continuous accommodation payment that would be payable if the member were not sharing the accommodation;
  - (c) if the member shares the accommodation with 3 or more other persons, 55% of the continuous accommodation payment 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 continuous accommodation payment are to be treated as references to the continuous accommodation payment of the minister in the capacity of 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*

**37 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.

**38 Wellington accommodation**

- (1) Subclause (2) applies to a qualifying electoral candidate described in item 1 or 2 of Schedule 1 of the Act.
- (2) Clauses 16 to 36 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 50(3), if the qualifying electoral candidate held any of those offices on polling day.
- (3) Subclause (4) applies to a qualifying electoral candidate described in item 3, 4, or 5 of Schedule 1 of the Act.
- (4) Clauses 32 to 36 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*

#### **39 Non-Wellington accommodation: 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 their home base; and
  - (b) the Speaker or the Leader of the Opposition could not reasonably be expected to travel to their 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) \$395 per night, if the accommodation is in commercial premises in Auckland or Queenstown;
  - (b) \$320 per night, if the accommodation is in commercial premises not in Auckland or Queenstown;
  - (c) \$65 per night, if the accommodation is in other premises.
- (3) The Speaker and 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 them, 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 their family member or members.
- (4) In this clause, **actual and reasonable expenses**—
  - (a) include charges for breakfast and Internet services; but
  - (b) exclude charges for other meals, laundry, use of a minibar, or parking at the accommodation.

### *Ministers*

#### **40 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 other members. These provisions apply also to the Speaker and the Leader of the Opposition whose circumstances are similar.

#### **41 Non-Wellington accommodation: 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 the minister's home base; and
  - (b) the minister could not reasonably be expected to travel to the minister's 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 up to the following maximum amounts:
  - (a) \$395 per night, if the accommodation is in commercial premises in Auckland or Queenstown:
  - (b) \$320 per night, if the accommodation is in commercial premises not in Auckland or Queenstown:
  - (c) \$65 per night, if the accommodation is in 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 the family member or members.
- (4) In this clause, **actual and reasonable expenses**—
  - (a) include charges for breakfast and Internet services; but
  - (b) exclude charges for other meals, laundry, use of a minibar, or parking at the accommodation.

#### **42 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, and the maximum amounts specified in clause 41(2) do not apply.
- (3) In this clause, **actual and reasonable expenses** has the same meaning as in clause 41(4).

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

#### **43 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 the member's spouse or partner if—

- (a) the member considers that it is necessary and appropriate for the member's spouse or partner to accompany the member 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 39(3) and (4)(b) and 41(3) and (4)(b).
- (3) In this clause, **specified member**—
- (a) means the Speaker, a minister, or the Leader of the Opposition; but
  - (b) does not include a parliamentary under-secretary.

### *Members*

#### **44 Non-Wellington accommodation: 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 80 km from the member's home base; and
  - (b) the member could not reasonably be expected to travel to the member's 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 up to the following maximum amounts:
- (a) \$260 per night, if the accommodation is in commercial premises in Auckland or Queenstown:
  - (b) \$240 per night, if the accommodation is in commercial premises not in Auckland or Queenstown:
  - (c) \$65 per night, if the accommodation is in 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 the 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***45 Security system payments**

- (1) Any member of Parliament who has a security system installed at the member's home base may have the actual and reasonable expenses 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 with 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) Members who are ministers must be provided with 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.

*Qualifying electoral candidates***46 Non-Wellington accommodation expense payment**

- (1) Subclause (2) applies to a qualifying electoral candidate described in item 1 or 2 of Schedule 1 of the Act.
- (2) Clauses 44, 45, and 47 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 44 and 47 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 accommodation in certain circumstances

**47 Increase in accommodation expense payment in certain circumstances**

- (1) This clause applies if—

- (a) the cost of accommodation 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 39, 41, or 44; 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 39, 41, or 44, for a member or a member's family member because the member or family member has a disability.
- (2) If this clause applies, an accommodation payment in excess of the amounts specified in clause 39, 41, or 44 may be authorised.
- (3) An increase in the accommodation payment authorised under subclause (2)—
  - (a) may—
    - (i) not exceed \$100, in relation to clauses 39 and 41; and
    - (ii) not exceed \$80, in relation to clause 44; 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*

#### **48 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 that the member is taking—
  - (i) on parliamentary business; or
  - (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 that the member is taking—
  - (i) on parliamentary business; or
  - (ii) on ministerial business, if the member is a minister and travelling in that capacity.
- (3) The travel must not be for private business purposes or for personal purposes.
- (4) To avoid doubt, in this clause and clause 49(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.
- (5) A member who claims 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.
- (6) Subclause (5) is in addition to, and not in place of, the requirements of clause 55.

#### **49 Limits on number of trips by family members**

- (1) Travel under clause 48 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 that—
  - (a) the spouse or partner of the Prime Minister may take under clause 48; or
  - (b) a child who is under 5 years old may take under clause 48.

- (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—
- (a) taken by the most appropriate route by a family member between—
    - (i) the home base of the member of Parliament; and
    - (ii) the destination of a trip by the member of Parliament; and
  - (b) taken as a single trip without any unnecessary stopover; and
  - (c) completed within 1 day
- 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.

**50 Chauffeur-driven cars**

- (1) The spouse or partner of the Prime Minister may, at the Prime Minister's discretion, travel at any time for any purpose related to fulfilling the role of spouse or partner of a Prime Minister—
  - (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 spouse or partner of a member of Parliament referred to in subclause (3) may, at the member's discretion, travel at any time, including separately from the member, 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.
- (3) 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.

## **51 Taxis**

- (1) The spouse or partner of a member of Parliament other than one referred to in clause 50(3) may, at the member's discretion, travel by taxi at any time to join the member at a function or an engagement that is related to the member's parliamentary business.
- (2) The travel must be by the most direct route that is reasonable in the circumstances and must not exceed 50 kilometres for a one-way trip or 100 kilometres for a return trip.

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

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

### *Qualifying electoral candidates leaving Parliament*

- (1) Subclauses (2) and (3) apply in relation to a spouse or partner of a qualifying electoral candidate described in item 1 or 2 of Schedule 1 of the Act.
- (2) Clauses 48 to 51 continue to apply in relation to a spouse or partner 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 50(3), if the qualifying electoral candidate held any of those offices on polling day.
- (3) Clauses 48 to 51 continue to apply as provided in subclause (2) with the following limitations:
  - (a) they apply only for a period of 4 weeks after the qualifying electoral candidate ceases to hold office as a member of Parliament; and
  - (b) travel by a spouse or partner of a qualifying electoral candidate under those clauses is limited to 1 return trip between the qualifying electoral candidate's home base and Wellington for the purpose of assisting the qualifying electoral candidate to attend to matters associated with leaving Parliament.

### *Other qualifying electoral candidates*

- (4) Subclause (5) applies in relation to family members of a qualifying electoral candidate described in item 3, 4, or 5 of Schedule 1 of the Act.
- (5) Clauses 48 and 49 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**

### **Miscellaneous and administrative matters**

**53 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 Ministerial Services 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.

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

Requirements that must be met before payments may be made against claims for 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).

**55 Certificate of expenditure**

- (1) The purpose of the procedures for the certification of expenditure referred to in clause 54 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 who claim for 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.

**56 Revocations**

The following are revoked:

- (a) the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Determination 2014 (LI 2014/287);
- (b) the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Amendment Determination 2017 (LI 2017/117).

## **Schedule**

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

cls 16, 26

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) weekly house cleaning:
- (d) weekly change of bed linen:
- (e) weekly laundering of bed linen and towels (but not personal or other laundry):
- (f) window, carpet, and soft furnishing cleaning as required:
- (g) grounds maintenance.

Dated at Wellington this 4th day of September 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 comes into force on 24 September 2017.

Section 17 of the Members of Parliament (Remuneration and Services) Act 2013 (the **Act**) requires the Remuneration Authority (the **Authority**) to determine the accommodation services within New Zealand for members of Parliament and the travel services within New Zealand for members' family members.

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**

The starting points for the Authority in making this determination have not changed from those of the previous determination. They are 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; and
- any personal benefit to members and ministers should be kept to a minimum.

Members and ministers are generally recognised as having 2 places of work, namely,—

- Wellington, where they attend Parliament and, in the case of ministers, where they also attend Cabinet; and
- their home base, where they attend to a wide range of matters affecting constituents.

Therefore, it is appropriate that the costs of their accommodation in Wellington, if that is not their home base (with the exception of the Prime Minister), should be a public expense.

As Premier House—Te Whare Pirimia—is the recognised official residence of the Prime Minister, it is our view that the Prime Minister should be able to reside in Premier House even if the Prime Minister's home base is in Wellington. There is a high degree of symbolism in and solid practical reasons for having an official residence for the head of the government. It is also a more cost-effective option than other alternatives.

As part of their work, members undertake a significant amount of travel, both within their electorates and around the country. This is also the case with list 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 a family life than what other New Zealanders take for granted, often over a long period of years. Therefore, we have continued to provide for some limited family-friendly measures designed to recognise that reality.

The Act gives the Authority responsibility for only some of the services required by members and ministers. Travel services, office space, communications, 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 continued the approach that treats members and ministers similarly. For example, both members and ministers are entitled to an annual accommodation payment. As well, certain services for the Prime Minister, the Speaker, the Deputy Speaker, and the Leader of the Opposition are generally aligned with those for ministers, and certain provisions for qualifying electoral

candidates with those for members, while allowing some differences to recognise their unique roles.

### **Process followed**

The Act prescribes the process to be followed in making a determination. The Authority engaged with members on preparing this determination; we sought the advice of the Minister Responsible for Ministerial Services and the Speaker, and had the benefit of receiving the views of a cross-party committee established by the Parliamentary Service Commission.

We sought the views of the Parliamentary Service and the Department of Internal Affairs—Ministerial Services, given their responsibilities for the administration of the services provided for in this determination. Nationwide and regional market data provided by industry and government sources informed the setting of the accommodation rates.

We consulted the Commissioner of Inland Revenue about the taxation consequences of the determination. Consequently, we have assessed that there has been no change in the value of any personal benefit or potential personal benefit from what had been assessed for the 2014 determination and the amendments to that determination.

As required by the Act, we provided members and ministers with the opportunity to comment on the determination in draft form. After considering feedback, we finalised the determination in September 2017.

### **Changes from previous determination**

The main changes that have been made by the Authority in the 2017 determination are set out below.

#### *Definition of parliamentary business*

This determination uses substantially the same definition of parliamentary business as in the Directions by the Speaker of the House of Representatives 2017. This is to ensure consistency, to aid efficiency and effectiveness in delivery of services, and to simplify administration.

#### *Administration*

The clause describing the administration of this determination has been revised to clarify that the administrative responsibility for members, other than ministers, and their families sits with the Parliamentary Service, and the administrative responsibility for ministers and their families sits with the Department of Internal Affairs—Ministerial Services.

#### *Accommodation services*

The accommodation rates have been updated to reflect the realities of both the current rental housing market in Wellington and hotel rates nationwide. The determination has been amended to ensure the consistency of the accommodation services provided, including—

- harmonising the eligibility criteria applied in meeting the costs for continuous accommodation and non-continuous accommodation for ministers and members who are not ministers; and
- increasing the scope of what is claimable for meeting the costs of non-continuous accommodation; and
- enabling the cap applied to non-Wellington accommodation in certain circumstances to be applied to Wellington non-continuous accommodation.

#### *Travel services for family members*

This determination reinstates the following services that were previously available to the spouse or partner of a member before 2014:

- the spouse or partner of a member of Parliament can use a taxi for local travel to accompany or join the member at a function or an engagement related to the member's parliamentary business; and
- the spouse or partner of a member who ceases to hold office will be entitled to 1 return trip to Wellington to assist the member to attend to matters associated with leaving Parliament.

#### *Separate determination*

Travel services for former Prime Ministers and their spouses or partners were previously included within the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members and Former Prime Ministers) Determination 2014. However, a different section of the Act (section 44) applies to travel services for former Prime Ministers and their spouses or partners and a separate determination covering that group was warranted—*see* the Members of Parliament (Former Prime Ministers Travel Services) Determination 2017.

#### **Other matters**

A key principle (section 16(1)(c)) of the Act states that if changes to services provided increase or decrease any element of remuneration or other private benefit, the value of that increase or decrease should be taken into account by the Remuneration Authority in determining members' and ministers' salaries. We will do this in our Parliamentary Salaries and Allowances Determination.

Section 32(1) of the Act requires that once in each term of Parliament the Authority should make a determination on accommodation services for members and ministers, and travel services for their families. Therefore, this determination commences on 24 September 2017 (ie, the day after election day) and will endure through to the end of the parliamentary term. However, should the need arise, amendments to address specific issues may be issued during the period of this determination.

## Reprints notes

### **1** *General*

This is a reprint of the Members of Parliament (Accommodation Services for Members and Travel Services for Family Members) 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 2020 (LI 2020/206): clause 59