

CIVIL LIST BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Civil List Act, 1920, and its amendments.

Clause 1 provides that the new Act will come into force generally on 1st January, 1951, which is the date on which the repeal of the provisions relating to the Legislative Council will take effect under the Legislative Council Abolition Act, 1950. But certain increased payments are to commence at earlier dates, as mentioned in this note.

Clause 2 provides that the payments specified in the Bill are to be made without further appropriation, except as expressly provided.

Clause 3 provides for the Governor-General's salary of £5,000 and expense allowance of £5,000 a year, to be paid from the date of his assuming office or embarking for New Zealand until the date on which he vacates his office. *Subclause (3)* authorizes a payment not exceeding three months' salary and allowance to be made to the Governor-General on his vacating office. *Clause 3* is to come into force as from 1st April, 1950.

Clause 4 provides for the travelling expenses of the Governor-General and his family and staff.

Clause 5 provides for a person sworn to administer the Government during the absence or incapacity of the Governor-General, or during a vacancy in the office, to receive a salary at half the rate of the Governor-General's salary, as well as half the salary of any other position he may hold.

Clause 6 provides for the Prime Minister's salary of £1,800 a year.

Clause 7 provides for Ministers of the Crown with portfolios to receive salaries of £1,170 a year and for Ministers without portfolio to receive salaries of £1,000 a year. This clause is to come into force as from 13th December, 1949.

Clause 8 provides for a travelling allowance for Ministers of £3 3s. a day, as from the passing of the Bill.

Clause 9 provides for a house allowance of £400 a year for any Minister who is not provided with an official residence. This clause is to come into force as from 13th December, 1949.

Clause 10 authorizes the Governor-General to fix the order of precedence of Ministers.

Clauses 11 to 14 re-enact the existing provisions relating to the appointment of Parliamentary Under-Secretaries.

Clause 15 provides for the payment to Parliamentary Under-Secretaries of a salary of £900 a year and the same travelling allowance and house allowance as a Minister, as from 13th December, 1949.

Clauses 16 and 17 repeat the existing provisions as to the exercise of the Parliamentary Under-Secretaries' functions, making it clear that they may act not only for the Ministers to whom they are attached but also for such other Ministers as may be directed by the Prime Minister.

Clause 18 provides for the Speaker's salary of £1,000 and expense allowance of £200 a year.

Clause 19 provides for the payment to the Chairman of Committees of a salary of £750 and an expense allowance of £150 a year.

Clause 20 provides for the payment to the Leader of the Opposition of an expense allowance of £200 a year, in addition to his salary and allowance as a member of Parliament.

Clause 21 provides for the payment of a salary of £500 and an expense allowance of £250 a year to each member of the House of Representatives except paid Ministers of the Crown, Parliamentary Under-Secretaries, the Speaker, and the Chairman of Committees.

Clause 22 repeats the existing provisions for the deduction from a member's salary of £2 for every sitting day on which he is absent in excess of fourteen days in each session. No deduction is to be made where the absence is caused by illness or other unavoidable cause or (by virtue of a new provision in *paragraph (d)*) where the member is attending a conference or travelling as a representative of Parliament or with the authority of the House of Representatives.

Clause 23 repeats the existing provisions as to travelling expenses for members of the House of Representatives (except paid Ministers and Parliamentary Under-Secretaries), at the rate of £2 a day from the passing of the Bill.

Clause 24 requires payments to members under *clauses 22 and 23* to be certified by the Speaker during a session or by the Clerk of the House during a recess.

Clause 25 repeats the existing provision for the travelling allowances and expenses of members of Parliament travelling within New Zealand (outside their own electorates) on public business at the request of any Minister.

Clause 26 provides that, on the recommendation of a Royal Commission, the Governor-General may fix the salaries and allowances of Ministers and members of Parliament by Order in Council, in which event the salaries and allowances so fixed will be payable instead of those specified in this Bill. The object is to leave to an independent body the determination of what are reasonable salaries and allowances.

Clause 27 provides that the appropriation by Parliament of moneys for the purpose of providing benefits or privileges for the Governor-General, or any Minister or Parliamentary Under-Secretary or member or former member of the General Assembly, or for members of their families, shall be sufficient authority for the grant of those benefits or privileges, but not including the payment of money to any member of Parliament or to the family of any member.

Clause 28 repeals the Civil List Act, 1920, and the various enactments amending it.

Right Hon. Mr. Holland

CIVIL LIST

ANALYSIS

Title.	16. Functions of Parliamentary Under-Secretaries.
1. Short Title and commencement.	17. Execution of instruments by Parliamentary Under-Secretary.
2. Grants for civil purposes.	
PART I	
GOVERNOR-GENERAL	
3. Salary and allowance of Governor-General.	
4. Travelling expenses.	
5. Salary of officer sworn to administer the Government.	
PART II	
EXECUTIVE COUNCIL AND MINISTERS	
6. Salary of Prime Minister.	
7. Salaries of Ministers of the Crown.	
8. Travelling allowances of Ministers.	
9. Residence or house allowance.	
10. Order of precedence of Ministers.	
PART III	
PARLIAMENTARY UNDER-SECRETARIES	
11. Appointment of Parliamentary Under-Secretaries.	
12. Term of office.	
13. Notice of appointment and vacation of office.	
14. Oath of office.	
15. Salaries and allowances of Parliamentary Under-Secretaries.	
PART IV	
MEMBERS OF PARLIAMENT	
18. Salary and allowance of Speaker of House of Representatives.	
19. Salary and allowance of Chairman of Committees of House of Representatives.	
20. Allowance of Leader of Opposition.	
21. Salaries and allowances of members of Parliament.	
22. Deductions from members' salaries and allowances.	
23. Travelling expenses.	
24. Payments to members only on certificate of Speaker or Clerk.	
25. Allowance to members travelling on public service.	
PART V	
GENERAL	
26. Salaries and allowances may be fixed by Order in Council on recommendation of Royal Commission.	
27. Appropriation of moneys for benefits and privileges.	
28. Repeals and savings. Schedules.	

A BILL INTITULED

Title.	AN ACT to Consolidate and Amend Certain Enactments Relating to the Civil List.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. (1) This Act may be cited as the Civil List Act, 1950.	
	(2) Except as hereinafter otherwise provided, this Act shall come into force on the first day of January, nineteen hundred and fifty-one.	10
	(3) The increased payments provided for in sections <i>eight</i> and <i>twenty-three</i> of this Act shall be payable as from the date of the passing of this Act.	
	(4) The increased payments provided for in sections <i>seven</i> , <i>nine</i> , and <i>fifteen</i> of this Act shall be payable as from the thirteenth day of December, nineteen hundred and forty-nine.	15
Grants for civil purposes.	2. The several sums specified in this Act shall be pay- able in every year out of the Consolidated Fund and (except as by this Act expressly provided) without further appropriation than this Act.	20

PART I

GOVERNOR-GENERAL

Salary and allowance of Governor- General.	3. (1) There shall be paid to the Governor-General—	25
	(a) A salary at the rate of five thousand pounds a year; and	
	(b) An allowance at the rate of five thousand pounds a year for expenses, including the salaries of his personal staff (being staff that is not provided for out of moneys to be appropriated by Parliament).	30
	(2) The salary and allowance of the Governor- General shall—	
	(a) Commence to be payable on the date on which he assumes the duties of his office or the date on which he embarks to assume the government of New Zealand, whichever date is the earlier; and	35

(b) Continue to be payable until the date on which he vacates his office.

(3) On the vacation of his office by the Governor-General there may be paid to him with the approval of the Minister of Finance a sum not exceeding the salary and allowance of the Governor-General for a period of three months.

(4) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty.

4. There shall be paid to the Governor-General all expenditure incurred in respect of the transport to and from New Zealand and the travelling within or outside New Zealand during his term of office of the Governor-General and his family and staff.

Travelling expenses.

5. Where any officer or person is sworn to administer the Government during the absence or incapacity of the Governor-General or during a vacancy in the office, that officer or person shall for the period of his administration be paid a salary at half the rate of the Governor-General's salary, and also, if he is the holder of any other office, a salary at half the rate of the salary of that other office.

Salary of officer sworn to administer the Government.

PART II

EXECUTIVE COUNCIL AND MINISTERS

6. There shall be paid to the Prime Minister a salary at the rate of eighteen hundred pounds a year.

Salary of Prime Minister.

7. (1) There shall be paid to each Minister of the Crown holding a portfolio or portfolios a salary at the rate of eleven hundred and seventy pounds a year.

Salaries of Ministers of the Crown.

(2) There shall be paid to each Minister of the Crown without portfolio a salary at the rate of one thousand pounds a year.

8. There shall be paid to each member of the Executive Council an allowance of three guineas for every day on which he is travelling within New Zealand on public service.

Travelling allowances of Ministers.

- Residence or house allowance. 9. There shall be paid to each member of the Executive Council who is not provided at the public cost with a residence at the seat of Government a house allowance at the rate of four hundred pounds a year.
- Order of precedence of Ministers. 10. The Governor-General may from time to time fix the order of precedence of Ministers. 5

PART III

PARLIAMENTARY UNDER-SECRETARIES

- Appointment of Parliamentary Under-Secretaries. 11. (1) The Governor-General may from time to time, by warrant under his hand, appoint any member of the House of Representatives to be a Parliamentary Under-Secretary. 10
 (2) The office of Parliamentary Under-Secretary shall be held in relation to one or more Ministerial offices, to be specified in that behalf in the warrant of appointment. 15
- Term of office. 12. (1) Every person appointed as a Parliamentary Under-Secretary shall vacate his office if he ceases to be a member of the House of Representatives: 20
 Provided that no person who is in office as a Parliamentary Under-Secretary immediately before the dissolution of any Parliament shall be deemed on that dissolution to have vacated his office by the operation of this section.
 (2) Subject to the foregoing provisions of this section, every person appointed as a Parliamentary Under-Secretary shall hold office as such during the pleasure of the Governor-General. 25
- Notice of appointment and vacation of office. 13. Notice of the appointment of any person as a Parliamentary Under-Secretary, and of the vacation of his office by resignation or otherwise, shall be published in the *Gazette* forthwith after the appointment or vacation of office, as the case may be. 30
- Oath of office. 14. (1) Every person appointed to the office of Parliamentary Under-Secretary shall, as soon as may be after his acceptance of office, take and subscribe an oath of office in the form in the *First* Schedule to this Act or to the effect thereof. 35

(2) Any such oath may be administered by any member of the Executive Council, or by the Clerk of the Executive Council.

5 **15.** There shall be paid to each Parliamentary Under-Secretary—

(a) A salary at the rate of nine hundred pounds a year; and

(b) The same travelling allowance as if he were a member of the Executive Council; and

10 (c) The same house allowance as if he were a member of the Executive Council.

16. (1) A Parliamentary Under-Secretary holding office as such in respect of any Ministerial office shall have and may exercise under the direction of the

15 Minister concerned—

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

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

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

30 (3) The fact that any person holding office as a Parliamentary Under-Secretary purports to exercise any power, duty, or function of a Minister of the Crown shall be conclusive evidence of his authority to do so.

17. (1) Every instrument that is executed by a Parliamentary Under-Secretary on behalf of a Minister of the Crown shall be signed by him with his personal signature, to which shall be added the words "Parliamentary Under-Secretary, for the Minister of _____", or words to the like effect.

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

Salaries and allowances of Parliamentary Under-Secretaries.

Functions of Parliamentary Under-Secretaries.

Execution of instruments by Parliamentary Under-Secretary.

PART IV

MEMBERS OF PARLIAMENT

Salary and
allowance of
Speaker of
House of
Representatives.

18. (1) There shall be paid to the Speaker of the House of Representatives—

(a) A salary at the rate of one thousand pounds a year; and 5

(b) An allowance at the rate of two hundred pounds a year to provide for expenses incurred in connection with his parliamentary and official duties. 10

(2) For the purposes of this Act the person holding the office of Speaker of the House of Representatives at the time of the dissolution of any Parliament shall be deemed to hold that office until the first meeting of the next Parliament. 15

Salary and
allowance of
Chairman of
Committees of
House of
Representatives.

19. (1) There shall be paid to the Chairman of Committees of the House of Representatives—

(a) A salary at the rate of seven hundred and fifty pounds a year; and

(b) An allowance at the rate of one hundred and fifty pounds a year to provide for expenses incurred in connection with his official duties. 20

(2) For the purposes of this Act the person holding the office of Chairman of Committees of the House of Representatives at the time of the dissolution of any Parliament shall be deemed to hold that office until the first meeting of the next Parliament. 25

Allowance of
Leader of
Opposition.

20. There shall be paid to the member of the House of Representatives who is for the time being leader of the Official Opposition, in addition to his salary and allowances as a member, an allowance at the rate of two hundred pounds a year to provide for expenses incurred in connection with his official duties. 30

Salaries and
allowances of
members of
Parliament.

21. (1) Subject to the provisions of this Act, there shall be paid to each member of the House of Representatives— 35

(a) A salary at the rate of five hundred pounds a year; and

(b) An allowance at the rate of two hundred and fifty pounds a year to provide for expenses incurred in connection with his parliamentary duties.

5 (2) The salary and allowance of each member shall be payable in respect of the period from the day named in the writ for the election at which he was elected as the day on which a poll would in the event of a contested election be taken until the corresponding day named in
10 the writ for the next general election of members of Parliament, or until his seat becomes vacant by death or otherwise, as the case may be.

(3) The salary and allowance of each member shall be paid by equal monthly instalments on the last day of
15 each month, with a proportionate payment for any fraction of a month.

(4) No payment under this section shall be made to any member of the House of Representatives for any period during which he—

20 (a) Is in receipt of a salary as a Minister of the Crown under Part II of this Act; or

(b) Is Speaker of the House of Representatives; or

(c) Is Chairman of Committees of the House of Representatives; or

25 (d) Is a Parliamentary Under-Secretary.

22. All payments under the *last preceding* section shall be subject to the following provisions:—

Deductions
from members'
salaries and
allowances.

(a) If during any session any member absents himself for any number of sitting days exceeding
30 fourteen, there shall be deducted from the payment to be made to the member the sum of two pounds for every sitting day (exclusive of those fourteen sitting days) during which he was absent:

35 (b) The exemption from deduction for absence for fourteen sitting days during any session shall be reckoned from the commencement of the session and allowed accordingly, after which the prescribed deduction for absence shall be made
40 from the monthly instalment or instalments accruing due next after the occurrence of any such absence:

- (c) No deduction for absence shall be made where the absence is caused by illness, or by any other cause stated to be unavoidable by the Speaker of the House in the certificate referred to in section *twenty-four* of this Act: 5
- (d) No deduction for the absence of any member shall be made where the absence is caused by his attendance at any conference, meeting, or ceremony, or his travelling on any mission or business, as a representative of Parliament or with the authority of the House of Representatives: 10
- (e) For the purposes of this section the expression "sitting day" means a day on which the House of Representatives is appointed to sit for the transaction of business during any session. 15

Travelling expenses.

23. (1) There may be paid to any member of the House of Representatives his expenses of locomotion as hereinafter defined, together with the sum of two pounds for each day of twenty-four hours occupied in travelling to and returning from a meeting of Parliament. In cases where a period of less than twenty-four hours is so occupied the full sum of two pounds shall be paid. 20

(2) For the purposes of this section the expression "expenses of locomotion" means the expenditure actually and reasonably incurred by any member in respect of passage money or fares for the conveyance of the member when travelling as aforesaid. 25

(3) Payments under this section shall be made in respect of one journey only to and from each separate meeting of Parliament: 30

Provided that where the Speaker of the House of Representatives is usually resident elsewhere than in Wellington payments under this section may also be made to him in respect of every visit to Wellington made by him between meetings of Parliament. 35

(4) No payment under this section shall be made to any member of the House of Representatives for any period during which he— 40

- (a) Is in receipt of a salary as a Minister of the Crown under Part II of this Act; or
- (b) Is a Parliamentary Under-Secretary.

(5) Whenever the House of Representatives adjourns upon the completion of the business for which it has met, the reassembly of the House after that adjournment shall for the purposes of this section be regarded as the commencement of a separate meeting of Parliament.

(6) If any question arises as to whether any meeting of Parliament is a separate meeting for the purposes of this section, it shall be determined by the Prime Minister, and his decision shall be final.

(7) Payments under this section may be made at any time within six months after the end of the session during which the meeting of Parliament in respect of which they are payable was held, and shall be made out of moneys to be appropriated for the purpose by Parliament.

24. No payment under section *twenty-two* or section *twenty-three* of this Act shall be made to any member for any period during which Parliament is in session except upon the certificate of the Speaker of the House of Representatives, or for any other period except upon the certificate of the Clerk of the House.

Payments to members only on certificate of Speaker or Clerk.

25. (1) Where any member of Parliament travels within New Zealand on public service at the request of any Minister of the Crown there shall, out of moneys to be appropriated by Parliament for the purpose, be paid to him such travelling expenses and travelling allowances as may be approved by the Minister of Finance:

Allowance to members travelling on public service.

Provided that the rate of any travelling allowance payable under this section shall not exceed the rate of the travelling allowance for the time being payable to members of the Executive Council.

(2) No payment shall be made under this section to any member in respect of travelling undertaken by him wholly within his own electorate.

PART V

GENERAL

26. (1) On the recommendation of a Royal Commission appointed in that behalf, the Governor-General may from time to time, by Order in Council, fix the salaries and allowances to be paid to the Prime Minister and other Ministers of the Crown or members of the

Salaries and allowances may be fixed by Order in Council on recommendation of Royal Commission.

Executive Council, to Parliamentary Under-Secretaries, and to the Speaker and Chairman of Committees and other members of the House of Representatives.

(2) Every Order in Council under this section shall come into force on a day to be specified in the Order in that behalf, being either before or after the date of the Order, but not earlier than the first day of April next before the date of the Order. 5

(3) While any such Order in Council is in force the salaries and allowances fixed by the Order shall be payable in every year out of the Consolidated Fund without further appropriation than this section, instead of the salaries and allowances provided for in Parts II, III, and IV of this Act. 10

Appropriation
of moneys for
benefits and
privileges.

27. (1) The appropriation by Parliament of moneys for the purpose of providing benefits or privileges of a specified kind for the Governor-General or the Prime Minister or other Ministers of the Crown or Parliamentary Under-Secretaries or members or former members of the General Assembly, or for members of their families, shall be sufficient authority for the grant of any such benefits or privileges, and where moneys are so appropriated it shall not be necessary as a condition for their lawful expenditure that the appropriation be implemented by any statutory authority other than this section. 15 20 25

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

(3) The operation of this section shall not be limited in its application to any benefits or privileges by reason merely of the fact that, with respect to any specified benefits or privileges, there may, in addition to the authority conferred by this section, be an express statutory authority: 30 35

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

Repeals and
savings.

28. (1) The enactments specified in the *Second* Schedule to this Act are hereby repealed. 40

(2) All appointments, certificates, and approvals and generally all acts of authority that originated under any of the enactments hereby repealed, and are subsisting or in force at the commencement of this Act, shall enure 5 for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

SCHEDULES

Schedules.

FIRST SCHEDULE

Section 14

OATH OF OFFICE TO BE TAKEN BY PARLIAMENTARY
UNDER-SECRETARY

I, _____, do swear that I will well and truly serve His Majesty King George the Sixth [*or as the case may be*], his heirs and successors, according to law, in the office of Parliamentary Under-Secretary. So help me God.

SECOND SCHEDULE

Section 28

ENACTMENTS REPEALED

- 1919, No. 55—
The Appropriation Act, 1919: Section 24. (Reprint of Statutes, Vol. I, p. 1021.)
- 1920, No. 31—
The Civil List Act, 1920. (Reprint of Statutes, Vol. I, p. 1020.)
- 1926, No. 72—
The Appropriation Act, 1926: Sections 15 and 24. (Reprint of Statutes, Vol. I, pp. 1022, 1028.)
- 1927, No. 5—
The Finance Act, 1927: Section 11. (Reprint of Statutes, Vol. I, p. 1024.)
- 1930, No. 40—
The Finance Act, 1930 (No. 2): Section 27. (Reprint of Statutes, Vol. I, p. 1024.)
- 1932, No. 11—
The Finance Act, 1932: So much of the First Schedule as relates to section 11 of the Finance Act, 1927.
- 1933, No. 41—
The Finance Act, 1933 (No. 2): Section 14.
- 1934, No. 31—
The Finance Act (No. 3), 1934: Section 14.

SECOND SCHEDULE—continued

- 1936, No. 5—
The Marketing Act, 1936: Subsection (2) of section 3.
- 1936, No. 16—
The Finance Act, 1936: Section 39.
- 1936, No. 21—
The Civil List Amendment Act, 1936.
- 1937, No. 17—
The Finance Act, 1937: Section 48.
- 1940, No. 6—
The Finance Act, 1940: Sections 11 and 12.
- 1942, No. 14—
The Finance Act (No. 2), 1942: Sections 17 and 24.
- 1943, No. 4—
The Island Territories Act, 1943: Subsection (2) of section 2.
- 1944, No. 31—
The Finance Act (No. 3), 1944: Part V.
- 1945, No. 9—
The Employment Act, 1945: Subsection (2) of section 2.
- 1945, No. 11—
The Social Security Amendment Act, 1945: Subsection (2) of section 2.
- 1945, No. 45—
The Finance Act (No. 2), 1945: Section 47.
- 1946, No. 16—
The Finance Act, 1946: Section 18.
- 1946, No. 41—
The Finance Act (No. 2), 1946: Section 9.
- 1949, No. 7—
The Transport Act, 1949: Subsection (2) of section 4.
- 1949, No. 39—
The Finance Act, 1949: Section 12.