



2019/01

**REMUNERATION TRIBUNAL
(QUEEN'S REPRESENTATIVE AND MEMBERS OF PARLIAMENT
SALARIES AND ALLOWANCES ORDER 2019**

Sir T. Marsters, KBE

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 17th day of June 2019

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to sections 4, 8 and 9 of the Civil List Act 2005 and section 15 of the Remuneration Tribunal Act 2005 His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following Order:

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Price \$4.50

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ORDER

1. **Title** - This Order may be cited as the Remuneration Tribunal (Queen's Representative and Members of Parliament Salaries and Allowances) Order 2019.

2. **Interpretation** - In this Order unless the context otherwise requires, the expressions used have the same meaning as they have in section 3 of the Civil List Act 2005 and in section 2 of the Remuneration Tribunal Act 2005 and-

“private accommodation” means a residential accommodation or place;

“to reside” means to have a usual place of abode or residential accommodation, as notified to the Clerk at the start of the year, and if a person has more than one place of abode, s/he shall be deemed to reside in the place where s/he spends the greater part of his or her time within the year;

“year” means the financial year beginning 1st July and ending on the 30th June in each year.

3. **Salaries** - The salaries payable under sections 4 and 8 of the Civil List Act 2005 to the Queen's Representative, office-holders and members of Parliament are those set out in Schedule 1 of this Order.

4. **Allowances** - (1) The allowances payable under sections 4 and 9 of the Civil List Act 2005 to the Queen's Representative, office-holders and members of Parliament are set out in sections 5 to 14 of this Order.

(2) Annual office allowances payable to Associate Ministers, Deputy Leader of the Opposition, Deputy Speaker, Leader of the House, and Whips are contained in Schedule 2 of this Order.

(3) Sitting fees payable to the Chairman, Deputy Chair, and Members of Parliamentary Select Committees are contained in Schedule 3 of this Order.

5. **Constituency travel** - (1) A member for a constituency other than a constituency in the island of Rarotonga, with the exception of the member for Avatiu-Ruatonga constituency (which includes the island of Palmerston) who resides in Rarotonga, shall be entitled to funded travel between Rarotonga and the constituency for which s/he is the member four times each year at Government's expense, for the purpose of conducting constituency business.

(2) A member who resides in a constituency other than a constituency in the island of Rarotonga, but including the member for the Avatiu-Ruatonga constituency (which includes the island of Palmerston) shall be entitled

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to funded travel between the constituency which s/he resides in and Rarotonga four times each year at Government's expenses, for the purpose of conducting constituency business.

(3) Where subsection (1) or (2) of this section applies to a member, s/he shall be entitled on each travel to receive an allowance specified in subsection (4) or (5) of this section for a period commencing on the day s/he is away from Rarotonga or the constituency in which s/he resides in, equal to the actual length of travel, to a maximum of –

- (a) 10 days where the member's constituency is in the Southern Group; or
- (b) 20 days where the member's constituency is in the Northern Group, and includes the member for the Avatiu-Ruatonga constituency (which includes the island of Palmerston), and in the absence of available passage within that period, such

further period to the date of the first available passage.

(4) Where a member travels in accordance with subsection (1) or (2) of this section, the member shall be entitled to actual travel costs and to an accommodation allowance of –

- (a) \$75 accommodation allowance for each day s/he stays in private accommodation; or
- (b) The amount equal to the actual cost of accommodation and meals, where that member stays at a commercial accommodation; and
- (c) Where a member's spouse travels in accordance with subsection (5) that spouse shall be entitled to funded travel in the same manner as that member and shall be entitled to receive the same private accommodation allowances and expenses as that member, less the actual cost of the accommodation paid to the member.

(5) A member to whom subsection (1) or (2) of this section applies shall be entitled to be accompanied or joined by his or s/her spouse on three travels each year and the actual cost of accommodation and their travel shall be paid out of the Civil List appropriation.

(6) A member's entitlement to funded constituency travel and accommodation allowances shall cease where –

- (a) Parliament has been dissolved for the purpose of holding a general election; or
- (b) The member is a member of a constituency in which the date has been notified for holding a by-election.

(7) Subsection 6 is subject to the exception that where a member who resides in a constituency other than a constituency in the island of Rarotonga, with the exception of the member for Avatiu-Ruatonga constituency (which includes the island of Palmerston) has previously been brought to Rarotonga for his swearing-in session at the commencement of his term in Parliament then s/he

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shall receive funded one-way travel and the appropriate allowances to return the member to his constituency when either of the events referred to in subsection 6(a) or (b) occur.

(8) A member from a constituency in an outer island (except Palmerston) who normally resides in Rarotonga who was unsuccessful in getting re-elected after a general or by-election shall receive funded one-way travel by air or sea to Rarotonga for him/her and his/her spouse and 2 dependent children two years of age or younger. This travel must be undertaken within three months from the date on which the final election result for that constituency is declared by the Chief Electoral Officer.

6. Travel and accommodation within the Cook Islands on official or Parliamentary business - (1) Where a member resides in a constituency other than a constituency on the island of Rarotonga, but including the member for the Avatiu-Ruatonga constituency (which includes Palmerston) and that member is required to travel to Rarotonga to a meeting of a committee of Parliament, Cabinet, a Cabinet committee or Government caucus or to attend Parliament, the member shall receive –

- (a) actual travel costs; and
- (b) rent free accommodation, where Government accommodation is available; or
- (c) \$75 accommodation allowance for each night s/he stays in private accommodation; or
- (d) the amount equal to the actual cost of accommodation and meals, where that member stays at a commercial accommodation.

(2) Such allowances shall cease –

- (a) if the member resides in the Northern Group, 10 days, from the completion of the meeting of a Parliamentary Committee, Cabinet, a Cabinet Committee or Government Caucus or Parliament or on the first available flight or boat to his or her constituency, whichever date is the sooner;
- (b) if s/he resides in the Southern Group, 3 days from the completion of the meeting of a Parliamentary Committee, Cabinet, Cabinet Committee or Government Caucus or Parliament or on the first available flight or boat to his or her constituency, whichever is the sooner.

7. Travel and accommodation within the Cook Islands on official business of a member and spouse - (1) Where a member who resides in Rarotonga travels from Rarotonga to another island on official business, or where a member who resides on any other island travels to another island within the Cook Islands on official business, and such travel is approved by Cabinet, the member shall receive –

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- (a) actual travel costs; and
- (b) rent free accommodation, where Government accommodation is available; or
- (c) \$75 accommodation allowance for each night s/he stays in private accommodation; or
- (d) the amount equal to the actual cost of accommodation and meals, where that member stays at a commercial accommodation.

(2) Where a member (or spouse) travels in accordance with this section and is accommodated and hosted by –

- (a) the Government Representative, or
- (b) any public servant; or
- (c) the Island Council; or
- (d) any other person

\$50 of that member's accommodation allowance shall be paid by the Clerk of Parliament directly to that host, who has or is accommodating that member and \$25 shall be paid directly to that member.

(3) Where a member who normally resides in Rarotonga but whose Constituency is in the Outer Islands travels during the annual end of year visit to his/her Constituency, dependent children 2 years and under who normally reside with the member and are totally dependent on the member are entitled to accompany the member for the duration of the end of year visit.

8. Allowances and expenses for travel beyond the Cook Islands on official business – (1) Where a member travels beyond the Cook Islands on official business, that member shall be entitled to the following allowances and expenses –

- (a) the Prime Minister and the Queen's Representative shall be entitled to First Class air travel where such class is available, otherwise Business class, and to be accommodated in a suite at a premium hotel and shall receive –
 - (i) a non-accountable meal and incidental allowance at the rate for the relevant country as set out in the most current Pacific Islands Forum Secretariat (PIFS) Quarterly Per-diem Rates schedule or in the most current NZAID Monthly Per-diem Schedule for countries not listed in the PIFS Per-diem schedule; plus
 - (ii) an additional amount of NZ\$180 per day on the daily Meal and Incidental allowance.
- (b) the Deputy Prime Minister, any Minister, the Speaker, and Leader of the Opposition shall be entitled to Business Class air travel and to be accommodated in a studio room at a 4-star hotel and shall receive –

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- (i) a non-accountable meal and incidental allowance at the rate for the relevant country as set out in the most current Pacific Islands Forum Secretariat Quarterly Per-diem Rates schedule or in the most current NZAID Monthly Per-diem Schedule for countries not listed in the PIFS Per-diem schedule; plus
 - (ii) an additional amount of NZ\$160 per day on the daily Meal and Incidental allowance.
- (c) a member of Parliament (other than a member of Parliament and other office holders to whom paragraphs (a) or (b) of this section apply) shall be entitled to Economy class air travel and to be accommodated in a standard room in a 4-star hotel and shall receive –
- (i) a non-accountable meal and incidental allowance at the rate for the relevant country as set out in the Pacific Islands Forum Secretariat Quarterly Per-diem Rates schedule or in the NZAID Monthly Per-diem Schedule for countries not listed in the PIFS Per-diem schedule; plus
 - (ii) an additional NZ\$135 per day on the daily Meal and Incidental allowance.

(2) Where a member incurs any reasonable expenditure in relation to sending or receiving an official communication whilst overseas (whether by telephone call or otherwise), s/he shall be entitled to reimbursement for such reasonable expenditure only upon the production or receipts and identification of the person called, to the Clerk of Parliament.

(3) Where a member incurs any reasonable expenditure on transport while on official business, s/he shall be entitled to reimbursement for such reasonable expenditure only upon the production of receipts to the Clerk of Parliament.

(4) The Prime Minister, Deputy Prime Minister, Ministers, the Speaker and the Leader of the Opposition shall be entitled, subject to the prior approval of Cabinet, to be accompanied by their spouse to any official state function to which they are invited to represent the Cook Islands and if so delegated by the Prime Minister.

(5) The Prime Minister, Deputy Prime Minister, Ministers, the Speaker and the Leader of the Opposition shall be entitled, subject to the approval of Cabinet, to be accompanied by their spouse on any overseas travel, once only in each financial year.

(6) Where a spouse of any member travels in accordance with subsections (4) and (5) of this section, that spouse shall be entitled to travel in the same manner as that member and shall be entitled to receive the same allowances and expenses as that member, less the actual costs of accommodation.

(7) Accommodation costs and travel costs paid pursuant to this section shall be accounted for by the member to the Clerk within 30 days of the members return to the Cook Islands and members shall stay at a hotel approved by Cabinet.

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(8) For audit purposes Parliament shall deduct the accountable portion of the member's travel and the accommodation cost from any moneys owing to the member if the member fails to account.

(9) A member's allowances shall be computed from the date of his or her departure from the Cook Islands to the date of his or her return to the Cook Islands and shall include days spent in transit. Where an allowance is paid to a member in respect of a day spent in transit, the amount of such allowance shall be the same as the meals and incidentals allowances paid to that member for that country last visited.

(10) Where the Clerk is of the opinion that the member had not complied with subsection (9) of this clause, s/he may withhold that portion of the allowances payable to the member from any moneys owing to the member.

(11) Any member who travels beyond the Cook Islands on official business, shall subject to the prior approval of Cabinet, be paid an Entertainment Allowance of \$1,500 which shall be accountable by the member upon return to the Cook Islands to the Clerk by the production of the related receipts and any unused Entertainment Allowance shall be repaid forthwith by the member to the Clerk.

(12) A member who incurs any reasonable entertainment expenditure in addition to the approved Entertainment Allowance referred to in subsection 11 shall only be paid the reimbursement for such reasonable expenditure upon the production of receipts to the Clerk upon the members return to the Cook Islands.

(13) A member who resides in private accommodation while beyond the Cook Islands on official business shall be entitled to non-accountable subsistence allowances as specified in section 8 (1) of this Order.

9. Housing allocations and allowances - (1) The Government shall provide the Prime Minister with an official residence, furnished and free of rent, together with free services including electricity and adequate and reasonable domestic and gardening staff. The Prime Minister if s/he elects to reside in a private residence, shall in addition be entitled to receive for each year completed as Prime Minister a housing allowance of \$15,000 or a proportion thereof for part of the year completed.

(2) The Government shall provide the Deputy Prime Minister with a Government residence free of rent, together with a person for domestic duties, and a groundsman. The Deputy Prime Minister if s/he elects to reside in a private residence shall in addition be entitled to receive for each year complete as Deputy Prime Minister a housing allowance of \$12,000 or proportion thereof for part of the year completed.

(3) The Speaker, Ministers and Leader of the Opposition shall be entitled to a government residence where such a residence is available, free of rent together with free lawn mowing and hedge trimming services. The Speaker, Ministers and Leader of the Opposition, if s/he elects to reside in a private residence, is entitled to receive for each year completed as Speaker, Minister and

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Leader of the Opposition a housing allowance of \$9,000 or proportion thereof for part of the year completed.

(4) Every member other than those referred to in subsections (1), (2) and (3) shall be entitled to receive for each year completed as a member a housing allowance of \$6,000, or proportion thereof for part of the year completed, whether s/he resides on Rarotonga or on an outer island.

10. Transport allowances - (1) The Prime Minister and his or her spouse shall be entitled to the use of a Government vehicle with a driver at all times for both official and non-official purposes.

(2) During the absence of the Prime Minister from the Cook Islands, the Acting Prime Minister and his or her spouse shall be entitled to the use of a government vehicle with a driver at all times for both official and non-official purposes.

(3) The Deputy Prime Minister, Speaker, Leader of the Opposition, and Ministers are entitled to a car provided by their Office Support Office Budget and not covered as a cost to the Civil List.

(4) Every other member shall be entitled to be paid a non-taxable transport allowance of \$5,200 per annum, or a proportion thereof for part of a year completed.

11. Telephones - (1) The Prime Minister, the Deputy Prime Minister, the Speaker, Ministers and the Leader of the Opposition shall be provided with a telephone free of rental charges, at their residence and all calls shall be paid by the government, with the exception of private international calls.

(2) All other office holders and members of Parliament shall be provided with a telephone free of rental charges, at their usual residence and all calls shall be paid by the government, with the exception of private international calls.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, where an office holder or member of Parliament wishes to use a cell phone exclusively for the purposes of his official duties, s/he may do so by advising the Clerk of his or her preference and the Clerk shall arrange for payment of that cell phone account only but not both.

12. Office accommodation for Opposition - The Leader of the Opposition shall be provided with an office comparable to that provided to a Minister, together with furniture, electricity, telephone rental and the cost of official calls, computers, internet connection, secretarial staff, stationery and office supplies, at Government expense.

13. Clothing allowance - Every member of Parliament shall be entitled to a non-accountable clothing allowance of \$7,000 which shall be payable at the beginning of a member's term of Parliament when all electoral petitions have been dispensed with and the Member has been sworn in.

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14. **Transitional** - Notwithstanding anything contained in any other order, all payments made to any member by the Parliamentary Legislative Service before the date of this Order shall be deemed to have been correctly made under the Remuneration Tribunal (Queen's Representative and Members of Parliament Salaries and Allowances) Order 2009.

15. **Revocation** - The Remuneration Tribunal (Queen's Representative and Members of Parliament Salaries and Allowances) Order 2009/04 and subsequent amendments are hereby revoked.

16. **Schedules** - Schedules 1, 2 and 3 of the principal Order are revoked and Schedules 1, 2 and 3 attached to this Order are substituted therein.

JJ Browne
Clerk of the Executive Council

This Order is administered by Parliamentary Services.

BY AUTHORITY:
Cook Islands Government - 2019

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SCHEDULE 1
(Salaries)

Queen's Representative	NZ\$110,000 (Non-Taxable)	per annum
Prime Minister	NZ\$152,250 (Taxable)	per annum
Deputy Prime Minister	NZ\$137,750	" per annum
Ministers	NZ\$123,250	" per annum
Speaker	NZ\$123,250	" per annum
Leader of the Opposition	NZ\$123,250	" per annum
Associate Ministers	NZ\$72,500	" per annum
Deputy Leader of the Opposition	NZ\$72,500	" per annum
Leader of the House	NZ\$72,500	" per annum
Whips	NZ\$72,500	" per annum
Members of Parliament	NZ\$72,500	" per annum

All the above Salaries are exclusive of the 5% superannuation contribution payable by the Cook Islands Government.

SCHEDULE 2
(Responsibility Loadings)

Associate Ministers	NZ\$10,000 (Taxable)	per annum
Deputy Leader of the Opposition	NZ\$7,250	" per annum
Deputy Speaker	NZ\$7,250	" per annum
Leader of the House	NZ\$7,250	" per annum
Whips	NZ\$7,250	" per annum

SCHEDULE 3
(Parliamentary Select Committee Sitting Fees)

Chairperson	NZ\$150	per sitting
Deputy Chairperson	NZ\$125	per sitting
Members	NZ\$100	per sitting