



**CIVIL LIST (MEMBERS OF PARLIAMENT ALLOWANCES, EXPENSES
AND OTHER ENTITLEMENTS) ORDER 1996**

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 16th day of April 1996

Present:

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

PURSUANT to Section 10 of the Civil List Act 1984, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following Order:

ANALYSIS

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| 1. Title and commencement | 10. Transport and Maintenance allowance |
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| 3. Travel costs and expenses of members visiting constituencies | 12. Transfer expenses |
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ORDER

1. Title and commencement - (1) This Order may be cited as the Civil List (Members of Parliament Allowances, Expenses and Other Entitlements) Order 1996.
(2) This Order shall come into force on the 1st day of May 1996.

2. Representation allowance - There shall be paid to each member a Representation allowance computed on the basis of the formula set out in the First Schedule.

3. Travel costs and expenses of members visiting constituencies - (1) Subject to subsection (10), a member for a constituency other than a constituency comprising the island of Rarotonga or the overseas constituency, with the exception of the member for the Avatiu-Ruatonga constituency (which includes the island of Palmerston) who resides in Rarotonga, shall be entitled to travel between Rarotonga and the constituency for which he is the member, four times each year at Government's expense, for the purpose of conducting constituency business.

(2) Subject to subsection (10), a member who resides in a constituency other than a constituency comprising the island of Rarotonga or the overseas constituency, but including the member for the Avatiu-Ruatonga constituency (which includes the island of Palmerston) shall be entitled to travel between the constituency in which he resides and Rarotonga four times each year at Government expense, for the purpose of conducting constituency business.

(3) Where subsection (1) or (2) of this section applies to a member, he shall be entitled on each visit to receive an allowance specified in subsection (4) or (5) for a period commencing on the day he leaves Rarotonga or the constituency in which he is resident (as the case may be) 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 (2), he shall be entitled to actual travel costs and to a travel allowance of:

- (a) \$40.00 for each day he stays in private accommodation; or
- (b) the amount equal to the actual cost of accommodation and meals at a motel or hotel in Rarotonga, where that member stays at a motel or hotel;
- (c) and where a member's spouse travels in accordance with subsection (6) 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 person, less the actual cost of the accommodation.

(5) Where a member travels in accordance with subsection (1) or (2), he shall be entitled to actual travel costs and to a travel allowance of:

- (a) \$40.00 for each day he stays in private accommodation; or
- (b) \$40.00 for each day he stays in Government accommodation; or

- (c) the amount equal to the actual costs of accommodation and meals at a motel or hotel in the Outer Islands, where that member stays at a motel or hotel;
- (d) and where a spouse of any member travels in accordance with subsection (6) that spouse shall be entitled to travel in the same manner as that person and shall be entitled to receive the same allowances and expenses as that member, less the actual cost of the accommodation.

(6) A member to whom subsection (1) or (2) applies shall be entitled to be accompanied by his spouse and one child of not more than 12 years of age, on two occasions each year and the actual costs of accommodation and their travel shall be paid out of the Statutory Vote.

(7) Subject to subsection (10) -

- (a) the member for the overseas constituency shall be entitled to travel to and from Rarotonga business class to attend every sitting of Parliament, a Committee of Parliament, or a Government caucus and shall have his actual costs of travel met out of the Statutory Vote;
- (b) the member for the overseas constituency who elects to reside in New Zealand shall be entitled to travel twice each year within New Zealand for the purpose of conducting constituency business, but shall not travel beyond New Zealand without the prior approval of Cabinet. Where that member travels to the Cook Islands, he shall be entitled to be accompanied by his or her spouse once every year;
- (c) where the member for the overseas constituency elects to reside in Rarotonga, he shall be entitled to travel four times each year to New Zealand for the purpose of conducting constituency business, but shall not travel beyond New Zealand without the prior approval of Cabinet. Where that member travels to New Zealand he shall be entitled to be accompanied by his spouse once every year.

(8) Where the member for the overseas constituency travels in accordance with subsection (7), he shall be entitled, as the case may be, to such travel, accommodation costs and allowances as are provided for in sections 4 or 7 of this Order.

(9) For the purposes of this clause, "year" shall mean the financial year ending on the 30th June in each year.

(10) Notwithstanding subsections (1) and (2), a member shall not be entitled to travel in accordance with those sections -

- (a) at any time after Parliament has been dissolved for the purpose of holding a general election, or
- (b) to or from any constituency in which a date has been fixed for a by-election is held;

until after the date of the general election or by-election as the case may be.

4. Boarding and Travel allowances - (1) Where a member resides beyond Rarotonga and that member is required to travel to Rarotonga to attend Parliament or a Committee of Parliament, or Government caucus, he shall receive:

- (a) actual travel costs; and
- (b) rent free accommodation, where Government accommodation is available; or
- (c) \$40.00 per day commencing on the day that he arrives in Rarotonga, where he resides in Rarotonga privately.

(2) Such allowance shall cease:

- (a) if he resides in the Northern Group, twenty days from the adjournment of the meeting of Parliament or the meeting of the Committee of the Parliament, or on the first available flight or boat to his constituency, whichever date is the sooner;
- (b) if he represents the overseas constituency, five days from the adjournment of the sitting of Parliament or the meeting of the Committee of the Parliament, or on the first available flight back to his constituency, whichever is the sooner;
- (c) if he resides in the Southern Group, three days from the adjournment of the sitting of Parliament or the meeting of the Committee of Parliament or on the first available flight to his constituency, whichever date is the sooner.

(3) Where Parliament or a meeting of a Committee of Parliament has been adjourned to a date not exceeding 21 days, the member for the overseas constituency shall not be entitled to have his travel back to his constituency paid for out of the Statutory Vote but shall instead be entitled to either rent free accommodation where Government accommodation is available, or to an allowance of \$40 per day where he resides privately in Rarotonga, and such allowances shall commence from the date of such adjournment up until the day Parliament or that Committee of Parliament resumes.

5. Travelling allowance and expenses of members and spouses travelling within the Cook Islands on public service - (1) Where a member who resides in Rarotonga travels from Rarotonga to another island within the Cook Islands on public service, and such travel is approved by Cabinet and the Minister responsible for the Legislative Service Vote, there shall be paid to him actual travel costs and an allowance of:

- (a) \$40.00 for each night he stays in private accommodation; or
- (b) the amount equal to the actual cost of accommodation and meals at a motel or hotel on the Island to which he has travelled.

(2) Where the spouse of a member who resides in Rarotonga accompanies that member on travel to another island in the Cook Islands, and such travel is approved by Cabinet and the Minister Responsible for the Legislative Service Vote, there shall be paid to that spouse actual travel costs and an allowance of:

- (a) \$40.00 for each night he stays in private accommodation; or
- (b) the amount equal to the actual cost of meals at a motel or hotel on the Island to which he has travelled.

6. Payment of Outer Islands travel allowance - (1) Where a member travels in accordance with Section 3 and 5 of this Order 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,

\$30 of that member's travel allowance shall be paid by the Clerk of Parliament directly to that host who has or is accommodating that member and \$10 shall be paid directly to that member.

(2) Where the spouse of a member travels with that member in accordance with Section 3 and 5 of this Order and is accommodated and hosted by:

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

\$30 of the travel allowance of that spouse shall be paid by the Clerk of Parliament directly to that host who has or is accommodating that spouse and \$10 shall be paid directly to that spouse.

7. Allowances and expenses for travel beyond the Cook Islands - (1) Where a member travels beyond the Cook Islands on public service, that member shall be entitled to the following allowances and expenses:

- (a) the Prime Minister shall be entitled to travel First-class, and to be accommodated in a suite at a premium hotel; and
 - (i) a non-accountable meal allowance at the rate for the relevant country set out in the Second Schedule; and
 - (ii) a non-accountable incidentals allowance at the rate for the relevant country set out in the Second Schedule, multiplied by a factor of 2.5.
- (b) the Deputy Prime Minister, any Minister, the Speaker, the Leader of the House and the Leader of the Opposition shall be entitled to travel First-class and to be accommodated in a studio room, junior suite or executive room at a premium hotel; and
 - (i) a non-accountable meal allowance at the rate for the relevant country set out in the Second Schedule; and
 - (ii) a non-accountable incidentals allowance at the rate for the relevant country set out in the Second Schedule, multiplied by a factor of 2.25;
- (c) the Deputy Speaker and the Deputy Leader of the Opposition shall be entitled to travel Business class and to be accommodated in the same class of room in which a Head of Department in the Public Service shall from time to time be entitled to be accommodated in; and
 - (i) a non-accountable meal allowance at the rate for the relevant country set out in the Second Schedule; and

- (ii) a non-accountable incidentals allowance at the rate for the relevant country set out in the Second Schedule, multiplied by a factor of 2.0;
 - (iii) where any member is entitled to travel Business class, and Business class is not available, that member shall be entitled to travel First class.
- (d) a member of Parliament (other than a member of Parliament to whom paragraphs (a), (b) or (c) apply shall be entitled to travel Business class and to be accommodated in the same class of room in which a Head of Department in the Public Service shall from time to time be entitled to be accommodated in when travelling on Government business; and
- (i) a non-accountable meal allowance at the rate for the relevant country set out in the Second Schedule; and
 - (ii) a non-accountable incidental allowance at the rate for the relevant country set out in the Second Schedule, multiplied by a factor of 1.85;
 - (iii) where any member is entitled to travel business class, and business class is not available, that member shall be entitled to travel first class.

(2) Where a member incurs any expenditure in sending or receiving an official communication whilst overseas (whether by telephone call, telex, facsimile or otherwise), he shall be entitled to reimbursement for such expenditure upon the production of receipts to the Clerk of Parliament.

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

(4) The Speaker or any member may, with Cabinet's approval, be paid an Entertainment allowance which shall be accountable.

(5) Where the Speaker or a member resides privately while beyond the Cook Islands on public service, he shall not be entitled to receive payment as provided in subsection (1), but shall be entitled to a subsistence allowance of \$100 for each day, together with incidental costs of \$25 for each day, which shall be non-accountable.

(6) The Prime Minister, Deputy Prime Minister, Ministers, the Leader of the House and the Leader of the Opposition shall be entitled to be accompanied by his or her spouse to any official state function to which he is invited to represent the Cook Islands, if so delegated by the Prime Minister.

(7) The Prime Minister, Deputy Prime Minister, Ministers, Leader of the Opposition and Leader of the House shall be entitled, subject to the approval of Cabinet, to be accompanied by his or her spouse on any overseas travel once in each [financial] year.

(8) Where a spouse of any person travels in accordance with subsection (6) and (7), that spouse shall be entitled to travel in the same manner as that person and shall be entitled to receive the same allowances and expenses as that person, less the actual costs of accommodation.

(9) Accommodation costs and travel costs paid pursuant to this section shall be accounted for by the member to the Clerk and where practicable, members shall stay at a hotel approved by Cabinet.

(10) A member's allowances shall be computed from the date of his departure from the Cook Islands to the date of his 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 incidental allowances paid to that member for that country last visited.

8. 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 free of charge and such domestic and gardening staff as may be necessary. The Prime Minister, if 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 \$4,500 or a proportionate allowance for part of the year completed.

(2) Any member who was Prime Minister of the Cook Islands for a period of not less than 2 years immediately preceding a General Election and who has since that election either resigned, retired or lost his seat at that election shall be entitled to a housemaid, groundsman and a Government vehicle as approved by the Prime Minister, and a Government residence with free rent for a period of two years. Such privileges shall forthwith cease upon the conviction of that member for any criminal offence punishable by a term of imprisonment exceeding 6 months or to a fine of \$500 or more.

(3) Any member who served as a Prime Minister of the Cook Islands for not less than two years during his term in Parliament, and has since resigned, retired or lost his seat in an election, shall be entitled to free mowing and hedge trimming services. Such privileges shall forthwith cease upon the conviction of that member for any criminal offence punishable by a term of imprisonment exceeding 6 months or to a fine of \$500 or more.

(4) Where a member to whom subsections (1), (2) or (3) apply has died leaving a spouse, that spouse shall be entitled to the same privileges of that member as if he or she were still alive, for the duration of the term of those privileges. Such privileges shall forthwith cease upon the conviction of that spouse for any criminal offence punishable by a term of imprisonment exceeding 6 months or to a fine of \$500 or more, or if he or she remarries.

(5) The Government shall provide the Deputy Prime Minister with a furnished Government residence free of rent, together with a person for domestic duties and a groundsman. The Deputy Prime Minister, if he elects to reside in a private residence, is entitled to receive for each year completed as Deputy Prime Minister a Housing allowance of \$3,500 or a proportionate payment for part of the year completed.

(6) The Speaker, every Minister, the Leader of the House, and the 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.

(7) The Deputy Speaker, the Deputy Leader of the Opposition, and any other member shall be entitled to be provided with a Government residence where such a residence is available, free of rent and shall not be entitled to the monetary housing allowance.

(8) Every Officer holder, excluding the Prime Minister and the Deputy Prime Minister, electing to reside in a private residence shall be entitled to receive a Housing allowance of \$3,000 for each year completed as an Officer holder or a proportionate payment for part of the year completed.

(9) Any other member electing to reside in a private residence shall be entitled to receive for each year completed as a member a Housing allowance of \$1,500, or a proportionate payment for part of the year completed.

(10) Notwithstanding subsections (1), (5), (8) or (9), an office holder or member to whom those subsections apply may in each year elect in writing to receive his annual housing allowance in advance, provided that if that office holder or member ceases to hold office or ceases to be a member during any year, the proportion of the allowance advanced in respect of the remainder of that year shall be refundable by him as a debt due to the Crown and shall be recoverable by the Crown accordingly.

9. Select Committee allowance - For each day a member who is appointed to a Parliamentary Select Committee attends a sitting of that committee, he shall be entitled to a Select Committee allowance as follows:

- (a) \$75.00 for a chairman;
- (b) \$50.00 for a member.

10. Transport and Maintenance allowances - (1) Subject to subsection (2) all Office holders shall be paid for each year completed, as a member or a Speaker as the case may be, a Transport and Maintenance allowance of \$4,000, or a proportionate payment for part of the year completed. Where the Office holder and the Speaker are entitled to the use of a Government vehicle, then they shall not be entitled to the transport and maintenance allowance.

(2) 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 and a maintenance allowance of \$1,000 for the use of a private vehicle for each year completed as Prime Minister.

(3) 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.

(4) All non-office holders, shall be paid for each year completed, as a member, a Transport and Maintenance allowance of \$3,000, or a proportionate payment for part of the year completed.

11. Telephones - (1) The Prime Minister, Deputy Prime Minister, Ministers and the Leader of the Opposition shall be provided with a telephone free of installation and rental charges, at their residence and all calls with the exception of private international calls to and from that telephone shall be free of charge.

(2) The Speaker, Leader of the House, Deputy Speaker, and Deputy Leader of the Opposition shall be provided with one telephone, free of installation and rental charges, at their residence and all calls made by those office holders shall be subject to the following:

- (a) all calls (including calls to the outer islands) other than personal overseas calls shall be free of charge;

(b) all official overseas calls placed through the international operator and for which the telephone number of the party called is recorded by that operator shall be reimbursed upon presentation of proper justifications to the Clerk of Parliament.

(3) All other members shall be provided with a telephone free of installation and rental charges and all local calls shall be free of charge. Members from any Southern Group constituency shall each be entitled to make up to 12 free ten minute toll calls to or from their constituency in each year. Members from any Northern Group constituency shall each be entitled to make 20 ten minute calls to or from their constituency each year.

12. Transfer expenses - Where a member for an Outer Island constituency elects to reside in Rarotonga, the cost of shipping his household goods and personal effects shall be met from the Government account at the same rate then applying in the Cook Islands Public Service and where that member loses his seat in an election and elects to return to his constituency, the same privileges shall apply.

13. Office accommodation for Opposition - The Leader and Deputy Leader of the Opposition (in full-time office holders) shall each be provided with an office, together with furniture, electricity, telephone rental and the cost of official calls, typewriters, secretarial staff, stationery and office supplies, at Government expense.

14. Emergency assistance - If any member while on official overseas travel requires medical attention, or is required to urgently communicate with his family, he shall be reimbursed for all expenses involved for such medical treatment or communications, providing he produces to the Clerk receipts for such expenses.

15. Annual Leave - In addition to statutory holidays, the Prime Minister, Deputy Prime Minister, Ministers, Speaker, full-time Leader of the Opposition, Leader of the House, and full-time Deputy Leader of the Opposition, shall receive 4 weeks recreation leave per annum. Leave not taken within 6 months after the end of the year in which it is due may be compensated for by payment of not more than two weeks salary in lieu thereof.

16. Clothing allowance - Every member of Parliament shall be entitled to a non-accountable Clothing allowance of \$5,000 which shall be payable at the beginning of a member's term of Parliament.

(2) Any member [or a Speaker] who received part or no Clothing allowance prior to the coming into force of this Order, shall be entitled to the balance or the full privilege of their Clothing allowance, whatever the case may be, as if their term of Parliament have just commenced.

17. Tribute - The Speaker shall, upon the death of any member or former member of the Parliament of the Cook Islands, make available to the family of that deceased member, a funeral casket for the deceased.

18. Office Holder's Expense allowance - (1) There shall be paid to each Office Holder at the commencement of each financial year, an Office Holder's Expense allowance set out in the Third Schedule.

(2) No person shall be entitled to collect more than one Office Holder's Expense allowance.

19. Member's Office allowance - There shall be paid to every member, a Member's Office allowance of \$3,000 at the beginning of each financial year.

20. Savings - (1) Where any member is travelling, either within the Cook Islands or overseas upon the date of coming into force of this Order, that member shall be entitled to receive, until the completion of that journey, the expenses, allowances and other entitlements to which that member would have been entitled immediately before the coming into force of this Order.

21. Revocation - The Civil List (Members of Parliament Allowances, Expenses and Other Entitlements) Order 1995 is hereby revoked.

Gordon H. Sawtell
Clerk of the Executive Council

- This Order is administered by the Legislative Service.

BY AUTHORITY:
Cook Islands Government - 1995

FIRST SCHEDULE

REPRESENTATION ALLOWANCE

Clause 2 (Formula for computing Representation Allowances)

Eligible Voters per constituency in the last General election	Allowance \$
0 - 400 voters	5,500.00
401 - over voters	6,500.00

SECOND SCHEDULE**Clause 7 (Meals and Incidental Allowances)**

<u>Country</u>	<u>Currency</u>	<u>Meal Allowance</u>	<u>Incidental Allowance</u>
Pacific			
Australia	AUS\$	85.00	20.00
New Zealand	NZ\$	85.00	25.00
Fiji (Sheraton & Fiji Resort)	F\$	95.00	20.00
Fiji (others)	F\$	85.00	20.00
American Samoa	US\$	70.00	18.00
Western Samoa	Tala	80.00	20.00
Tonga	P	75.00	14.00
French Pacific	CFP	8,500	2,160
Solomon Islands	SI\$	80.00	14.00
Hawaii	US\$	90.00	25.00
Niue	NZ\$	80.00	22.00
Papua New Guinea	Kina	80.00	23.00
Kiribati & Tuvalu	NZ\$	80.00	24.00
Vanuatu	Vatu	5,000	1,500
Pacific (elsewhere)	NZ\$	80.00	22.00
Asia			
Singapore	S\$	100.00	24.00
Thailand	B	1,200	215
Japan	Y	20,000	6,125
Hong Kong	HK\$	500.00	104.00
Bangladesh	US\$	40.00	8.00
China	Yuan	250.00	23.00
India	Rupee	1,400	129.00
Indonesia	Rupiah	90,000	15,250
Malaysia	Ringgits	120.00	26.00
Nepal	US\$	60.00	11.00
Pakistan	US\$	60.00	7.00
Philippines	Peso	1,200	313
Asia (elsewhere)	US\$	40.00	10.00
America			
United States	US\$	90.00	25.00
Canada	C\$	80.00	18.00
Jamaica & all Caribbean	US\$	65.00	14.00
Argentina	US\$	65.00	16.00
Peru	US\$	65.00	12.00
Latin America			

Europe

United Kingdom	PS	40.00	13.00
France	F	450.00	103.00
Italy	L	65,000	19,400
Switzerland	SF	115.00	51.00
Belgium	BL	2,500	625
Germany	DM	120.00	33.00
Europe (elsewhere)	US\$	85.00	13.00

Africa

Kenya	US\$	85.00	12.00
Nigeria	US\$	85.00	22.00
Tanzania	US\$	85.00	22.00
Zambia	US\$	85.00	14.00
Zimbabwe	US\$	85.00	12.00
Africa (elsewhere)	US\$	85.00	16.00

Middle East

Egypt	EPS	90.00	22.00
Bahrain	Dinar	33.00	8.00
Iran	Rials	15,000	2,612
Iraq	Dinar	20,000	5,000
Middle East (elsewhere)	US\$	80.00	19.00

THIRD SCHEDULE**Clause 18 (Office Holders' Expense Allowances)**

Prime Minister	8,500.00
Deputy Prime Minister	6,500.00
Ministers	5,500.00
Speaker	5,500.00
Leader of the Opposition	5,500.00
Leader of the House	4,500.00
Deputy Leader of the Opposition	4,000.00
Deputy Speaker	2,000.00
Whips	500.00

FOURTH SCHEDULE

Clause 21

Orders Revoked

Members of Parliament (Allowances Expenses and Other Entitlements) Order 1992/08.

Members of Parliament (Allowances Expenses and Other Entitlements) Amendment Order 1993/11.

Members of Parliament (Allowances Expenses and Other Entitlements) Amendment Order 1995/07.
