



ANALYSIS

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1968, No. 12

An Act to consolidate and amend certain enactments relating to the civil list

(14 October 1968)

1. Short Title and Commencement - (1) This Act may be cited as the Civil List Act 1968.

(2) This Act shall be deemed to have come into force on the first day of August 1968.

2. Grants for Civil purposes - The several sums specified in this Act shall be payable out of the Cook Islands Government Account and (except as expressly provided by this Act) without further appropriation than this Act.

3. Interpretation - In this Act, unless the context otherwise requires, -

"Clerk" means the Clerk of the Legislative Assembly or, if he is absent or the office is vacant, the Clerk-Assistant or other person for the time being performing the duties of the Clerk with approval of the Speaker;

"Legislative Assembly" or "Assembly" means the Legislative Assembly of the Cook Islands;

"Member" means a member of the Legislative Assembly but does not include the Premier and Ministers and the Speaker;

"Outer Island" means any island of the Cook Islands other than Rarotonga;

"Overseas" means beyond the Cook Islands.

PART I

PREMIER AND MINISTERS

4. Salary and allowance of Premier - There shall be paid to the Premier -

- (a) A salary at the rate of six thousand dollars a year;
- (b) A representation allowance at the rate of five hundred dollars a year to provide for expenses incurred in connection with his official duties and his duties in connection with the Legislative Assembly.

5. Salary and allowances of Ministers - (1) There shall be paid to each Minister -

- (a) a salary at the rate of four thousand dollars a year; and
- (b) a representation allowance at the rate of two hundred dollars a year to provide for expenses incurred in connection with his official duties and his duties in connection with the Legislative Assembly.

(2) A subsistence allowance at the rate of four hundred dollars a year shall be paid to each Minister whose permanent home is in an Outer Island in respect of the period in which he is actually in Rarotonga and commencing on the day on which he is appointed by instrument under the Seal of the Cook Islands and ending on the day he takes up full residence in Rarotonga.

6. Period for which salary and allowances payable to Ministers - The salary and allowances of each Minister (including the Premier) shall be payable in respect of the period commencing on the day on which he is appointed by instrument under the Seal of the Cook Islands and ending on the day on which his appointment is terminated or his office becomes vacant pursuant to Article 14 of the Constitution.

7. Travelling allowances and expenses of Premier and Ministers - (1) There shall be payable to each Minister (including the Premier) who, for the purposes of public service, is -

- (a) In an outer island (other than the island on which he is ordinarily resident), a travelling allowance at the rate of three dollars and fifty cents for every twenty-four hours;
- (b) In New Zealand, a travelling allowance at the rate of ten dollars and fifty cents for every twenty-four hours, and such further allowances as may be necessary to cover actual and reasonable expenses in excess of the said rate;
- (c) In any other place outside the Cook Islands, such sums to cover actual and reasonable expenses as Cabinet shall from time to time determine;

(2) There shall be payable to each Minister (including the Premier) for every day of actual travel outside the Cook Islands aboard a vessel or aircraft, where such travel exceeds twenty-four hours in duration and is for the purposes of public service, the sum of two dollars a day to provide for incidental expenses in connection with that travel.

(3) There may be paid out of the Cook Islands Government Account such sums as may be required to meet passage moneys or fares for travel by Ministers (including the Premier) on public service.

8. Overseas entertainment allowance for Premier and Ministers - Where any Minister (including the Premier) travels overseas on public service and incurs expenses for entertainment in connection with that service there may, out of moneys to be appropriated by the Legislative Assembly for the purpose, be reimbursed to him such actual and reasonable sums as Cabinet shall determine.

9. Salary and allowances during suspension of Minister - No salary or allowances in connection with his position as a Minister shall be payable to a Minister in respect of any period during which he is suspended pursuant to paragraph (b) of subclause (7) of Article 14 of the Constitution:

Provided that if the Minister's appointment is not revoked and he does not resign his office following, as a result of the finding at an investigation or inquiry into his conduct he shall be entitled to receive in respect of the period of suspension the salary or allowances to which he would have been entitled had he not been suspended.

PART II

SPEAKER AND MEMBERS OF LEGISLATIVE ASSEMBLY

10. Salary and allowance of Speaker - (1) There shall be paid to the Speaker of the Legislative Assembly -

- (a) A salary at the rate of two thousand five hundred dollars a year; and
- (b) A representation allowance at the rate of one hundred dollars a year to provide for expenses incurred in connection with his official duties and his duties in connection with the Legislative Assembly; and
- (c) A boarding allowance of two dollars and twenty-five cents per day where the Speaker is ordinarily resident in an outer island and while he is actually resident in Rarotonga in connection with his Office of Speaker:

Provided that where the Speaker is an employee of the Cook Islands Public Service he shall not be entitled to receive any salary or allowances as such an employee in respect of any period for which he is entitled to receive remuneration as the Speaker.

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

11. Travelling allowances and expenses of Speaker - The provisions of section 7 of this Act relating to travel overseas shall apply in respect of travel overseas by the Speaker in connection with his Office as Speaker of the Legislative Assembly.

12. Allowance of Leader of Opposition - There shall be paid to the member of the Legislative Assembly 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 dollars a year to provide for expenses incurred in connection with his official duties.

13. Salary of Members - There shall be paid to each member of the Legislative Assembly to whom the foregoing provisions of this Act do not apply a salary at the rate of five hundred dollars per annum payable on the last day of each month.

14. Sitting allowance - There shall be paid to each member who is not an officer of the Public Service as defined in the Public Service Act 1965, a sitting allowance at the rate of six dollars and fifty cents for every day or part thereof during which he is required to attend and does attend any sitting of the Assembly or of any Committee of the Assembly.

15. Non-sitting allowance - Where the Assembly has not adjourned sine die or for a period longer than fourteen days, there shall be paid to each member who is not an officer of the Public Service as defined in the Public Service Act 1965, and who does not ordinarily reside in Rarotonga, but is present in Rarotonga for a meeting of the Legislative Assembly, an allowance of one dollar per day in respect of each day on which no sitting is held.

16. Boarding allowance - There shall be paid to each member other than a member ordinarily resident in Rarotonga, a boarding allowance of two dollars and twenty-five cents per day for every day on which he is necessarily or reasonably resident in an island of the Cook Islands other than the island in which he is ordinarily resident, for the purpose of attending any approved business in connection with the Legislative Assembly and where no payment is made under section 18 of this Act.

17. Travelling allowances and expenses of members visiting constituencies - (1) Any member of the Legislative Assembly who ordinarily resides in an island other than the island on which the constituency he represents is situate shall be entitled for the purpose of conferring with his electors to make two visits at Government expense to his constituency between January and December of each year. This subsection shall be sufficient authority to make such visits.

(2) When such visits are made there shall be payable a travelling allowance of two dollars and twenty-five cents per day for each day that the member is actually on any island, and where a period of less than twenty-four hours is involved the full sum shall be paid.

(3) No payment shall be made in respect of any one visit for a period longer than twenty days in respect of a member whose constituency is in the Northern Group or ten days for a member whose constituency is in the Southern Group.

18. Travelling allowances and expenses of members travelling within the Cook Islands on public service - Where any member travels within the Cook Islands on public service at the request or with the approval of the Legislative Assembly, or of any Committee of the Assembly or any Minister, there shall be paid to him such travelling allowances and expenses as may be approved by Cabinet:

Provided that the rate of the travelling allowance payable under this section shall not exceed the rate of the travelling allowance payable to Ministers nor be less than two dollars and twenty-five cents per day.

19. Travelling allowances and expenses of members travelling overseas on public service - (1) Where any member travels overseas on public service at the request or with the approval of the Legislative Assembly or Cabinet, there shall be paid to him the travelling allowances prescribed for Ministers by paragraphs (b) and (c) of subsection (1) of section 7 of this Act.

(2) Where such travel is undertaken by any member there may be paid out of the Cook Islands Government Account such sums as may be required to meet passage moneys or fares.

20. Period for which salary and allowances payable to members - The salary and allowances of each member of the Legislative Assembly shall be payable in respect of the period commencing on the day named in the warrant for the election at which he was elected, being the day on which a poll would in the event of a contested election be taken, until the corresponding day named in the warrant for the next general election of members of the Legislative Assembly, or until his seat becomes vacant other than by dissolution of the Legislative Assembly:

Provided that, where a member is returned unopposed at a by-election that is not contested, his salary and allowances shall commence to be payable on the day on which the warrant of election declares the successful candidate or candidates to be elected.

PART III
MISCELLANEOUS

21. Appropriation of moneys for benefits and privileges - (1) The appropriation by the Legislative Assembly of moneys for the purpose of providing benefits or privileges of a specified kind for the Premier or other Ministers or members or former members of the Legislative Assembly or for the wives or children of any such persons, shall be sufficient authority for the grant of any such privileges, and where moneys are so appropriated they may be lawfully expended without any statutory authority other than this section and the Act by which they are so appropriated.

(2) Nothing in this section shall authorise the payment of any money to any of the persons mentioned in subsection (1) of this section.

(3) The operation of this section shall not be affected merely by any express statutory authority, other than this section, for the conferring of specified benefits or privileges:

Provided that nothing in this subsection shall be deemed to authorise the expenditure of any money contrary to the express provisions of any Ordinance or Act.

22. Payment only on certificate of Clerk - No payment shall be made of any salary or allowance pursuant to the provisions of this Act for any period except upon the certificate of the Clerk.

23. Public Service Act 1965 not to apply - Nothing in the Public Service Act 1965 shall apply with respect to any payment made under this Act to an employee of the Cook Islands Public Service who is the Speaker or a member of the Assembly.

24. Allowances exempt from income tax - All allowances and expenses payable to the Speaker, the Premier and Ministers of the Crown pursuant to this Act or any other enactment shall be exempt from income tax.

25. Assembly to be notified of payments under certain provisions of this Act - The details of expenditure of public moneys under any of the following provisions of this Act shall appear in a single tabulated form in the Estimates of Expenditure presented annually to the Legislative Assembly:

Sections 7(1) (b); 7(1) (c); 7(3); 11; 18; 19.

26. Commission of Inquiry may be set up - (1) If at any time, owing to changed economic and financial conditions in the Cook Islands or for any other reason, it is desirable to review the salaries and allowances payable to the Premier and other Ministers or to the Speaker or to members of the Assembly, the High Commissioner, acting on the advice of Cabinet, may appoint a Commission of Inquiry under the Commissions of Inquiry Act 1966 to inquire into and make such recommendations as it thinks fit as to the then adequacy or

otherwise of the said salaries and allowances as specified in this Act or in any Order made pursuant to subsection (2) of this section.

(2) After consideration of such recommendations the High Commissioner may by Order in Executive Council vary the salary or allowances of the Premier or other Ministers, or the Speaker or of members of the Assembly.

(3) Any Order under this section may specify different dates for the coming into operation of any variation in the salary or allowances of the Premier, the other Ministers, the Speaker or the members of the Assembly.

(4) While such Order is in force, the salaries and allowances fixed by the Order shall be payable as statutory expenditure instead of the salaries and allowances provided for in Parts I and II of this Act.

27. Repeals - The following enactments are hereby repealed -

- 1965, No. 1 Cook Islands Civil List Ordinance 1965
 - 1965, No. 6 Civil List Ordinance Amendment Act 1965
 - 1966, No. 23 Civil List Ordinance Amendment Act 1966
 - 1967, No. 9 Civil List Amendment Act 1967
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