

Governor-General Bill

PCO 13471/3.0

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IN CONFIDENCE

Governor-General Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Governor-General Act 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Provisions relating to **the appointment and dismissal**, remuneration, programme funding, and other payments concerning office of Governor-General Preliminary provisions.

3 Act binds the Crown

This Act binds the Crown.

4 Interpretation

In this Act, unless the context otherwise requires,—
family member, in relation to any person, means—

(a) a spouse or partner:

(b) a child—

(i) who is being maintained as a member of the person's family; and

(ii) in respect of whom the person either is the sole

or principal provider of ongoing daily care for the child or shares ongoing daily care of the child

substantially equally with another person; and

(iii) who is under 18 years of age; and

(iv) who is not living with another person in a marriage, civil union, or de facto relationship

financial year has the same meaning as in section 2(1) of the Public Finance Act 1989

partner means a civil union or de facto partner.

Appointment and dismissal of the Governor-General

5 Appointment of the Governor-General

(1) The Governor-General is appointed by the Sovereign on the recommendation of the House of Representatives.

(2) No recommendation may be made by the House of Representative under subsection (1) unless:

(a) the recommendation is agreed by at least half of the parliamentary leaders of all political parties represented in Parliament; and

(b) the members of Parliament of the political parties whose parliamentary leaders agree with the recommendation comprise at least 75% of all members of Parliament.

6 Term of appointment of Governor-General

(1) The Governor-General is to be appointed for a term not exceeding 5 years.

(2) Despite subclause (1), where the term of office of a Governor-General expires, that Governor-General, unless sooner vacating office or being removed from office, continues to

hold office until a successor to the Governor-General is appointed.

(3) The Governor-General may resign at any time by notice in writing to the Speaker of the House of Representatives, or to the Sovereign if there is no Speaker or the Speaker is absent from New Zealand.

(4) A person who has been appointed as Governor-General must not be reappointed as Governor-General.

cf. Public Audit Act 2001 Schedule 3 clause 1

7 Dismissal of the Governor-General

(1) The Governor-General is dismissed by the Sovereign on the recommendation of the House of Representatives.

(2) No recommendation may be made by the House of Representative under subsection (1) unless:

(a) the recommendation is agreed by at least half of the parliamentary leaders of all political parties represented in Parliament; and

(b) the members of Parliament of the political parties whose parliamentary leaders agree with the recommendation comprise at least 75% of all members of Parliament.

Salary, allowance, annuity, and other payments

8 Salary of Governor-General

(1) The Governor-General must be paid a salary at a rate determined from time to time by the Remuneration Authority.

(2) A determination made under this section comes into force on the date specified in the determination, which may be a date that is before, on, or after the date the determination is made.

(3) The salary of the Governor-General is payable for the period—

(a) starting on the earlier of the following dates:

(i) a date agreed between the appointee and the Prime Minister;

(ii) the date on which the appointee takes up the duties of the office; and

(b) ending on the date that person no longer holds office as Governor-General.

(4) The salary of the Governor-General must not be reduced during the Governor-General's term of office.

(5) A determination made under this section is deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.

9 Allowance of Governor-General

(1) The Governor-General must be paid an allowance, at a rate fixed from time to time by Order in Council, for personal expenses.

(2) The allowance is payable for the period—

(a) starting on the earlier of the following dates:

(i) a date agreed between the appointee and the Prime Minister;

(ii) the date on which the appointee takes up the duties of the office; and

(b) ending on the date that person no longer holds office as Governor-General.

(3) An Order in Council made under this section comes into force on the date specified in the order, which may be a date that is before, on, or after the date the order is made.

(4) An Order in Council made under this section is a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.

10 Sum payable after office of Governor-General becomes vacant

When a person ceases to hold office as Governor-General (other than by reason of death), he or she must be paid a gross lump sum equivalent to the gross salary payable for the last 6 months during which he or she held office.

11 Annuity for former Governor-General

(1) This section applies to a person who has held the office of Governor-General (whether before or after the commencement of this Act).

(2) If a person to whom this section applies held office as Governor-General for a total period of less than 2 complete years, he or she must be paid an annuity at a yearly rate determined from time to time by the Remuneration Authority.

(3) If a person to whom this section applies held office as Governor-General for a total period of 2 complete years or more, he or she must be paid an annuity at a yearly rate, determined from time to time by the Remuneration Authority, for each complete year (not exceeding 5 years) of that total period.

(4) The annuity is payable from the date that is 6 months after the date on which the person ceased to hold office as Governor-General.

(5) A determination made under this section comes into force on the date specified in the determination, which may be a date that is before, on, or after the date the determination is made.

(6) A determination made under this section is deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.

12 Annuity for spouse or partner of former Governor-General

(1) If a person to whom section 8 applies dies, the surviving spouse or partner of that person must be paid an annuity at half the yearly rate at which an annuity would have been payable to the person under section 8 if that person had not died.

(2) The annuity is payable from the date of death of the person who held office as Governor-General until the spouse or partner dies.

13 Compensation for lost or adversely affected superannuation rights

(1) Subsection (2) applies if a person is appointed to the office of Governor-General and, because of the person's acceptance of that office, the superannuation rights of the person who is appointed to the office, or the superannuation rights of the spouse or partner of that person, have been lost or otherwise adversely affected.

(2) From the date on which the person appointed to the office of Governor-General ceases to hold that office, compensation must be paid to that person, or to the surviving spouse or partner of that person, of a sum or an annuity, or both, provided for in a written agreement made between that person and the Minister of Finance before that person assumed office as Governor-General.

(3) An agreement made between the person appointed to the office of Governor-General and the Minister of Finance for the purposes of this section has effect according to its tenor and—

(a) may provide for the payment of contributions by the Governor-General; and

(b) if it provides for the payment of an annuity, may provide for any annuity payable under section 8 or 9 to be payable at a rate less than that prescribed by that section.

14 Payments in respect of other benefits and privileges

(1) The terms of the appointment of a person as Governor-General may include an agreement for that person and his or her spouse or partner to be provided with specified benefits or privileges

by way of payments in respect of domestic travel or the use of chauffeured cars when he or she no longer holds office as Governor-General.

(2) The Prime Minister must present to the House of Representatives a statement setting out the details of any benefits or privileges paid to or in respect of any former Governor-General

under an agreement made under subsection (1) or an agreement referred to in section 21(3)(d).

(3) The statement must be presented within 12 sitting days after the end of each financial year.

(4) The statement must show all of the expenses incurred to provide the benefits or privileges.

15 Permanent appropriation for salary, allowance, annuities etc

Expenses may be incurred, without further appropriation than this section, to meet—

(a) the salary under section 5:

(b) the allowance under section 6:

(c) the lump sum under section 7:

(d) the annuities under sections 8 and 9:

(e) compensation under an agreement made under section 10:

(f) specified benefits and privileges under an agreement made under section 11(1):

(g) specified benefits and privileges under an agreement referred to in section 21(3)(d).

Funding for Governor-General's programme

16 Governor-General's programme

Expenses may be incurred, without further appropriation than this section, to meet the costs of the Governor-General carrying out his or her duties in New Zealand (such as the costs of and incidental to travel of the Governor-General, staff of the Governor-General, and his or her family members, and the cost of hosting functions and events as part of the Governor-General's programme).

17 Governor-General's travel outside New Zealand

Expenses may be incurred, without further appropriation than this section, to meet the costs of—

(a) the Governor-General carrying out any of his or her duties of office outside New Zealand

(such as the costs of and incidental to international travel of the Governor-General, staff of the Governor-General, and his or her family members); and
(b) travel of the Governor-General designate, his or her family members, and staff of the incumbent Governor-General, for the purpose of the Governor-General designate having an audience with the Sovereign.

Administrator of the Government

18 Salary and expenses of Administrator

If the Chief Justice, or the next most senior Judge of the New Zealand judiciary who is able to act, acts as the Administrator of the Government, that person continues to receive the salary of his or her judicial office in respect of the period for which that person acts as the Administrator of the Government.

Part 2

Miscellaneous provisions

Amendments to Civil List Act 1979
16 Amendments to Civil List Act 1979
Sections 18 and 19 amend the Civil List Act 1979.

19 Part 1 of Civil List Act 1979 repealed

Part 1 is repealed.

20 Appropriation of money for benefits and privileges

Section 25(1)(a) is repealed.
Consequential amendment to Income Tax Act 2007

21 Consequential amendment to Income Tax Act 2007

Section 20 amends the Income Tax Act 2007.

22 New section CW 16 substituted

Section CW 16 is repealed and the following section substituted:
"CW16 Income of Governor-General The allowance of the Governor-General, paid under section 6 of the Governor-General Act 2009, is exempt income."

Savings and validation

23 Savings and validation

(1) Despite the repeal of Part 1 of the Civil List Act 1979 by section 17 of this Act, that Part, except section 4, continues in force and applies in respect of the person who held the office of Governor-General immediately before the repeal, until that person no longer holds the office of Governor-General.

(2) Despite the repeal and substitution of section CW 16 of the Income Tax Act 2007 by

section 20 of this Act, section CW 16(a) of the Income Tax Act 2007 continues in force and applies to the salary and allowance payable to the person who held the office of Governor-General immediately before the repeal until that person no longer holds the office of Governor-General.

(3) Nothing in this Act affects the validity of any of the following made before the commencement of this Act:

(a) an Order in Council made under section 3 of the Civil List Act 1979:

(b) a determination made by the Remuneration Authority under section 3 or 4 of the Civil List Act 1979:

(c) an agreement made under section 5 of the Civil List Act 1979:

(d) an agreement, as part of the terms of appointment of a person as Governor-General, for that person to be provided with specified privileges or benefits (whether by way of domestic air travel, the use of chauffeured cars, or any other benefit or privilege) when that person no longer held office as Governor-General.

(4) Despite anything in this Act, every annuity in respect of which a determination by the Remuneration Authority has been made under section 4(1) of the Civil List Act 1979 must continue to be paid at the rate applicable at the commencement of this Act until the determination of the Authority relating to that annuity has been superseded by a determination of the Authority under section 8 of this Act.

(5) Despite anything in this Act, every annuity in respect of which a determination by the Remuneration Authority has been made under section 4(2) of the Civil List Act 1979 must continue to be paid to the spouse or partner of the former Governor-General at the rate applicable at the commencement of this Act until the Authority has made a determination under section 8 of this Act fixing, for the purposes of section 9 of this Act, the rate at which an annuity would have been payable to the former Governor-General had he or she not died.