



Executive Travel, Accommodation, Attendance, and Communications Services Determination 2009

Pursuant to section 20A of the Civil List Act 1979, the Minister Responsible for Ministerial Services, after consultation with the Commissioner of Inland Revenue and the Speaker of the House of Representatives, makes the following determination.

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Determination

- 1 Title**
 This determination is the Executive Travel, Accommodation, Attendance, and Communications Services Determination 2009.
- 2 Commencement**
 This determination comes into force on 29 May 2009.
- 3 Determination**
 The additional travel, accommodation, attendance, and communications services in respect of members of the Executive are those set out in the document entitled "Travel, Accommodation, Attendance, and Communications Services Available

to Members of the Executive” and signed by the Minister Responsible for Ministerial Services on 26 May 2009.

4 Revocation

The Executive Travel, Accommodation, Attendance, and Communications Services Determination 2003 (SR 2003/308) is revoked.

Dated at Wellington this 26th day of May 2009.

Hon John Key,
Minister Responsible for Ministerial Services.

Explanatory note

This note is not part of the determination, but is intended to indicate its general effect.

This determination, which comes into force on 29 May 2009, determines that the travel, accommodation, attendance, and communications services in respect of members of the Executive are those set out in the document entitled “Travel, Accommodation, Attendance, and Communications Services Available to Members of the Executive” and signed by the Minister Responsible for Ministerial Services on 26 May 2009 (the **2009 document**).

Those services are in addition to the travel, accommodation, attendance, and communications services available to members of Parliament and their families, determined by the Speaker of the House of Representatives in the Parliamentary Travel, Accommodation, Attendance, and Communications Services Determination 2008.

This determination replaces the Executive Travel, Accommodation, Attendance, and Communications Services Determination 2003, which determined that the additional travel, accommodation, attendance, and communications entitlements in respect of members of the Executive are those set out in the document entitled “Travel, Ac-

commmodation, Attendance, and Communications Services Available to Members of Executive” and signed by the Minister Responsible for Ministerial Services on 23 October 2003 (the **2003 document**).

Some of the main differences between the 2003 document and the 2009 document are that the 2009 document—

- includes contextual and purpose statements and guiding principles to assist in its day-to-day application:
- clarifies the relationship between services available under this determination in respect of members of the Executive and those available under the determination made by the Speaker in respect of all members of Parliament:
- provides for certain expenses to be paid if a member of the Executive is travelling on Ministerial or parliamentary business and is at least 80 kilometres from his or her primary place of residence (rather than 100 kilometres, as provided in the 2003 document):
- provides for the Minister Responsible for Ministerial Services to set maximum values and other standards for self-drive cars:
- clarifies what accommodation expenses will be met if a Minister’s primary place of residence is outside the Wellington commuting area and he or she chooses not to take up an official residence in Wellington:
- makes changes to entitlements to communications services to reflect developments in technology:
- provides further guidance on the services that are provided with official residences and the goods and services that are regarded as operational resources and therefore paid for from Vote Ministerial Services.

The Speaker of the House of Representatives is required, by section 20B(3) of the Civil List Act 1979, to ensure that a copy of the 2009 document—

- is available for inspection free of charge, or for purchase at a reasonable price, at Parliament House in Wellington and at any other place or places that he or she appoints; and
 - is published on the Internet.
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**Executive Travel, Accommodation,
Attendance, and Communications Services
Determination 2009**

2009/152

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This determination is administered by the Department of Internal Affairs.

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**TRAVEL, ACCOMMODATION, ATTENDANCE AND COMMUNICATIONS
SERVICES AVAILABLE TO MEMBERS OF THE EXECUTIVE**

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Part 1
Introduction and principles
Context, purpose, guiding principles, and document overview

1.1 Context

- (1) As set out in Chapter 2.5 of the Cabinet Manual 2008, a Minister of the Crown, while holding a Ministerial warrant, acts in a number of different capacities:
 - (a) **in a ministerial capacity**, making decisions, and determining and promoting policy within particular portfolios;
 - (b) **in a political capacity** as a member of Parliament, representing a constituency or particular community of interest;
 - (c) **in a personal capacity**.
- (2) In all these roles and at all times, Ministers are expected to act lawfully and to behave in a way that upholds, and is seen to uphold, the highest ethical standards. Ultimately, Ministers are accountable to the Prime Minister for their behaviour.
- (3) Ministers' powers are derived both from the common law powers of the Crown (including the prerogative) and from statute. Legislation may confer a power on a specified Minister or on the Minister authorised by the Prime Minister as responsible for administering the Act.
- (4) To fulfil these responsibilities, members of the Executive require financial resources, support services, and allowances in addition to their base salary. In order to provide this support, an appropriation is allocated by Parliament for the purpose of enabling members of the Executive to carry out their responsibilities and to serve the public efficiently and effectively. These resources are allocated to members of the Executive in recognition of the public expectation that members of the Executive are accessible and responsive to their needs and to enable them to participate in and promote an effective government.

1.2 Relationship of entitlements set out in this document to entitlements of members of Parliament

- (1) Members of the Executive are also members of Parliament and, as such, have all the entitlements to travel, accommodation, attendance, and communications services that the Speaker determines, under section 20A of the Civil List Act 1979, to be available to members of Parliament and their families. Those entitlements are set out in the Speaker's directions and therefore are not set out again in this document.
- (2) For the avoidance of doubt, the entitlements of members of the Executive set out in this document are either additional or alternative to the entitlements

referred to in subclause (1), the applicable principle being that a member of the Executive is not entitled to receive duplicate entitlements.

1.3 What this document does

- (1) The purpose of this document is to set out:
- (a) the travel, accommodation, attendance and communications services available to members of the Executive and their families;
 - (b) The principles to be applied by members of the Executive in their use of the publicly funded resources specified in this document.

1.4 Overview

This document is arranged in Parts, as follows:

- (a) This Part deals with the context and purpose of this document, guiding principles to be applied in its application and interpretation, and the principles to be applied by members of the Executive in the use of publicly funded resources:
- (b) Part 2 deals with formal matters, including what period this document applies to, the legal nature of this document, and interpretation:
- (c) Part 3 sets out travel services for members of the Executive:
- (d) Part 4 sets out accommodation services for members of the Executive:
- (e) Part 5 sets out communication services for members of the Executive:
- (f) Part 6 sets out that no determination is made in respect of attendance for members of the Executive:
- (g) Part 7 sets out entitlements to the use of operational resources by members of the Executive:
- (h) Schedule 1 sets out the incidental services provided with an official residence:
- (i) Schedule 2 sets out the types of goods and services generally available under the heading operational resources.

1.5 Principles guiding interpretation and application of this document

This document must be interpreted and applied with the object of ensuring that the resource needs of members of the Executive in performing their roles and functions are met in the way that is most appropriate to circumstances as they arise while consistent with lawful authority and the principles set out in clause 1.6 (in particular the principles of value for money and cost-effectiveness).

1.6 Principles to be applied in use of publicly funded resources by members of the Executive

The following principles must be applied in the use of publicly funded resources by members of the Executive:

- (a) *The principle that expenditure must be reasonable for the circumstances and able to withstand tax-payers' scrutiny*
- Ultimately, members of the Executive are personally responsible for the way they use the public resources entrusted to them.
 - This personal responsibility cannot be avoided, even though delegations may exist for others to incur costs on a member of the Executive's behalf.

- Records about a member of the Executive's use of public resources should be kept to facilitate scrutiny if required.
- (b) *The principle that expenditure must be for official ministerial purposes only*
- Expenditure must only be incurred in respect of ministerial business.
- (c) *The principle that expenditure must be properly documented and supported with tax invoices/receipts*
- Members of the Executive must be open in the use of public resources and disclose any conflict of interest in utilising entitlements, whether that conflict is pecuniary, personal, familial, or as a result of any association.
- (d) *The principle that expenditure must be able to withstand audit scrutiny*
- The reasons for, and the circumstances surrounding, the use of public resources by members of the Executive should be publicly available.
 - The process by which funds are expended should be publicly known.
- (e) *The principle of value for money*
- When using public resources entrusted to them to perform their official duties, members of the Executive must seek the appropriate value for money in the circumstances.
- (f) *The cost-effectiveness principle*
- Wherever reasonably practicable, members of the Executive should use the most cost-effective alternative available for utilising or accessing a particular entitlement. This needs to be balanced with the need for expediency.

Part 2

Preliminary provisions

- 2.1 What this Part does**
This Part deals with formal matters and provides definitions to assist in the interpretation and application of the document.
- 2.2 Who this document applies to**
This document applies to a person who is a member of the Executive while this document is in force.
- 2.3 What period this document applies to**
- (1) This document applies to travel, accommodation, attendance and communications that take place on or after 29 May 2009.
 - (2) This document continues in force until a new document is issued by the Minister Responsible for Ministerial Services that sets out the travel, accommodation, attendance and communications services available to members of the Executive and their families.
- 2.4 Legal nature of this document**
This document is a specification of some of the services to which section 25 of the Civil List Act 1979, which deals with appropriations, applies.

2.5 Interpretation

In this document, unless the context otherwise requires, -

day means a period of 24 hours

electioneering means any communication that explicitly-

- (a) seeks support for the election of a particular person or persons; or
- (b) seeks support for the casting of a party vote for a particular political party or political parties; or
- (c) encourages a person to become a member of a particular political party or political parties; or
- (d) solicits subscriptions or other financial support

member of the Executive means a person who is currently a member of the Executive Council or a Parliamentary Under-Secretary

ministerial business includes carrying out any of the functions of a Minister as set out in paragraph 2.21 of the Cabinet Manual 2008, which states that Ministers-

1. are members of the Executive Council;
2. formally advise the Governor-General - either individually, or collectively in the context of the Executive Council;
3. take significant decisions and determine government policy collectively, through the Cabinet decision-making process;
4. exercise statutory functions and powers under legislation within their portfolios, within the collective Cabinet decision-making context;
5. determine both the policy direction and the priorities for their departments;
6. in most cases have financial responsibilities;
7. are supported by and (to varying degrees, depending on the nature of the entity) direct officials in the state services and the wider state sector;
8. are members of Parliament (*see* section 6(1) of the Constitution Act 1986) and are accountable to the House of Representatives for their policies, their own performance, and the performance of entities within their portfolios;
9. have a political role in maintaining government stability, which requires maintaining close working relationships with all other parties as issues arise.

official residence means a residence in Wellington owned by the Crown or owned or rented by the Department of Internal Affairs for a Minister to reside in. An official residence may be a house, an apartment or a town house

Parliamentary Under-Secretary means a member of Parliament appointed to assist a Minister under section 9 of the Constitution Act 1986

primary place of residence means the place of residence that the Speaker determines (in accordance with the Speaker's directions) to be the member's primary place of residence in New Zealand

Speaker means the Speaker of the House of Representatives

Speaker's directions means the document entitled "Directions and Specifications for Services and Funding Entitlements for the House of Representatives, its Members, Former Members, and Certain Electoral Candidates 2008" and signed by the Speaker on 28 October 2008, as that document may be amended or replaced from time to time

Wellington commuting area means the cities of Wellington, Lower Hutt, Upper Hutt, and Porirua.

2.6 Cost to be met from Vote

The cost of any entitlement in this document is met fully from Vote Ministerial Services.

Part 3 Travel

3.1 Context

This Part enables members of the Executive to travel internationally and to be accommodated when travelling on ministerial business in New Zealand or internationally. These provisions enable members of the Executive to meet the legitimate expectations of the public for engagement with New Zealand communities and interest groups and with relevant counterparts or other stakeholders overseas. For the avoidance of doubt, travel services for members of the Executive travelling within New Zealand are provided by virtue of the Speaker's directions, with costs being met from Vote Ministerial Services.

3.2 International travel on ministerial business

- (1) A member of the Executive may travel internationally with travelling expenses paid if:-
 - (a) the travel is for the purpose of undertaking ministerial business; and
 - (b) the trip has the preliminary approval of the Prime Minister; and
 - (c) the trip has been approved by Cabinet.
- (2) Executive members' overseas travel should usually be for 1 or more of the following purposes relating to their portfolios:
 - (a) to attend specific conferences or meetings, including Australian Standing Council meetings;
 - (b) to familiarise themselves with specific issues;
 - (c) to comply with treaty or other specific international obligations.
- (3) A member of the Executive may be accompanied by those authorised in the trip approval in accordance with subclause (1).

3.3 Travel expenses in New Zealand

- (1) A member of the Executive is entitled to have his or her travelling expenses (accommodation, meals and incidental expenses) in New Zealand paid in

- respect of each occasion on which the member is, in the course of travelling within New Zealand on ministerial business or parliamentary business, both-
- (a) absent from the Wellington commuting area; and
 - (b) at least 80 kilometres from his or her primary place of residence and could not reasonably be expected to get home by conventional methods or safely.
- (2) The rate of the travelling expenses payable in respect of each occasion is a sum equal to the actual and reasonable cost of the expenses incurred, up to a maximum of –
- (a) \$350 per day or part of a day; or
 - (b) \$500 per day or part of a day, if the occasion involves the attendance of the person entitled and the spouse or partner of that person at an official function-
 - (i) that the person entitled attends by reason of the duties of his or her office; and
 - (ii) that the person entitled is invited to attend, or is required to attend, primarily because of the office that the person entitled holds; and
 - (iii) that the spouse or partner of the person entitled necessarily attends.

3.4 Chauffeur-driven cars

A member of the Executive, and his or her spouse or partner, may use a VIP Transport Service chauffeur-driven car at any time, for any purpose at the member's discretion.

3.5 Taxis and subcontractors

A member of the Executive, and his or her spouse or partner, may, when necessary for any purpose at the member's discretion, use any other car or taxi that is arranged through VIP Transport Service.

3.6 Self-drive car

(a) A member of the Executive is entitled to one self-drive car for use at the member's discretion.

(b) The self-drive car is provided up to a maximum value as agreed from time to time with the Minister Responsible for Ministerial Services and may be required to meet minimum standards for fuel economy, environmental sustainability, safety and whole-of-life cost.

3.7 Rental cars

A member of the Executive may, where necessary, use any self-drive rental car that is arranged through VIP Transport Service for travelling on ministerial business or parliamentary business for a specific period.

Part 4 Accommodation

4.1 Context

Official residences for Ministers are provided to facilitate the conduct of ministerial business, and in recognition of the additional functions of Ministers that require them to spend greater time in Wellington than ordinary members of Parliament.

4.2 Official residence

Ministers are entitled to be provided with the use of an official residence in Wellington if their primary place of residence is outside the Wellington commuting area.

4.3 Reimbursement of expenses where official residence not taken up

To avoid doubt, if a Minister's primary place of residence is outside the Wellington commuting area and he or she chooses not to take up an official residence in Wellington, the Minister may claim the amount of the actual and reasonable expenses in respect of accommodation in Wellington that a member of Parliament is entitled to be reimbursed for under the Speaker's directions. However, the cost of those expenses is met from Vote Ministerial Services.

4.4 Removal costs

- (a) If a Minister takes up an official residence, the actual and reasonable costs of moving to and from the official residence and either (but not both) of the following residences will be met:
 - (i) the Minister's primary place of residence;
 - (ii) an alternative Wellington residence.
- (b) The Minister must arrange any insurance cover and meet the costs of that cover.

4.5 Parliamentary Under-Secretaries

Parliamentary Under-Secretaries are not entitled to be provided with an official residence.

4.6 Security

Ministerial Services will provide all official residences, Wellington residences, and primary places of residence of members of the Executive with security measures to the level recommended by official risk and security assessments.

4.7 Services provided with official residence

Schedule 1 sets out the incidental services that are provided with an official residence.

Part 5 Communications

5.1 Context

Members of the Executive need to be kept informed of events in New Zealand, and internationally, relevant to their portfolios and the government generally. They also need to communicate in a timely manner with other members of the Executive, officials and members of the public. Communications equipment is provided for this purpose. The specific equipment provided may change according to developments in technology.

5.2 Landlines

Members of the Executive will have landlines provided as follows:

- (a) Wellington official residences – up to 2 lines and 1 high speed internet connection; or
- (b) the Wellington residence of a member of the Executive – up to 2 lines and 1 high speed internet connection;
- (c) primary place of residence of a member of the Executive – up to 2 lines.

5.3 Hand-held communication devices

Each member of the Executive is entitled to a hand-held communication device and all associated costs.

5.4 Other equipment

Ministers are entitled to:

- (1) A multi-function device (combined printer, scanner and facsimile), port replicator, monitor, keyboard and mouse in EITHER the primary place of residence OR the Wellington residence.
- (2) A television and audio visual recording equipment in the Wellington residence.
- (3) To give Ministers access to overseas news and current affairs channels, a basic pay television package will be provided to the Wellington residence. The cost of any additional packages, if required, will not be met from Vote Ministerial Services.

Part 6 Attendance

6.1 Nothing additional for attendance

Nothing additional is determined for attendance for members of the Executive.

Part 7 Operational Resources

7.1 Context

This part sets out the rules for funding the support services, other than those specified in Parts 3, 4 and 5 of this document, that are required to enable members of the Executive to carry out ministerial business as defined in clause 2.5.

7.2 Use of operational resources

A member of the Executive is entitled to use operational resources for the purpose of undertaking ministerial business.

7.3 Operational resources – interpretation

Operational resources means resources that are provided to assist members of the Executive to carry out ministerial business, including establishing and operating a ministerial office.

7.4 Restrictions on the use of operational resources

Operational resources are not provided and may not be used-

- (a) for personal or private benefit; or
- (b) in circumstances where provision has already been made by way of remuneration of the member pursuant to a determination applicable to members of Parliament under the Remuneration Authority Act 1977 or under any determination under s20A of the Civil List Act 1979 (other than under this Part); or
- (c) for electioneering; or
- (d) for any work directly related to the administration or management of a political party.

7.5 Schedule of goods or services available or not available as operational resources

Schedule 2 sets out the goods and services that are generally available or not available to members of the Executive as operational resources.

Dated at Wellington this 26th day of May 2009.

Hon John Key
Minister Responsible for Ministerial Services

Explanatory Note – Summary of principal changes from 2003 Determination

This document sets out the travel, accommodation, attendance, and communications services available to members of the Executive and their families.

The principal changes between the entitlements in this document and the entitlements that previously applied to members of the Executive are as follows:

1. The document has been re-drafted to follow the style of the *Directions and Specifications for Services and Funding Entitlements for the House of Representatives, its Members and Former Members*, gazetted in November 2008 (the *Speaker's Directions*). The document now includes contextual and purpose statements and guiding principles to assist in the day to day application of the Determination.
 2. Statements regarding the various roles of Ministers have been updated by reference to the revised Cabinet Manual 2008.
 3. The interpretation clause 2.5 includes updated definitions of **electioneering**, and **Wellington commuting area** – consistent with the *Speaker's Directions*.
 4. Some explicit statements clarifying the relationship between entitlements provided under this document and those provided by virtue of the *Speaker's Directions* have been included, for the avoidance of doubt – these are in clause 3.1 (domestic travel) and clause 4.3 (reimbursement of actual and reasonable expenses where official residence not taken up) .
 5. Under clause 3.3 travel expenses may now be claimed if the member is at least 80 kilometres from his or her primary place of residence (previously 100 kilometres), consistent with the *Speaker's Directions*.
 6. Provision is made in clause 3.6 for the Minister Responsible for Ministerial Services to set maximum values and other standards for self-drive cars.
 7. Clause 4.3 sets out the alternative arrangement for accommodation services where a Minister's primary place of residence is not in Wellington and he or she elects not to be provided with an official residence. This makes explicit the existing option of claiming reimbursement for actual and reasonable expenses up to the limit provided in the *Speaker's Directions*.
 8. Entitlements in respect of landlines, hand-held communication devices and other computer and audio-visual equipment have been updated and clarified.
 9. **Schedule 1** sets out the incidental services provided with official residences.
 10. **Schedule 2** sets out the goods and services that are generally available or not available to members of the Executive as operational resources.
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SCHEDULES

Schedule 1 – Services provided with official residences

The following services are provided by or through the Ministerial Property unit (Ministerial Property) of the Department of Internal Affairs (DIA) for each official residence:

1. Ministerial Property manages, maintains and services official residences that are owned by the Crown or DIA. Landlords are responsible for the maintenance of leased properties that serve as official residences. Ministerial Property works with landlords to ensure reasonable routine maintenance and repairs around the residence are carried out.
2. Ministerial Property inspects official residences (including furniture and fittings) at regular intervals as part of a planned maintenance regime.
3. Ministerial Property, provides the following services to official residences:
 - payment of the following occupancy costs: rates/rent accounts for electricity, gas, heating fuel, direct to the supplier;
 - payment of line rental, internet and call charges for lines provided under clause 5.2.
4. Television receiver cabinet and audio-visual recording equipment are provided. Television aerials are provided for residences owned by the Crown or by DIA.
5. Official residences are furnished with furniture, linen, whiteware, electrical appliances and kitchenware.
6. Ministerial Property staff will manage requests for maintenance and service. They will also arrange:
 - house cleaning on a weekly basis. This includes a laundry service for Ministers' bed linen and towels but does not include personal or other laundry;
 - window and carpet cleaning as required;
 - maintenance of gardens.
7. Ministerial Services official furniture/contents/chattels will be insured by Ministerial Property in official places of residence and in Wellington residences. This insurance does not cover the personal property of Ministers or their families. Ministers should make separate arrangements for their own contents insurance. Ministerial Property does not insure the primary place of residence.

Schedule 2 – Goods and services generally paid for as operational resources

This Schedule sets out the types of goods and services that will generally be paid for from Vote: Ministerial Services under the heading “operational resources”. By way of further guidance, examples are given of the types of goods and services that will generally not be paid for under “operational resources” The following lists are indicative, not definitive and are subject to interpretation in each case against the principles set out in clause 1.6 and the purposes of providing operational resources as set out in clause 7.

1. Examples of goods and services that will generally be paid for:

- (a) entertainment of visitors, staff and officials in their ministerial portfolio capacity
- (b) memberships, sponsorships and fees
- (c) koha
- (d) ministerial gifts and wrapping
- (e) flowers (including wreaths)
- (f) passport photos
- (g) briefcases and luggage for ministerial use
- (h) stationery, printing, photocopying and couriers
- (i) media transcripts
- (j) postage
- (k) kitchen supplies
- (l) catering costs for portfolio related functions
- (m) office staff farewell functions
- (n) subscriptions and newspapers
- (o) books relevant to the portfolio
- (p) taxis relevant to ministerial portfolio business, where not otherwise covered by clause 3.5
- (q) cellphone equipment, where not otherwise covered by clause 5.3.

2. Examples of goods and services that will generally not be paid for:

- (a) haircuts and hairstyling
- (b) groceries for personal use
- (c) meals with family members
- (d) everyday meals
- (e) gifts for staff
- (f) office staff Christmas functions where the amount exceeds \$30 per person
- (g) Dry cleaning except when travelling on official business
- (h) Gym membership
- (i) Alcohol unless it relates to a portfolio/ministerial function
- (j) Cabinet morning tea and lunch
- (k) Wine for wine auctions.