

INFORMATION NOTE

Remuneration of Members of the Parliament of New Zealand

1. Introduction

1.1 This information note provides information relating to the remuneration of Members of the Parliament of New Zealand. The scope of study covers the job nature and duties of Members, legal framework for Members' remuneration, how Members are remunerated, determination and adjustment mechanisms for Members remuneration, current rate of remuneration, and Members' total compensation package.

2. Job nature and duties of Members

Job nature

2.1 The Parliament of New Zealand does not require Members of Parliament to serve on a full-time basis. Members therefore may have outside employment. In fact, "employment" is a registrable interest that Members should register through providing the name and main business activities of their employer.

2.2 The Royal Commission upon Parliamentary Salaries and Allowances of 1951 established principles to guide the setting of parliamentary salaries and allowances. These principles were accepted and restated by the 1973 Royal Commission, and were recapitalized by the Controller and Auditor-General in 2001, including:¹

- (a) the occupation of a Member should be regarded as virtually full-time and professional in nature;
- (b) it should be assumed that a Member has no other income;

¹ The Controller and Auditor-General (2001) p.20.

- (c) it should be accepted that Members are married with family commitments; and
- (d) regard should be given to the sacrifices a Member and his or her spouse have to make in their enjoyment of leisure and family life.

2.3 Although Members may take up outside employment, the principles described above clearly show that membership of the Parliament of New Zealand is regarded as a full-time job. According to the *Parliamentary Practice in New Zealand*, the job of a Member is a full-time occupation, and salaries of Members have been fixed on this basis for many years.²

Job duties of Members

2.4 There is no prescribed description of the role and duties of a Member in the Standing Orders and other parliamentary documents. Members may carry out the duties of the office as they see fit. Generally speaking, duties of Members include:³

- (a) ensuring that the interests of the people are represented in all aspects of parliamentary business, and in other domestic and international forums;
- (b) contributing to the development of new laws or the amendment of existing laws, through participating in debates in the House of Representatives and its committees;
- (c) sitting on select committees and contributing to their scrutiny of the activities of the government and other issues of interest to the public, and hearing any evidence on those matters as they see fit;
- (d) closely examining the operations and performance of the government;
- (e) making representations to the government on behalf of individual constituents; and

² McGee (2005) p.46.

³ The Controller and Auditor-General (2001) pp.16-17.

- (f) meeting the public's expectations that their Members will, from time to time, be counsellors, experts on the operations of the Crown, advisers and advocates.

3. Legal framework for Members' remuneration

3.1 In New Zealand, salaries and allowances of Members are paid at rates fixed by a statutory commission known as the Remuneration Authority, which was established under the *Higher Salaries Commission Act 1977* (currently entitled the *Remuneration Authority Act 1977*).⁴ The payment of salaries and allowances to Members is governed by sections 16 to 20 of the *Civil List Act 1979*.

3.2 While the statutory framework for the payments of salaries and allowances is relatively straightforward, the scheme for other payments to and entitlements for Members (like travel, accommodation, communication and attendance services) is more complicated. Such payments and entitlements are governed by a number of interconnected statutory provisions and are determined by the Speaker.

3.3 In practice, the Remuneration Authority does not consider salaries and allowances in isolation from entitlements. It takes account of the remunerative aspects of the entitlements of Members in adjusting their salaries.

The Remuneration Authority

3.4 With considerable independence and flexibility, the Remuneration Authority sets remuneration for a range of elected or statutory offices whose salary is required to be set at arms length from the government. It consists of three members, who are appointed by the Governor-General by Order in Council. While the *Remuneration Authority Act 1977* states that no member of the Authority shall be a civil servant, it does not specify whether Members are eligible to be a member of the Authority. In any event, according to the Authority, for the sake of keeping the Authority independent and objective, it is not advisable for a member of the Authority to be a sitting or former Member.⁵

⁴ The commission was initially known as the Higher Salaries Commission. It was renamed as the Remuneration Authority on 1 April 2003. On that day, the title "*Higher Salaries Commission Act 1977*" was substituted by "*Remuneration Authority Act 1977*" pursuant to section 3(1) of the *Remuneration Authority (Members of Parliament) Amendment Act 2002*.

⁵ Legislative Council Secretariat (2005).

3.5 Section 18 of the *Remuneration Authority Act 1977* states that in determining the remuneration, the Remuneration Authority shall take into account:

- (a) the requirements of the position concerned; and
- (b) the conditions of service enjoyed by the persons whose remuneration is being determined and those whose remuneration and conditions of employment are, in the opinion of the Remuneration Authority, comparable with the former group.

3.6 In making its determinations, the Remuneration Authority has consistently pointed out that it is not its role to pass judgment on the performance of any Member. Its task is to determine a rate for the job, no matter who holds it and irrespective of his or her performance.⁶

3.7 The Remuneration Authority consults all the parties affected by its determination prior to issuing the salary decision. The determination is made known by a copy being delivered to the Speaker, the Prime Minister and the Leader of the Opposition, and by publication in the *New Zealand Gazette*. The determination is published as a statutory regulation. It has effect in its own right and is not subject to amendment or disallowance by the House.

4. How Members are remunerated

Components of remuneration

4.1 The last major review of the remuneration of Members was undertaken in 2001-2002, and the results were reflected in the Remuneration Authority's determination issued in 2003. Under that determination, the salaries of Members were realigned on a "total package" basis by way of abolishing three allowances formerly paid to Members and incorporating into the salaries the remuneration element of these allowances, and deducting from them the value of other benefits paid to Members. The aim of the realignment was to produce an "appropriate level of salary as the basis for future determinations".

⁶ McGee (2005) p.46.

4.2 The Remuneration Authority has jurisdiction to determine salaries, allowances and superannuation subsidies payable to Members. However, allowances are paid for the purpose of reimbursing Members for out-of-pocket expenses that arise from their official and parliamentary duties, and are not designed as remuneration.

Salary

4.3 The review undertaken by the Remuneration Authority in 2001-2002 took account of the market rate for employees holding jobs with similar complexity and responsibility to identify a package value for Members. The resulting figure reflected the total package of benefits Members could expect to receive given the criteria in place at the time. Part of that package was the value of the travel entitlement which was determined by the Speaker.⁷

Superannuation subsidy

4.4 The Remuneration Authority determines the percentage contribution payable to Members' superannuation. It also determines the maximum amount that may be paid by way of subsidies to the superannuation scheme.

Members with additional responsibilities

4.5 The following Members with additional responsibilities are entitled to a higher salary:

- (a) members of the Executive (the Prime Minister, Ministers etc.);
- (b) presiding officers of the House (i.e. the Speaker, Deputy Speaker and Assistant Speakers);
- (c) Leader of the Opposition;
- (d) other party leaders and deputy leaders;

⁷ Travel entitlement includes Members and their spouses' domestic and international travel entitlements. The international travel entitlement, as an element of a Member's remuneration, has been totally absorbed in the salary. It will be discussed further in section 5 of this paper.

- (e) whips; and
- (f) chairpersons and deputy chairpersons of select committees.

4.6 Nevertheless, the maximum amount of the superannuation subsidy is the same for all Members.

5. Determination and adjustment mechanisms

Development of the mechanism

5.1 The review on parliamentary salaries and allowances conducted by the Controller and Auditor-General in 2001 provides a summary of the development of the nature of Members' salaries and allowances prior to 2001:

- (a) prior to the late 19th century, Members received an honorarium recognising that some form of payment was justified to secure the representation needed for good government, based on compensating Members for being absent from their homes and "normal" occupations;
- (b) up to the 1940s, the payment to Members was established as having a salary component;
- (c) separate allowances were introduced in the 1940s; and
- (d) over the 1950s and up to the early 2000s, allowances were set up around particular purposes.

5.2 After considering the Controller and Auditor-General's review report tabled the Parliament in July 2001, the Parliamentary Service Commission set up an independent review group to conduct a comprehensive review of the Members' remuneration system in September 2001. The review group submitted its report to the Speaker in March 2002. Similar to the Controller and Auditor-General's report, a major recommendation of the review group was to distinguish between parliamentary remuneration and Members' work-related expenses.

5.3 After consultation with the Speaker, the Commissioner of Inland Revenue, and the Minister Responsible for Ministerial Services, the Remuneration Authority introduced a new approach in determining the remuneration of Members in 2003. A total package approach was adopted in that the remuneration element of the previous constituency allowance, basic expenses allowance and daily allowance were absorbed in the base salary.

5.4 Before 2003, only Constituency Members (Members elected from electorates) could receive constituency allowance, which led to different remuneration levels between Constituency Members and List Members (Members elected from party lists). Under the new remuneration system introduced in 2003, as the remuneration element of the constituency allowance is absorbed in the base salary, the differences between the two categories of Members have been minimal.

5.5 In the 2003 determination, the Remuneration Authority placed a value of NZ\$142,700 (HK\$889,021⁸) on the total remuneration level that it regarded as appropriate for a Member. In arriving at this figure, the Authority considered an evaluation report on a number of parliamentary positions prepared by the Hay Group⁹, the level of remuneration paid to Members in other countries, the submissions of Members, the level of remuneration paid to positions of similar responsibilities within the public service, as well as some other factors.¹⁰

5.6 Within the NZ\$142,700 (HK\$889,021) remuneration determined in 2003, NZ\$110,000 (HK\$685,300) was the base salary, NZ\$10,700 (HK\$66,661) was the value of Members' and their spouses' travel entitlement, and NZ\$22,000 (HK\$137,060) was superannuation. Over the years, the Remuneration Authority has reviewed and adjusted the valuation of the travel entitlement, based on the actual usage of the entitlements.

5.7 In November 2010, following the resignation of a Cabinet Minister over misuse of the international travel entitlement, the Prime Minister requested the Remuneration Authority to consider abolishing the entitlement and making the corresponding changes to Members' salaries. The Remuneration Authority issued the 2011 determination in November 2011, which abolishes the international travel rebate and raises parliamentary salaries to compensate for the ensuing de facto reduction in the overall value of Members' remuneration.

⁸ Based on the average exchange rate of HK\$6.23 per New Zealand dollar in 2011.

⁹ The Hay Group is an international consulting company that provides job evaluation services.

¹⁰ The *Parliamentary Salaries and Allowances Determination 2003* does not specify what these "other factors" are.

Frequency of adjustment

5.8 Under section 19 of the *Remuneration Authority Act 1977*, the Remuneration Authority must review and issue a fresh determination for the positions within its jurisdiction (except in respect of superannuation) at least once every three years. In practice, it has issued determinations of salaries and allowances for Members on an annual basis.¹¹

Criteria stipulated by the *Remuneration Authority Act 1977*

5.9 Section 18 of the *Remuneration Authority Act 1977* stipulates that in determining parliamentary salaries, the Remuneration Authority shall have regard to the following criteria:

- (a) the need to achieve and maintain fair relativity with the levels of remuneration received elsewhere;
- (b) the need to be fair both
 - (i) to the persons or group of persons whose remuneration is being determined, and
 - (ii) to taxpayers and ratepayers; and
- (c) the need to recruit and retain competent persons.

5.10 In 2009, an additional criterion was incorporated into the *Remuneration Authority Act 1977* (section 18A) such that the Remuneration Authority:

- (a) must take into account any prevailing adverse economic conditions, based on evidence from an authoritative source; and
- (b) may determine the remuneration at a rate lower than it would otherwise have determined.

¹¹ McGee (2005) p.45.

5.11 Nonetheless, a determination of remuneration at a lower rate under the above subsection must not result in the remuneration being lower than the remuneration entitled to before the determination. In other words, the amount of remuneration can only be increased in a lower rate, or even be frozen, but not be reduced.

How the Remuneration Authority determines Members' remuneration

5.12 According to the Remuneration Authority¹², to meet the criteria specified in the *Remuneration Authority Act*, each year it establishes a confidential payline based on the Hay system of job evaluations and taking primarily public sector remuneration into consideration.

5.13 The Hay system is the most widely used executive job evaluation system in the New Zealand public sector. Under the Hay system, a job is assessed against three components (know how, problem solving and accountability) to establish a level for the job that can be compared against different jobs in the economy. Based on such assessments, the Remuneration Authority obtains information on the pay rates for a range of jobs that are comparable to the jobs under its jurisdiction.

5.14 Different levels of job carry different "Hay points". In 2000, the Remuneration Authority established an equivalent Hay point for Members (994 Hay points), and the total remuneration of Members has been maintained roughly equivalent to that point. In other words, the pay rate for Members is aligned with jobs of 994 Hay points. For the Prime Minister and Cabinet Ministers, similar Hay evaluations were undertaken. Nonetheless, the corresponding pay rates have never been applied because the Authority considers that the levels of remuneration indicated would have not been accepted by the public (e.g. the Prime Minister was in excess of 6 000 points). In any event, some loose relativity is maintained between the Prime Minister, Chief Justice and Head of Treasury.¹³

¹² Email correspondence with the Remuneration Authority, 25 August 2011.

¹³ Ibid.

5.15 The Remuneration Authority uses this system to ensure that "there is a valid reason for setting a pay rate" and "politicians are treated no more or less favourably than other public sector clients" of the Authority. Nevertheless, it is noted that the public sector is less well paid than the private sector at the comparable level in New Zealand.¹⁴

Pay freeze

5.16 The Remuneration Authority decided in 2009 that there should be no adjustment to Members' remuneration for 2009-2010, owing to some considerations, in particular:

- (a) there was a sharp reduction in the growth of the state sector pay in 2009;
- (b) those requesting or requiring others to reduce public expenditure and forgo salary increases should, in turn, be able to demonstrate leadership in that regard; and
- (c) in a 10 February 2009 resolution, Members unanimously expressed their wish for no increase in their remuneration arising from the Remuneration Authority's 2009 review.¹⁵

5.17 After the pay freeze in 2009-2010, the Remuneration Authority's 2010 determination raised the salaries of Members by 1.4%. On top of this pay raise, an additional adjustment of NZ\$2,000 (HK\$12,460) was paid to each Member in order to reflect the fall-off in usage of the travel entitlement.

¹⁴ Email correspondence with the Remuneration Authority, 25 August 2011.

¹⁵ The wording of the motion was "That the members of this House, recognising that in the current economic situation Government revenue is reduced, many New Zealanders are losing their jobs or overtime, and more Government spending is required to invest in job creation and income support, agree to support a cross-party submission to the Remuneration Authority asking it to refrain from raising Members' salaries during the 2009 review and commit to revisiting this issue in 2010".

5.18 Given the ongoing economic restraints on government spending, the Remuneration Authority deferred the 2011 determination to the end of 2011. The 2011 determination was eventually released in November 2011. As the international travel rebate for Members and their spouses was withdrawn from 1 January 2011¹⁶, the Authority has decided to pay each Member NZ\$5,000 (HK\$31,150) to compensate for the reduction in value of the travel entitlement. In addition, a general increase of 1.5% of salary was set for the year 2011-2012.

6. Current rate of remuneration

Salary

6.1 Members with additional responsibilities, like Ministers, presiding officers of the House, Leader of the Opposition, other party leaders and deputy leaders, whips, as well as chairpersons and deputy chairpersons of select committees are entitled to a higher salary. A full list of Ministers and parliamentary office holders is provided in **Table 1**.

Table 1 – Members' salaries in the Parliament of New Zealand

Office holders	Yearly rate of salary
Prime Minister	NZ\$411,510 (HK\$2,563,707)
Deputy Prime Minister	NZ\$291,800 (HK\$1,817,914)
Cabinet Ministers	NZ\$257,800 (HK\$1,606,094)
Ministers	NZ\$217,200 (HK\$1,353,156)
Other members of the Executive Council	NZ\$189,000 (HK\$1,177,470)
Parliamentary Under-Secretaries	NZ\$168,600 (HK\$1,050,378)
Speaker	NZ\$257,800 (HK\$1,606,094)
Deputy Speaker	NZ\$181,200 (HK\$1,128,876)
Assistant Speakers	NZ\$155,700 (HK\$970,011)

¹⁶ For details, please refer to paragraph 7.4.

Table 1 – Members' salaries in the Parliament of New Zealand (cont'd)

Office holders	Yearly rate of salary
Leader of the Opposition	NZ\$257,800 (HK\$1,606,094)
Other party leaders	NZ\$155,700 (HK\$970,011) Plus NZ\$1,850 (HK\$11,526) for each additional member of the party in the House up to 5 Plus NZ\$1,230 (HK\$7,663) for each additional member of the party in the House over 5 up to 23 Plus NZ\$610 (HK\$3,800) for each additional member of the party in the House over 23
Deputy party leaders (For those parties whose members in the House number not less than 25)	NZ\$179,300 (HK\$1,117,039) Plus NZ\$610 (HK\$3,800) for each additional member of the party in the House over 25 up to 35 Plus NZ\$340 (HK\$2,118) for each additional member of the party in the House over 35 up to 45
Whips (For those parties whose members in the House number not less than 4)	NZ\$155,700 (HK\$970,011) Plus NZ\$1,230 (HK\$7,663) for each member of the party in the House over 6 up to 24 Plus NZ\$610 (HK\$3,800) for each additional member of the party in the House over 24 up to 35 Plus NZ\$340 (HK\$2,118) for each additional member of the party in the House over 35 up to 45 Plus NZ\$4,420 (HK\$27,537) if the Whip is also the Senior Government Whip
Junior whips (For those parties whose members in the House number not less than 25)	NZ\$155,700 (HK\$970,011)
Chairpersons of select committees	NZ\$155,700 (HK\$970,011)
Deputy chairpersons of select committees	NZ\$146,200 (HK\$910,826)
Ordinary Members	NZ\$141,800 (HK\$883,414)

Superannuation

6.2 In New Zealand, there is a universal flat-rate public pension, i.e. New Zealand Superannuation, which is paid to all New Zealanders aged 65 and over who have resided in the country for more than 10 years since age 20, with at least five years spent in the country after the age of 50. New Zealand Superannuation is funded on a pay-as-you-go basis from general revenue, and not from individual contributions. On top of this scheme, people may choose to join any voluntary retirement saving schemes.

6.3 Members who joined the New Zealand Parliament before 1 July 1992 may continue as contributors to the Parliamentary Superannuation Scheme under the Government Superannuation Fund.¹⁷ Under the scheme, contributions are payable at the rate of 11% of an ordinary Member's salary. The retiring allowance (or pension) is payable only to former Members who have served for not less than nine years (continuously or in separate periods) and who are at least 50 years of age. A Member who retires from the House before attaining the age of 50 after serving for at least nine years will not begin to receive the allowance until he or she is 50 years old.

6.4 For those became Members after 1 July 1992, no specific superannuation scheme exists for them. In any event, provision has been made for a public subsidy to be paid to any superannuation scheme registered under the *Superannuation Schemes Act 1989* which a Member chooses to join. Under the Remuneration Authority's determination, a Member may receive a superannuation subsidy of 2.5 times the amount of the Member's contribution to a registered superannuation scheme, up to a maximum amount of subsidy equal to 20% of an ordinary Member's salary.

¹⁷ The Government Superannuation Fund ("GSF") dates back to 1948, when it was established to provide a way for state sector employees to save for their retirement. There are seven schemes within GSF: Government Service Superannuation, New Government Service Superannuation, Superannuation of members of Armed Forces, Superannuation of Judges and Solicitor-General, Parliamentary Superannuation, Superannuation of members of Police, and Superannuation of members of Prisons Service. With the exception of Government Service Superannuation, New Government Service Superannuation and Superannuation of members of Prisons Service, the schemes are compulsory. All the schemes are managed and administered by the Government Superannuation Fund Authority under the *Government Superannuation Fund Act 1956*. Nonetheless, these schemes have been closed to new members from 1 July 1992. Contributing Members have the right to cease to contribute to the scheme and take a deferred pension or to receive a refund of their contributions.

7. Total compensation package

7.1 Allowances paid for the purpose of reimbursing Members' out-of-pocket expenses, which are not part of Members' remuneration, are also determined by the Remuneration Authority.¹⁸ Other payments to and entitlements for Members are determined by the Speaker, after taking into account the advice and recommendations made by the Parliamentary Service Commission and after consultation with the Commissioner of Inland Revenue and the Minister Responsible for Ministerial Services. A determination of services by the Speaker is published as a regulation, and is not subject to amendment or disallowance by the House.¹⁹

Allowance

7.2 The basic expense allowance is intended to cover out-of-pocket expenses incurred by Members in carrying out parliamentary duties such as: entertainment, memberships and sponsorships, koha,²⁰ donations and raffle tickets, gifts and prizes, flowers and wreaths, passport photos, clothing and grooming (for the Prime Minister only), briefcases and luggage, and meals. As shown in **Table 2**, separate basic expense allowances have been determined for the Prime Minister, the Speaker and ordinary Members.

Table 2 – Members' allowances in the Parliament of New Zealand

Office holders	Yearly rate of allowance
Prime Minister	NZ\$21,400 (HK\$133,322)
Speaker	NZ\$20,000 (HK\$124,600)
Ordinary Members	NZ\$16,100 (HK\$100,303)

¹⁸ See paragraph 4.2 of this paper.

¹⁹ Section 20A of the *Civil List Act 1979*.

²⁰ Koha is a New Zealand Māori custom, which can be translated as gift, present, offering, donation or contribution.

Travel, accommodation, attendance and communication services

7.3 The travel, accommodation, attendance and communication services may be provided in kind or in cash by way of reimbursement. The *Directions by the Speaker of the House of Representatives (No 2) 2010* describe the full details of the services available to Members. Such services include the entitlement to use taxis, rental cars and other forms of transport in New Zealand, access to chauffeured cars, reimbursement of Wellington and other accommodation expenses, and entitlement to use telephones, faxes and the Internet.

7.4 From 1 January 2011, the use of the international travel entitlement has been limited to travel on parliamentary business with the approval of the Speaker. Previously, the rebate was applied whether the travel undertaken by the Member was for private purposes, for parliamentary business, or both. The international travel rebate for Members' spouses and partners has also been removed.

Entitlements to funding and services to support parliamentary operations

7.5 In addition to the travel, accommodation, and communication services, Members are entitled to the following funding and services in order to support their parliamentary operations:

- (a) party and Members support funding;
- (b) services of out-of-Parliament support staff;
- (c) services of parliamentary support staff; and
- (d) office accommodation, equipment, and supplies in the Parliament.

7.6 A Party and Member Support appropriation is provided to each party. This funding is to support the leader's office, the whip's office, research operations, and Members' parliamentary operations. It is for the parties and Members to determine how to use the funding. **Table 3** shows the amount of annual allocation of funding.

Table 3 – Allocation of party and Members support funding in the Parliament of New Zealand

Categories of funding	Annual amount of funding
Leadership funding	NZ\$100,000 (HK\$623,000) for each party plus NZ\$64,320 (HK\$400,714) per non-Executive Member in the caucus.
Party and group funding	NZ\$22,000 (HK\$137,060) per Member in the caucus.
Individual Members support funding	(a) NZ\$105,192 (HK\$655,346) for each Constituency Member of either the Maori electoral district that is more than 10 000 sq km in area or a general electoral district that is more than 20 000 sq km in area; (b) NZ\$64,260 (HK\$400,340) for each other Constituency Member; and (c) NZ\$40,932 (HK\$255,006) for each List Member.

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31 January 2012
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