



Parliamentary Retirement Travel Act 2002

No. 110, 2002

Compilation No. 5

Compilation date:	23 February 2017
Includes amendments up to:	Act No. 4, 2017
Registered:	10 March 2017

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Parliamentary Retirement Travel Act 2002* that shows the text of the law as amended and in force on 23 February 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Introduction	1
1 Short title	1
2 Commencement	1
3 Simplified outline of this Act	2
3A Change of name of entitlement to travel	3
4 Definitions	3
4AA The purpose test	6
4A Closing the Parliamentary Retirement Travel Entitlement scheme to new members, other than to members who become Prime Minister	6
4B Other limitations on becoming a holder of a Parliamentary Retirement Travel Entitlement	8
4C Expiry of Parliamentary Retirement Travel Entitlement (other than for former Prime Ministers)	8
5 Retirement from the Parliament	11
6 Death of sitting member	11
7 When return trip is wholly within Australia	11
8 Stop-over does not affect continuity of trip	12
9 When return trip is in a year etc	12
9A Entitlement of spouses and de facto partners	13
9B Nomination of spouse or de facto partner	13
Part 2—Former Prime Ministers who have retired from the Parliament	15
10 Former Prime Ministers who have retired from the Parliament	15
Part 3—Former members	17
11 Former members	17
Part 5—Pro-rata adjustments	18
13 Simplified outline	18
14 Pro-rata adjustments	18
Part 6—Disqualification of person convicted of a corruption offence	22
15 Simplified outline	22
16 When this Part applies—superannuation order made in relation to a person convicted of a corruption offence	22

17	Consequences of order.....	23
18	Revocation of order	24
19	Revocation of order—compensatory travel	26
Part 7—Stop-overs of more than 24 hours		28
20	Simplified outline	28
21	Stop-over—general rule	28
22	Stop-over by spouse or de facto partner of retired former Prime Minister	28
Part 8—Miscellaneous		30
25	Entitlement limited to travel	30
26	Class of travel.....	30
27	Entitlements not transferable	30
28	Entitlements cannot be carried forward etc.....	30
29	Use of official frequent flyer points.....	30
30	Determinations of the Remuneration Tribunal	31
30A	Recoverable payments.....	32
31	Appropriation	33
32	Compensation—constitutional safety net	33
33	Unauthorised travel—recovery of expenses	33
35	Regulations.....	34
Endnotes		35
Endnote 1—About the endnotes		35
Endnote 2—Abbreviation key		37
Endnote 3—Legislation history		38
Endnote 4—Amendment history		39

An Act about travel entitlements for retired members of the Parliament, and for other purposes

Part 1—Introduction

1 Short title

This Act may be cited as the *Parliamentary Retirement Travel Act 2002*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	2 December 2002
2. Section 3	The 28th day after the day on which this Act receives the Royal Assent	30 December 2002
3. Sections 4 to 8	The day on which this Act receives the Royal Assent	2 December 2002
4. Section 9	The 28th day after the day on which this Act receives the Royal Assent	30 December 2002
5. Parts 2, 3, 4 and 5	The 28th day after the day on which this Act receives the Royal Assent	30 December 2002
6. Part 6	The day on which this Act receives the Royal Assent	2 December 2002
7. Part 7	The 28th day after the day on which this Act	30 December

Section 3

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	receives the Royal Assent	2002
8. Sections 25 to 31	The 28th day after the day on which this Act receives the Royal Assent	30 December 2002
9. Sections 32 and 33	The day on which this Act receives the Royal Assent	2 December 2002
10. Sections 34 and 35	The 28th day after the day on which this Act receives the Royal Assent	30 December 2002
11. Schedule 1	The 28th day after the day on which this Act receives the Royal Assent	30 December 2002

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

3 Simplified outline of this Act

- On retirement from the Parliament a person may, if he or she has satisfied the relevant qualifying period, become the holder of a Parliamentary Retirement Travel Entitlement conferring travel entitlements under this Act.
- For former members who are not former Prime Ministers:
 - (a) there are limits on when a person must have entered Parliament, and when a person must have satisfied the qualifying period and retired from the Parliament, in order to become the holder of a Parliamentary Retirement Travel Entitlement; and
 - (b) a Parliamentary Retirement Travel Entitlement expires after a limited period.

- This Act also confers some travel entitlements on the spouse or de facto partner of a retired former Prime Minister.
- Travel entitlements are limited to return trips that are within Australia, and that comply with certain other requirements (including that the travel be for the public benefit). There are also limits on the number of trips to which a person is entitled.
- If a superannuation order is made under the *Crimes (Superannuation Benefits) Act 1989* in relation to a person convicted of a corruption offence, the person is disqualified from travel entitlements under this Act and from severance travel.
- No person other than a retired former Prime Minister or the spouse or de facto partner of a retired former Prime Minister will have a Parliamentary Retirement Travel Entitlement after the day section 1 of the *Parliamentary Entitlements Legislation Amendment Act 2017* commences.

3A Change of name of entitlement to travel

- (1) From the commencement of this section, the name for what was previously called a “Life Gold Pass” (the ***old name***) is, by force of this section, changed to a “Parliamentary Retirement Travel Entitlement” (the ***new name***).
- (2) A reference in this Act to the new name includes (if the reference relates to a time before the commencement of this section) a reference to the old name.

4 Definitions

In this Act, unless the contrary intention appears:

Australia does not include an external Territory.

Section 4

commercial purpose means a purpose relating to the derivation of financial gain or reward, whether as a board member, an office-holder, an employee, a self-employed person or otherwise.

convicted, when used in relation to a corruption offence, has the same meaning as in the *Crimes (Superannuation Benefits) Act 1989*.

corruption offence has the same meaning as in the *Crimes (Superannuation Benefits) Act 1989*.

de facto partner of a person has the meaning given by the *Acts Interpretation Act 1901*.

domestic return trip means a return trip that:

- (a) is wholly within Australia; and
- (b) satisfies the purpose test specified in section 4AA; and
- (c) is on a scheduled transport service or on a combination of scheduled transport services.

Note: See also sections 7 and 8.

DPP means the Director of Public Prosecutions.

end of a Parliament: a Parliament **ends** when the House of Representatives is dissolved or expires.

former member means a person who has retired from the Parliament.

holder of a Parliamentary Retirement Travel Entitlement means a former member who, on retirement from the Parliament, was qualified to hold a Parliamentary Retirement Travel Entitlement, but does not include a former member who cannot be, or who has ceased to be, a holder of a Parliamentary Retirement Travel Entitlement because of section 4A, 4B or 4C.

Note: A person who has retired from Parliament may be qualified to hold a Parliamentary Retirement Travel Entitlement under a determination of the Remuneration Tribunal (see section 30).

member means a member of either House of the Parliament.

nominal expiry time for a Parliamentary Retirement Travel Entitlement: see subsection 18(4).

parliamentary allowance has the same meaning as in the *Parliamentary Superannuation Act 2004*.

Parliamentary Retirement Travel Entitlement: see section 3A.

retirement from the Parliament has the meaning given by section 5.

scheduled transport service means:

- (a) a scheduled air service; or
- (b) a scheduled rail service; or
- (c) a scheduled bus service; or
- (d) a scheduled tram service; or
- (e) a scheduled ferry service; or
- (f) a scheduled vehicular service.

senior office holder means:

- (a) a Minister, other than the Prime Minister or a Parliamentary Secretary; or
- (b) the President of the Senate or the Speaker of the House of Representatives; or
- (c) the Leader of the Opposition in the House of Representatives.

severance travel means travel at the expense of the Commonwealth under:

- (a) clause 8.1 of Determination 1998/26 (as amended) of the Remuneration Tribunal; or
- (b) the corresponding provision of another determination of the Remuneration Tribunal (whether made before or after the commencement of this section).

spouse, in relation to a person, means the person's legally married husband or legally married wife.

stop-over, in relation to a return trip, means a stop-over in the forward or return part of the trip.

Section 4AA

surviving spouse or de facto partner of a person who has died means a spouse or de facto partner of the person immediately before the person died who:

- (a) was named in a nomination in force under section 9B; or
- (b) if the person died while a member and satisfied the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement before his or her death—was named in a nomination in force for the purposes of a travel entitlement administered by the Department; or
- (c) if different spouses or de facto partners are named in nominations in force under paragraphs (a) and (b)—the spouse or de facto partner named in the most recent nomination.

year means:

- (a) the financial year beginning on 1 July 2003; or
- (b) a later financial year.

4AA The purpose test

A return trip by a person satisfies the purpose test if the person undertakes the trip for a purpose that is for the public benefit, and does not undertake the trip for a commercial purpose or a private purpose.

4A Closing the Parliamentary Retirement Travel Entitlement scheme to new members, other than to members who become Prime Minister

- (1A) Nothing in this section prevents a former member who has been the Prime Minister from becoming a holder of a Parliamentary Retirement Travel Entitlement.
- (1) A former member cannot become a holder of a Parliamentary Retirement Travel Entitlement if the first time that the former member became entitled to a parliamentary allowance was at or after the commencement of this section.

- (2) A former member who has been entitled to a parliamentary allowance before the commencement of this section cannot become a holder of a Parliamentary Retirement Travel Entitlement if, immediately before that commencement, the former member:
 - (a) was not a holder of a Parliamentary Retirement Travel Entitlement; and
 - (b) was not entitled to a parliamentary allowance.
- (3) A former member who was entitled to a parliamentary allowance immediately before the commencement of this section cannot become a holder of a Parliamentary Retirement Travel Entitlement if:
 - (a) at or after that commencement, the former member ceased to be entitled to a parliamentary allowance; and
 - (b) the former member was not a holder of a Parliamentary Retirement Travel Entitlement at the time of that cessation.
- (4) For the purposes of subsections (2) and (3), if a person:
 - (a) ceased to be a member of the House of Representatives upon the dissolution or expiration of that House; and
 - (b) was elected as a member of the Senate within 3 months after so ceasing to be a member of the House of Representatives;then the person is taken to have been entitled to a parliamentary allowance from the time of so ceasing to be a member of the House of Representatives until the time the person first becomes entitled to a parliamentary allowance after being so elected as a member of the Senate.
- (5) For the purposes of subsections (2) and (3), if a person:
 - (a) resigned as a member of the Senate; and
 - (b) was elected as a member of the House of Representatives within 3 months after the resignation;then the person is taken to have been entitled to a parliamentary allowance from the time the person resigned as a member of the Senate until the time the person was elected as a member of the House of Representatives.

Section 4B

- (6) For the purposes of subsections (4) and (5), a person who is elected as a result of a polling is taken to be elected on the polling day.

4B Other limitations on becoming a holder of a Parliamentary Retirement Travel Entitlement

- (1) A person who did not satisfy the relevant qualifying period before 14 May 2014 cannot become a holder of a Parliamentary Retirement Travel Entitlement on retirement from the Parliament, unless the person is the Prime Minister, or a former Prime Minister, when he or she retires.
- (2) A person who satisfied the relevant qualifying period before 14 May 2014 cannot become a holder of a Parliamentary Retirement Travel Entitlement on retirement from the Parliament on or after the day section 1 of the *Parliamentary Entitlements Legislation Amendment Act 2017* commences, unless the person is the Prime Minister, or a former Prime Minister, when he or she retires.

4C Expiry of Parliamentary Retirement Travel Entitlement (other than for former Prime Ministers)

Parliamentary Retirement Travel Entitlement (other than for former Prime Ministers) expires in accordance with this section

- (1) If:
- (a) a person is a holder of a Parliamentary Retirement Travel Entitlement on 13 May 2014, or becomes a holder of a Parliamentary Retirement Travel Entitlement after that day; and
 - (b) the person is not a former Prime Minister;
- the person's Parliamentary Retirement Travel Entitlement expires in accordance with this section.

Effects of expiry

- (2) The effects of expiry of a person's Parliamentary Retirement Travel Entitlement are as follows:
- (a) the person ceases, on the expiry of the Entitlement, to be a holder of a Parliamentary Retirement Travel Entitlement;
 - (b) subject to subsection (3), the person can never again become entitled to, or be a holder of, a Parliamentary Retirement Travel Entitlement;
 - (c) the expiry of the Parliamentary Retirement Travel Entitlement does not affect an entitlement under this Act in respect of a return trip that a person has taken, or started to take, before the expiry of the Entitlement.
- (3) Paragraph (2)(b) does not apply to a person who later becomes the Prime Minister.

Certain Parliamentary Retirement Travel Entitlements expire at the end of 13 May 2014

- (4) If:
- (a) on retirement from the Parliament before 14 May 2008, a person became a holder of a Parliamentary Retirement Travel Entitlement; and
 - (b) the person is a former senior office holder but is not a former Prime Minister;
- the person's Parliamentary Retirement Travel Entitlement expires at the end of 13 May 2014.
- (5) If:
- (a) on retirement from the Parliament before 14 May 2011, a person became a holder of a Parliamentary Retirement Travel Entitlement; and
 - (b) the person is not a former Prime Minister or a former senior office holder;
- the person's Parliamentary Retirement Travel Entitlement expires at the end of 13 May 2014.

Section 4C

Expiry of other Parliamentary Retirement Travel Entitlements

(6) If:

- (a) on retirement from the Parliament on or after 14 May 2008, a person became or becomes a holder of a Parliamentary Retirement Travel Entitlement; and
- (b) the person is a former senior office holder but is not a former Prime Minister;

the person's Parliamentary Retirement Travel Entitlement expires (subject to subsection (8)) at the earliest of the following:

- (c) the end of 72 months starting on the date of the retirement;
- (d) the second end of a Parliament to occur after:
 - (i) the date of the retirement (unless subparagraph (ii) applies); or
 - (ii) if the retirement occurs during a Parliament (the **current Parliament**)—the end of the current Parliament;
- (e) the day section 1 of the *Parliamentary Entitlements Legislation Amendment Act 2017* commences.

(7) If:

- (a) on retirement from the Parliament on or after 14 May 2011, a person became or becomes a holder of a Parliamentary Retirement Travel Entitlement; and
- (b) the person is not a former Prime Minister or a former senior office holder;

the person's Parliamentary Retirement Travel Entitlement expires (subject to subsection (8)) at the earliest of the following:

- (c) the end of 36 months starting on the date of the retirement;
- (d) the next end of a Parliament to occur after:
 - (i) the date of the retirement (unless subparagraph (ii) applies); or
 - (ii) if the retirement occurs during a Parliament (the **current Parliament**)—the end of the current Parliament;
- (e) the day section 1 of the *Parliamentary Entitlements Legislation Amendment Act 2017* commences.

- (8) If, under subsection (6) or (7), a Parliamentary Retirement Travel Entitlement would (but for this subsection) expire at a time before the end of 13 May 2014, the Parliamentary Retirement Travel Entitlement is instead taken to expire under that subsection at the end of that day.

5 Retirement from the Parliament

- (1) For the purposes of this Act, a person *retires from the Parliament* when the person ceases to be a member.
- (2) For the purposes of subsection (1), a person is taken not to have ceased to be a member while he or she continues to be entitled to the Parliamentary allowance that was payable to him or her as a member.
- (3) This Act applies to retirement from the Parliament, whether the retirement occurs before, at or after the commencement of this section.

6 Death of sitting member

For the purposes of this Act, if:

- (a) a person dies while a member (whether the death occurs before, at or after the commencement of this section); and
- (b) immediately before his or her death, the person satisfied the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement;

the person is taken:

- (c) to have retired from the Parliament at the time of his or her death; and
- (d) to have been qualified to hold a Parliamentary Retirement Travel Entitlement on retirement from the Parliament.

7 When return trip is wholly within Australia

For the purposes of this Act, a return trip is wholly within Australia if, and only if:

Section 8

- (a) the trip begins at a place (the *starting place*) within Australia; and
- (b) the destination is a place within Australia; and
- (c) each stop-over (if any) is at a place within Australia; and
- (d) the trip ends at the starting place.

8 Stop-over does not affect continuity of trip

For the purposes of this Act, a stop-over in a return trip does not affect the continuity of the forward or return part of the return trip.

Note: See also Part 7.

9 When return trip is in a year etc.

Year

- (1) For the purposes of this Act, if a return trip begins in a particular year, the trip is taken to be in that year (even if the trip is completed after the end of that year).

Surviving spouse or de facto partner

- (2) Subsection (1) does not apply for the purposes of determining the entitlements of the surviving spouse or de facto partner of a former Prime Minister.
- (3) If:
 - (a) the surviving spouse or de facto partner of a former Prime Minister has entitlements under this Act in relation to:
 - (i) the 12-month period beginning at the time of the death of the former Prime Minister or the commencement of this section, whichever is the later; and
 - (ii) each succeeding 12-month period; and
 - (b) the surviving spouse or de facto partner begins a return trip in one of those 12-month periods;the trip is taken to be in that 12-month period (even if the trip is completed after the end of that 12-month period).

- (4) If the surviving spouse or de facto partner of a former Prime Minister has entitlements under this Act only in relation to:
- (a) the 12-month period beginning at the time of the death of the former Prime Minister or the commencement of this section, whichever is the later; and
 - (b) the next succeeding 12-month period;
- then:
- (c) if the surviving spouse or de facto partner begins a return trip in the period mentioned in paragraph (a)—the trip is taken to be in that period, so long as the trip is completed before the end of the period mentioned in paragraph (b); and
 - (d) if the surviving spouse or de facto partner begins a return trip in the period mentioned in paragraph (b)—the trip is taken to be in that period, so long as the trip is completed before the end of that period.

9A Entitlement of spouses and de facto partners

- (1) In order for a spouse or de facto partner of a person to be entitled to domestic return trips under this Act, there must be a nomination in force under section 9B in relation to the spouse or de facto partner.

Note: Spouse or de facto partner entitlements under this Act are limited to a spouse or de facto partner of a retired former Prime Minister.

- (2) Only one spouse or de facto partner of a person may be nominated at any time.

9B Nomination of spouse or de facto partner

- (1) A person who has a spouse or de facto partner may nominate the spouse or de facto partner as the spouse or de facto partner who is entitled to domestic return trips under this Act.

Note: Spouse or de facto partner entitlements under this Act are limited to a spouse or de facto partner of a retired former Prime Minister.

- (2) The nomination must:
- (a) be in writing; and

Section 9B

- (b) name the spouse or de facto partner; and
 - (c) specify the day (the **start day**) from which the spouse or de facto partner is to be entitled to domestic return trips under this Act.
- (3) The start day may be earlier than the day the nomination is made but must not be earlier than the day on which the spouse or de facto partner became the spouse or de facto partner of the person.
- (4) The nomination is in force during the period:
 - (a) beginning on the start day; and
 - (b) ending on the earlier of:
 - (i) the day the person makes a written revocation of the nomination; or
 - (ii) if the person makes a subsequent nomination naming another spouse or de facto partner of the person—the day before the start day for the subsequent nomination.
- (5) If the start day for a subsequent nomination naming another spouse or de facto partner of a person includes a period during which a previously nominated spouse or de facto partner of the person took one or more domestic return trips, then, despite section 9A, the previously nominated spouse or de facto partner is taken to have been entitled to those domestic return trips.

Note: Under section 14, the total trips that may be taken by the subsequently nominated spouse or de facto partner in the year in which the start day occurs cannot exceed the number of trips left untaken in that year by the previously nominated spouse or de facto partner.

Part 2—Former Prime Ministers who have retired from the Parliament

10 Former Prime Ministers who have retired from the Parliament

(1) The following table has effect:

Entitlements		
Item	This person...	is entitled to...
1	a former Prime Minister who: (a) has retired from the Parliament; and (b) is the holder of a Parliamentary Retirement Travel Entitlement	a maximum of 30 domestic return trips per year.
2	the spouse or de facto partner of a former Prime Minister, where the former Prime Minister: (a) has retired from the Parliament; and (b) is the holder of a Parliamentary Retirement Travel Entitlement	a maximum of 20 domestic return trips per year, so long as no more than 10 of those trips are non-accompanying/joining trips (as defined by subsection (3)).
3	the surviving spouse or de facto partner of a former Prime Minister	the following: (a) a maximum of 10 domestic return trips in the 12-month period beginning at the time of the death of the former Prime Minister or the commencement of this section, whichever is later; (b) a maximum of 10 domestic return trips in each of the next 4 succeeding 12-month periods; (c) a maximum of 5 domestic return trips in each subsequent succeeding 12-month period.

Section 10

Pro-rata adjustments

- (2) Subsection (1) has effect subject to section 14 (pro-rata adjustments).

Non-accompanying/joining trip

- (3) For the purposes of this section, a domestic return trip by the spouse or de facto partner of a former Prime Minister is a ***non-accompanying/joining trip*** if the spouse or de facto partner is not accompanying or joining the former Prime Minister.

Part 3—Former members

11 Former members

Scope

- (1) This section applies if a former member never held office as Prime Minister.

Entitlements

- (2) The following table has effect:

Entitlements		
Item	This person...	is entitled to...
1	a former member who is the holder of a Parliamentary Retirement Travel Entitlement and who is a former senior office holder	a maximum of 10 domestic return trips per year.
2	a former member who is the holder of a Parliamentary Retirement Travel Entitlement and who is not a former senior office holder	a maximum of 5 domestic return trips per year.

Pro-rata adjustments

- (3) Subsection (2) has effect subject to section 14 (pro-rata adjustments).

Part 5—Pro-rata adjustments

13 Simplified outline

The following is a simplified outline of this Part:

- This Part adjusts entitlements in the following situations:
 - (a) a pro-rata adjustment where a member retires during a year;
 - (b) a pro-rata adjustment where a person becomes the spouse or de facto partner of a retired former Prime Minister during a year;
 - (c) a pro-rata adjustment where the maximum term of a Parliamentary Retirement Travel Entitlement under subsection 4C(6) or (7) will end during a year.

14 Pro-rata adjustments

Adjustments if member retires, or former Prime Minister nominates spouse or de facto partner, during a year

(1) The following table has effect:

Pro-rata adjustment			
Item	For the purposes of the application of...	if the following condition is satisfied...	the item has effect for that year as if the number of domestic return trips specified in the item were the number worked out under subsection (2), where the <i>remaining period begins on...</i>
1	item 1 of a table in Part 2 or item 1 or 2 of a table in Part 3 to	the former member retires from the Parliament during a year	the day after the day on which the former member retires from the Parliament.

Section 14

Pro-rata adjustment			
Item	For the purposes of the application of...	if the following condition is satisfied...	the item has effect for that year as if the number of domestic return trips specified in the item were the number worked out under subsection (2), where the <i>remaining period</i> begins on...
	a former member		
2	item 2 of a table in Part 2 to a person who is the spouse or de facto partner of a former Prime Minister	<p>either or both of the following happens during a year:</p> <p>(a) there is a start day for a nomination under section 9B of the person as the spouse or de facto partner of the former Prime Minister at a time when the former Prime Minister was retired from the Parliament;</p> <p>(b) the former Prime Minister retires from the Parliament.</p>	<p>whichever is the later of the following days:</p> <p>(a) the start day for the nomination under section 9B;</p> <p>(b) the day after the day on which the former Prime Minister retires from the Parliament.</p>

Pro-rating of entitlement

- (2) The number of domestic return trips for the purposes of the table in subsection (1) is:
- (a) for table item 1—the number of trips worked out using the formula in subsection (2A); or

Section 14

- (b) for table item 2—the lower of the number of trips worked out using that formula, and the difference between:
- (i) the maximum number of trips specified in the relevant item of the table in Part 2 for a spouse or de facto partner of the retired former Prime Minister; and
 - (ii) the number of trips (if any) already taken in the year by a spouse or de facto partner of the retired former Prime Minister previously nominated under section 9B.

(2A) For the purposes of paragraph (2)(a), the formula is:

$$\frac{\text{Number of domestic return trips specified in the item}}{\times} \frac{\text{Number of days in the remaining period}}{365}$$

where:

remaining period means the period:

- (a) beginning on the day worked out using the table; and
 - (b) ending at the end of the year.
- (3) A number worked out using the formula is to be rounded to the nearest whole number that is greater than zero (rounding up in the case exactly half-way between 2 whole numbers).

Adjustments if maximum term of Parliamentary Retirement Travel Entitlement under subsection 4C(6) or (7) will end during a year

- (4) For the purposes of the application of item 1 or 2 of the table in section 11 to a former member to whom subsection 4C(6) or (7) applies, if the 72 or 36 months (the **maximum term**) specified in paragraph (c) of that subsection will end during a year, the item has effect for that year as if the number of domestic return trips specified in the item were the number worked out using the formula:

$$\frac{\text{Number of domestic return trips specified in the item}}{\times} \frac{\text{Number of days in the eligible period}}{365}$$

where:

eligible period means the period:

- (a) beginning at the start of that year; and
- (b) ending at the end of the maximum term.

Note: Under section 4C, a Parliamentary Retirement Travel Entitlement may expire before the end of the maximum term. This subsection is not to be taken to imply that there is an entitlement in respect of a return trip that is started after the expiry of the Entitlement.

- (5) A number worked out using the formula is to be rounded to the nearest whole number that is greater than zero (rounding up in the case exactly half-way between 2 whole numbers).

Part 6—Disqualification of person convicted of a corruption offence

15 Simplified outline

The following is a simplified outline of this Part:

- If a superannuation order is made under the *Crimes (Superannuation Benefits) Act 1989* in relation to a person convicted of a corruption offence, the person is disqualified from Parliamentary Retirement Travel Entitlement travel and severance travel.

16 When this Part applies—superannuation order made in relation to a person convicted of a corruption offence

Scope

- (1) This Part applies to a person if:
 - (a) a superannuation order is or was made in relation to the person under the *Crimes (Superannuation Benefits) Act 1989* on or after 11 June 2002; and
 - (b) the order relates to the person's conviction of a corruption offence that was committed when the person was a member; and
 - (c) the order was not revoked before the commencement of this Part.

DPP to notify order to the Minister

- (2) As soon as practicable after the order is made, the DPP must give written notice of the fact to the Minister.

Pre-commencement orders

- (3) If the order was made before the commencement of this Part, this Part has effect as if the order had been made immediately after the commencement of this Part.

17 Consequences of order

The following table has effect:

Consequences of order		
Item	If...	the consequence of the making of the order is that...
1	the person was the holder of a Parliamentary Retirement Travel Entitlement when the order was made	the person is taken to have ceased to be the holder of a Parliamentary Retirement Travel Entitlement and, if a Parliamentary Retirement Travel Entitlement had been issued to the person before the order was made: (a) the Parliamentary Retirement Travel Entitlement is cancelled; and (b) the person must return the Parliamentary Retirement Travel Entitlement to the Minister within 14 days after the order was made.
2	both of the following conditions are satisfied: (a) the person was not the holder of a Parliamentary Retirement Travel Entitlement when the order was made; (b) the person had satisfied the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement	the person is taken to have ceased to satisfy the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement.

Section 18

Consequences of order		
Item	If...	the consequence of the making of the order is that...
	when the order was made	
3	the following conditions are satisfied: (a) the person was not the holder of a Parliamentary Retirement Travel Entitlement when the order was made; (b) the person had not satisfied the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement when the order was made	the person is incapable of satisfying the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement.
4	the person is not the holder of a Parliamentary Retirement Travel Entitlement	the person is not entitled to severance travel.

18 Revocation of order

DPP to notify revocation to the Minister

- (1) If the order is revoked, the DPP must give written notice of the fact to the Minister.

Effect of revocation of order

- (2) If the order is revoked, the following table has effect:

Effect of revocation		
Item	If...	the effect of the revocation of the order is that...
1	the person's Parliamentary Retirement Travel Entitlement was cancelled under item 1 of the table in section 17	the Parliamentary Retirement Travel Entitlement is to be restored to the person as soon as practicable.

Effect of revocation		
Item	If...	the effect of the revocation of the order is that...
2	the person was the holder of a Parliamentary Retirement Travel Entitlement when the order was made	the person is taken to have resumed being the holder of a Parliamentary Retirement Travel Entitlement.
3	both of the following conditions are satisfied: (a) the person was not the holder of a Parliamentary Retirement Travel Entitlement when the order was made; (b) the person had satisfied the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement when the order was made	the person is taken to have resumed satisfying the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement.
4	the following conditions are satisfied: (a) the person was not the holder of a Parliamentary Retirement Travel Entitlement when the order was made; (b) the person had not satisfied the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement when the order was made	item 3 of the table in section 17 is to be disregarded in determining whether the person satisfies the relevant qualifying period for the issue of a Parliamentary Retirement Travel Entitlement.
5	the person is not the holder of a Parliamentary Retirement Travel Entitlement	the person is taken to have resumed his or her entitlement to severance travel, but the period during which the person is eligible for severance travel is extended by one day for each day in the period: (a) beginning when the order was made; and

Section 19

Effect of revocation		
Item	If...	the effect of the revocation of the order is that...
		(b) ending when the order was revoked.

Interaction between items 1 and 2 of the table in subsection (2) and the rules in section 4C about expiry of Parliamentary Retirement Travel Entitlements

- (3) If:
- (a) item 2 of the table in subsection (2) applies (whether or not item 1 also applies); and
 - (b) the person is not a former Prime Minister;
- then nothing in either of those items is to be taken to result in the person resuming being the holder of a Parliamentary Retirement Travel Entitlement, or in requiring a Parliamentary Retirement Travel Entitlement to be restored to the person, on the revocation of the order if the revocation takes effect after the nominal expiry time for the Parliamentary Retirement Travel Entitlement that the person held when the order was made.

Meaning of nominal expiry time

- (4) The **nominal expiry time** for a Parliamentary Retirement Travel Entitlement is the time specified in section 4C for the expiry of the Entitlement.

19 Revocation of order—compensatory travel

- (1) If the order is revoked, the following table has effect:

Compensatory travel entitlements		
Item	If, at the time of revocation...	the Minister may determine in writing that...
1	The person is a former member	in addition to any other entitlements of the person, the person is entitled to

Compensatory travel entitlements		
Item	If, at the time of revocation...	the Minister may determine in writing that...
		such number of additional domestic return trips as the Minister considers to be fair recompense to the person.
2	The person is a former member, and has a spouse or de facto partner	in addition to any other entitlements of the spouse or de facto partner, the spouse or de facto partner is entitled to such number of additional domestic return trips as the Minister considers to be fair recompense to the spouse or de facto partner, so long as each additional trip is for the purpose of accompanying or joining the former member.

- (2) If a determination under subsection (1) is made before the 28th day after the day on which this Act receives the Royal Assent, the determination takes effect on that 28th day.

Part 7—Stop-overs of more than 24 hours

20 Simplified outline

The following is a simplified outline of this Part:

- If a person's domestic return trip has a stop-over that is longer than 24 hours, the person is taken to have completed an additional 0.5 domestic return trips.

21 Stop-over—general rule

For the purposes of this Act, if:

- (a) a former member, or the surviving spouse or de facto partner of a former Prime Minister undertakes a domestic return trip; and
- (b) the return trip uses an entitlement of the former member, or the surviving spouse or de facto partner, as the case may be, under this Act; and
- (c) there are one or more stop-overs that satisfy the following conditions:
 - (i) the stop-over is longer than 24 hours;
 - (ii) none of the circumstances surrounding the stop-over are circumstances of a kind declared by the regulations to be exceptional circumstances;

then, for each such stop-over, the former member, or the surviving spouse or de facto partner, as the case may be, is taken to have completed an additional 0.5 domestic return trips at the time when the return trip was completed.

22 Stop-over by spouse or de facto partner of retired former Prime Minister

For the purposes of this Act, if:

- (a) the spouse or de facto partner of a former Prime Minister undertakes a domestic return trip; and
- (b) the former Prime Minister has retired from the Parliament; and
- (c) the return trip uses an entitlement of the spouse or de facto partner under this Act; and
- (d) there are one or more stop-overs that satisfy the following conditions:
 - (i) the stop-over is longer than 24 hours;
 - (ii) none of the circumstances surrounding the stop-over are circumstances of a kind declared by the regulations to be exceptional circumstances;

then, for each such stop-over, the spouse or de facto partner is taken to have completed an additional 0.5 domestic return trips:

- (e) at the time when the return trip was completed; and
- (f) if the return trip was accompanying or joining the former Prime Minister—accompanying or joining the former Prime Minister; and
- (g) if the return trip was not accompanying or joining the former Prime Minister—not accompanying or joining the former Prime Minister.

Part 8—Miscellaneous

25 Entitlement limited to travel

A person's entitlement under this Act to a domestic return trip is limited to travel at the expense of the Commonwealth on the scheduled transport service or services concerned.

26 Class of travel

Travel under this Act on a domestic return trip is to be at the same class of travel determined from time to time by the Remuneration Tribunal for a member.

27 Entitlements not transferable

A person's entitlement to travel under this Act cannot be transferred to, or used by, another person.

28 Entitlements cannot be carried forward etc.

- (1) If a person has entitlements under this Act in relation to a particular year, an unused entitlement cannot be carried forward from that year to a later year.
- (2) If the surviving spouse or de facto partner of a retired former Prime Minister has entitlements under this Act in relation to a particular 12-month period, an unused entitlement cannot be carried forward from that 12-month period to a later 12-month period.
- (3) A person's entitlement to travel under this Act cannot be used or anticipated before the year or period in which the entitlement accrues.

29 Use of official frequent flyer points

- (1) If:
-

- (a) a person has accrued frequent flyer points as a result of travel at the expense of the Commonwealth; and
- (b) as a result of a choice by the person, any or all of those points are used to enable the person, or the person's spouse or de facto partner, to travel on a domestic return trip; and
- (c) if the points had not been used, the traveller would have been entitled to the return trip under this Act;

the traveller is taken to have used an entitlement under this Act in relation to the return trip.

Note: Spouse or de facto partner entitlements under this Act are limited to a spouse or de facto partner of a retired former Prime Minister.

- (2) This section applies to frequent flyer points accrued before, at or after the commencement of this section.

30 Determinations of the Remuneration Tribunal

Inconsistency

- (1) A determination of the Remuneration Tribunal has no effect to the extent to which it is inconsistent with this Act.

Qualification for a Parliamentary Retirement Travel Entitlement

- (2) A determination of the Remuneration Tribunal is to make provision for the circumstances in which a member will, on retirement from the Parliament, qualify for a Parliamentary Retirement Travel Entitlement.
- (3) A determination may provide for different circumstances for different kinds of members.

Pre-commencement trips

- (4) This Act (other than Part 6) does not affect an entitlement under a determination of the Remuneration Tribunal in relation to a return trip that began before the commencement of this section (even if the trip is completed after the commencement of this section).

Section 30A

Severance travel

- (5) This Act (other than Part 6) does not affect:
- (a) clauses 8.1 to 8.6 of Determination 1998/26 (as amended) of the Remuneration Tribunal; or
 - (b) the corresponding provisions of another determination of the Remuneration Tribunal (whether made before or after the commencement of this section).

30A Recoverable payments

- (1) If, apart from this subsection and paragraph 31(b), the Commonwealth does not have power under this Act to make a payment of an amount purportedly by way of an entitlement of a person (the *recipient*) to travel at Commonwealth expense, then:
- (a) the Commonwealth has the power to make the payment; and
 - (b) for the purpose of section 31, the payment is taken to be a payment of costs of travel under this Act; and
 - (c) the amount of the payment:
 - (i) is a debt due to the Commonwealth by the recipient; and
 - (ii) may be recovered by action in a court of competent jurisdiction.
- (2) The reference in subsection (1) to the Commonwealth not having power to make a payment of an amount purportedly by way of an entitlement of a person to travel at Commonwealth expense includes a reference to the Commonwealth only having power to make a payment for lower-cost travel. In this situation, paragraph (1)(c) applies to the amount by which the payment of costs exceeds what it would have been if the lower-cost travel had instead been undertaken.

Interaction with debt recovery regime in section 33

- (3) If an amount is recovered under subsection 33(2), the amount cannot be recovered under paragraph (1)(c) of this section.

- (4) If an amount is recovered under paragraph (1)(c), the amount cannot be recovered under subsection 33(2).

31 Appropriation

The Consolidated Revenue Fund is appropriated for the purposes of:

- (a) making payments of the costs of travel under this Act; and
- (b) making other payments in the course of the administration of this Act.

32 Compensation—constitutional safety net

- (1) If:
- (a) the operation of this Act would result in the acquisition of property otherwise than on just terms; and
 - (b) the acquisition would not be valid, apart from this section, because a particular person has not been compensated;
- the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

- (3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

33 Unauthorised travel—recovery of expenses

- (1) If:
- (a) a person travels at the expense of the Commonwealth; and
-

Section 35

- (b) the travel is purportedly authorised under:
 - (i) this Act; or
 - (ii) paragraph 2.25(b) or clause 7.1, 7.4 or 7.5 of Determination 1998/26 (as amended) of the Remuneration Tribunal, or a corresponding provision of another determination of the Remuneration Tribunal made before the commencement of this section; or
 - (iii) clause 8.1 of Determination 1998/26 (as amended) of the Remuneration Tribunal, or a corresponding provision of another determination of the Remuneration Tribunal (whether made before or after the commencement of this section); and
 - (c) the person was not eligible to travel at the expense of the Commonwealth;
- the person is liable to pay to the Commonwealth an amount equal to the amount of the expenses incurred by the Commonwealth.

Action for recovery of expenses

- (2) The amount may be recovered, as a debt due to the Commonwealth by the person, by action in a court of competent jurisdiction.

Transitional—subparagraph (1)(b)(ii)

- (3) Subparagraph (1)(b)(ii) does not apply to travel that occurred after the commencement of section 30 unless the travel is part of a return trip that began before the commencement of that section.

35 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Members of Parliament (Life Gold Pass) Act 2002	110, 2002	2 Dec 2002	s 3, 9–14, 20–31, 34, 35 and Sch 1: 30 Dec 2002 (s 2(1) items 2, 4, 5, 7, 8, 10, 11) Remainder: 2 Dec 2002 (s 2(1) items 1, 3, 6, 9)	
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Sch 7 (items 16–48): 10 Dec 2008 (s 2(1) item 16)	Sch 7 (item 48)
Members of Parliament (Life Gold Pass) and Other Legislation Amendment Act 2012	4, 2012	6 Mar 2012	Sch 1 (items 1, 6–8): 1 July 2012 (s 2(1) items 2, 4) Sch 1 (items 2–5, 9, 10): 6 Mar 2012 (s 2(1) items 3, 5)	Sch 1 (items 8–10)
Parliamentary Entitlements Legislation Amendment Act 2017	4, 2017	22 Feb 2017	Sch 1: 14 May 2014 (s 2(1) item 2) Sch 2 (item 9): 23 Feb 2017 (s 2(1) item 3)	Sch 1 (items 38–41)

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 4, 2017
Part 1	
s 1	am No 4, 2017
s 3	am No 144, 2008; No 4, 2012
	rs No 4, 2017
s 3A	ad No 4, 2017
s 4	am No 144, 2008; No 4, 2012; No 4, 2017
s 4AA	ad No 4, 2017
s 4A	ad No 4, 2012
	am No 4, 2017
s 4B	ad No 4, 2017
s 4C	ad No 4, 2017
s 6	am No 4, 2017
s 9	am No 144, 2008; No 4, 2017
s 9A	ad No 144, 2008
	am No 4, 2017
s 9B	ad No 144, 2008
	am No 4, 2017
Part 2	
s 10	am No 144, 2008; No 4, 2017
Part 3	
s 11	am No 144, 2008; No 4, 2012; No 4, 2017
Part 4 heading	rs No 144, 2008
	rep No 4, 2017
Part 4	rep No 4, 2017
s 12	am No 144, 2008; No 4, 2012
	rep No 4, 2017

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 5	
s 13	am No 144, 2008; No 4, 2017
s 14	am No 144, 2008; No 4, 2017
Part 6	
s 15	am No 4, 2017
s 17	am No 4, 2017
s 18	am No 4, 2017
s 19	am No 144, 2008
Part 7	
s 21	am No 144, 2008; No 4, 2017
s 22	am No 144, 2008; No 4, 2017
s 23	am No 144, 2008
	rep No 4, 2017
s 24	am No 144, 2008
	rep No 4, 2017
Part 8	
s 28	am No 144, 2008; No 4, 2017
s 29	am No 144, 2008; No 4, 2017
s 30	am No 4, 2017
s 30A	ad No 4, 2017
s 31	rs No 4, 2017
s 34	rep No 4, 2017
Schedule 1	rep No 4, 2017