



Parliamentary Entitlements Regulations 1997

Statutory Rules No. 318, 1997 as amended

made under the

Parliamentary Entitlements Act 1990

Compilation start date: 24 July 2014

Includes amendments up to: SLI No. 113, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Parliamentary Entitlements Regulations 1997* as in force on 24 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 24 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

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

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Parliamentary Entitlements Regulations 1997*.

2 Definitions

In these Regulations:

Act means the *Parliamentary Entitlements Act 1990*.

2A Variation and omission of Scheduled benefits

The Scheduled benefits are varied or omitted in accordance with Schedule 1.

Part 2—Additional benefits for members

Division 1—Printing and communications entitlement

3 Application of this Division

This Division applies to all members.

3AA Printing and communications entitlement

- (1) For paragraph 5(1)(b) of the Act, the additional benefit of a printing and communications entitlement, as set out in this Division, is prescribed.
- (2) The entitlement is for the cost of commercial services for any of the following:
 - (a) printing;
 - (b) the production of e-material;
 - (c) matters for incorporation into commercially printed material and commercially produced e-material, including the following:
 - (i) translation;
 - (ii) design;
 - (iii) artwork;
 - (iv) photography;
 - (d) the communication and distribution of printed material and e-material;
 - (e) the establishment and maintenance of websites;
 - (f) the production and maintenance of a product commonly known as an audio poster;

Note: This is a poster to which an electronic device has been attached to broadcast sound.
 - (g) matters for incorporation into an audio poster, including the following:
 - (i) translation;
 - (ii) design;

Regulation 3AA

- (iii) artwork;
 - (iv) photography;
 - (v) audio recordings;
 - (h) the distribution of audio posters.
- (2A) The entitlement must not be used for the cost of commercial services for:
- (a) the production of television or radio content; or
 - (b) the placement of television or radio content.
- (3) The entitlement must only be used for parliamentary or electorate purposes, and must not be used for:
- (a) party business; or
 - (b) commercial purposes.
- (5) For paragraph (2)(a), the entitlement is limited to printing on:
- (a) paper or card weighing not more than 700 grams per square metre; or
 - (b) flat magnetised material.
- (8) Subject to subregulation (9), printing on personalised letterhead stationery may include only the following:
- (a) the member's name and title;
 - (b) the address, postal address and contact details of the member's electorate office, Parliament House office, and capital city office (if applicable);
 - (c) other contact details of the member, including his or her electronic contact addresses;
Example: A member's email address and web site.
 - (d) for a member of the House of Representatives—his or her electoral division;
 - (e) for a Senator—his or her State or Territory;
 - (f) an electorate, State or Territory map;
 - (g) a description of the electorate, State or Territory, which may be in the form of, or include, a pictorial representation relating to the electorate, State or Territory;
 - (h) photographs of the member;
 - (i) the Commonwealth Coat of Arms;

Regulation 3AA

- (j) the Australian flag;
- (k) a political party logo;
- (l) 1 personal slogan or motto of the member;
- (m) incidental material.

Example 1: A statement that the material is printed on 100% recycled paper.

Example 2: A symbol such as a tick to indicate that an organisation or body has approved an environmentally friendly method of production of the paper.

- (9) If personalised letterhead stationery includes the Commonwealth Coat of Arms, the stationery must not include the Australian flag or a political party logo.
- (10) A member may use the entitlement to print the following number of postal vote applications for a federal election:
 - (a) for a member of the House of Representatives—a number equal to 50% of the number of enrolled voters in the member's electorate (within the electoral boundaries for the member's electorate as in place at the last general election) on the last working day of March before the election; and
 - (b) for a Senator—a number equal to 50% of the number of enrolled voters in the Senator's State or Territory on the last working day of March before the election.
- (11) In this regulation:
 - party business***:
 - (a) means the production, communication or distribution of material that:
 - (i) is, or contains, how-to-vote material; or
 - (ii) solicits subscriptions or other financial support for a member, political party or candidate; and
 - (b) does not include the production, communication or distribution of a postal vote application mentioned in subregulation (10).

personalised letterhead stationery means letterhead paper, envelopes, compliments slips and business cards for a member to which text or other material may then be added for the member's purposes.

3AB Entitlement for a member of the House of Representatives

Financial year after 2009–2010 financial year

- (6) The printing and communications entitlement for a member of the House of Representatives, for a financial year after the 2009–2010 financial year, is the sum of:
- (a) an amount being the product of the standard rate of postage and the number of enrolled voters (within the electoral boundaries for the member's electorate as in place at the last general election), as at the last working day in the March before the financial year; and
 - (b) \$75 000.

General

- (7) For paragraph (6)(a), if an electorate comes into existence after the last working day in March of a calendar year, the entitlement for the following financial year is the product of the standard rate of postage and the number of enrolled voters within the electoral boundaries for the member's electorate as at the close of the electoral roll for the last general election.
- (8) In this regulation:
- standard rate of postage*** means the rate of postage for carriage within Australia of standard postal articles by ordinary post as determined by the Board of Australia Post under paragraph 32(2)(c) of the *Australian Postal Corporation Act 1989*.
- (9) Subject to subregulation (11), if, in the previous financial year, a member received a supplement under regulation 3EA—the amount in subregulation (6) is reduced by the amount of the supplement spent by the member on printing and communications.
- (10) However, the Minister may, having regard to the particular circumstances of the member, waive the requirement in subregulation (9) in relation to the member.
- (11) If the Minister has approved, under subregulation 3EA(7A), the expenditure, in the 2011–2012 financial year, of a supplement for the 2010–2011 financial year, the amount in subregulation (6) is

Regulation 3AC

reduced, in the 2012–2013 financial year, by the amount of the supplement spent by the member on printing and communications in the 2010–2011 and 2011–2012 financial years.

- (12) However, the Minister may, having regard to the particular circumstances of the member, waive the requirement in subregulation (11) in relation to the member.

3AC Entitlement for a Senator

- (2) The printing and communications entitlement for a Senator for a financial year after the 2009–2010 financial year is \$40 000.
- (3) Subject to subregulation (5), if, in the previous financial year, a Senator received a supplement under regulation 3EA—the amount in subregulation (2) is reduced by the amount of the supplement spent by the Senator on printing and communications.
- (4) However, the Minister may, having regard to the particular circumstances of the Senator, waive the requirement in subregulation (3) in relation to the Senator.
- (5) If the Minister has approved, under subregulation 3EA(7A), the expenditure, in the 2011–2012 financial year, of a supplement for the 2010–2011 financial year, the amount in subregulation (2) is reduced, in the 2012–2013 financial year, by the amount of the supplement spent by the Senator on printing and communications in the 2010–2011 and 2011–2012 financial years.
- (6) However, the Minister may, having regard to the particular circumstances of the Senator, waive the requirement in subregulation (5) in relation to the Senator.

Division 2—Other additional benefits

3B Additional benefits for members representing a Minister or the Government—overseas travel

- (1) This regulation applies to a member who, with the approval of the Prime Minister, is representing a Minister or the Government overseas.
- (2) For subsection 5(1) of the Act, the cost of travel overseas at the same standard that would apply to a Minister travelling on official business is prescribed as an additional benefit for a member to which this regulation applies.
- (3) For subsection 5(1) of the Act, the following additional benefits are prescribed for a member to which this regulation applies:
 - (a) the cost of travel overseas by the member's spouse when accompanying the member, if the Prime Minister approves;
 - (b) the cost of official hospitality, under the same arrangements that apply to a Minister, if the Special Minister of State approves;
 - (c) the cost of vaccinations and medical supplies essential for travel overseas by the member;
 - (e) the cost of medical services (including emergency dental services) and hospital services received overseas by the member in the period covered by the official itinerary if the cost is not covered by insurance.

3C Additional benefits for members representing Australia—overseas travel

- (1) This regulation applies to a member who, with the approval of the Prime Minister, is representing Australia overseas.
- (2) For subsection 5(1) of the Act, the following additional benefits are prescribed for a member to whom this regulation applies:
 - (a) the cost of travel overseas by the member;

Regulation 3D

- (b) the cost of vaccinations and medical supplies essential for travel overseas by the member;
 - (d) the cost of medical services (including emergency dental services) and hospital services received overseas by the member in the period covered by the official itinerary if the cost is not covered by insurance;
 - (f) the cost of travel overseas by the member's spouse when accompanying the member, if the Prime Minister approves.
- (3) For subsection 5(1) of the Act, if the Leader of the Opposition is representing Australia overseas in accordance with subregulation (1), the costs of a staff member accompanying the Leader of the Opposition are prescribed as an additional benefit for the Leader of the Opposition.
- (4) For subsection 5(1) of the Act, if the Deputy Leader of the Opposition is representing Australia overseas in accordance with subregulation (1), the costs of a staff member accompanying the Deputy Leader of the Opposition are prescribed as an additional benefit for the Deputy Leader of the Opposition.

3D Additional benefits for members—use of special purpose aircraft

For subsection 5(1) of the Act, the use of special purpose aircraft, as approved by the Prime Minister, is prescribed as an additional benefit for a member for whom the Prime Minister has given an approval mentioned in subregulation 3B(1) or 3C(1).

3E Additional benefits for members—mobile telephone services for personal staff

For subsection 5(1) of the Act, the cost of mobile telephone services for use of personal staff of an independent member in respect of whom the Prime Minister has made a determination under section 12 of the Act, as approved by the Minister, is prescribed as an additional benefit for the independent member.

3EA Supplement of capped entitlements in exceptional circumstances

- (1) This regulation applies to a member if the Minister is satisfied that the member:
 - (a) has, in the financial year in which a disaster happens, expended a substantial part of:
 - (i) a capped entitlement, or
 - (ii) an entitlement of the member under a relevant determination; and
 - (b) because of the disaster, requires a supplement to those entitlements to conduct the member's electorate or parliamentary business.
- (2) For subsection 5(1) of the Act, the member is entitled, on application to the Minister, to a supplement in the financial year in which the disaster happened.
- (3) An application mentioned in subregulation (2) must be made:
 - (a) in the form approved by the Minister; and
 - (b) as soon as practicable after the disaster.
- (4) The amount of the supplement is the amount the Minister decides the member needs to supplement the member's entitlements mentioned in paragraph (1)(a) in order to conduct the member's electorate or parliamentary business in the financial year in which the disaster happens.
- (5) However, the total amount of supplement to which a member is entitled under this regulation in a financial year cannot exceed \$20,000, less any amount the member is entitled to under *Determination 2011/12, Supplement – Relief Staff Budget and Electorate Staff Travel Budget*, made under the *Members of Parliament (Staff) Act 1984*.

Note: *Determination 2011/12, Supplement – Relief Staff Budget and Electorate Staff Travel Budget*, provides for a similar supplement of entitlements under that determination, where an approval has been given under subregulation 3EA(2). The total of any supplement given under that determination and any supplement given under subregulation 3EA(2) cannot exceed \$20,000.

Regulation 3EA

- (6) A supplement under subregulation (2) may only be used by the member for one or more of the purposes declared by the Minister in a legislative instrument for this subregulation.
- (7) However, the member may only use the supplement for a purpose mentioned in subregulation (6) if the member has fully expended his or her capped entitlement for that purpose, in the financial year in which the disaster occurred.

Example: A member entitled to \$10 000 under subregulation (2) may only use the entitlement for printing and communications if the member has spent his or her full entitlement under regulation 3AA in the financial year in which the disaster occurred.

- (7A) The Minister may decide that any amount of supplement approved under subregulation (2) for the 2010–2011 financial year that is not used on or before 30 June 2011 may be used by the member, for a purpose mentioned in subregulation (6), in the 2011–2012 financial year, if the member has fully expended his or her capped entitlement for that purpose in the 2011–2012 financial year.
- (7B) Any amount of supplement approved under subregulation (7A) that is used in the 2011–2012 financial year does not count towards the annual amount mentioned in subregulation (5) for the 2011–2012 financial year.
- (8) The Minister may, by legislative instrument, declare:
 - (a) an entitlement to be a capped entitlement; and
 - (b) a determination made under the *Members of Parliament (Staff) Act 1984* to be a relevant determination.
- (9) In this regulation:

capped entitlement means an entitlement declared by the Minister under paragraph (8)(a).

disaster means a serious disruption to a community or region caused by a rapid onset event that:

- (a) threatens or causes death, injury or damage to property or the environment; and
- (b) requires significant and coordinated multi-agency and community response.

Regulation 3EB

relevant determination means a determination declared by the Minister under paragraph (8)(b).

3EB Insurance cover

- (1) For subsection 5(1) of the Act, an entitlement to insurance cover that:
- (a) is obtained by the Commonwealth; and
 - (b) covers a person mentioned in column 1 of an item in the following table; and
 - (c) covers any of the matters referred to in column 2 of the item and any of the activities referred to in column 3 of the item;
- is prescribed as an additional benefit for a member.

Insurance cover			
Item	Column 1 Persons covered	Column 2 Matters covered	Column 3 Activities covered
1	Member Spouse of Prime Minister	Injury to members of the public, or damage to personal property of members of the public	Parliamentary, electorate, official and party business
2	Member	Management activities, professional activities and employment practices	Parliamentary, electorate, official and party business
3	Member Spouse of Prime Minister or another Minister Spouse of Presiding Officer	Travel	Travel on parliamentary, electorate, official and party business

- (2) The Minister may approve in writing a policy or policies of insurance that provide the additional benefit under subregulation (1).
- (3) The additional benefit:

Regulation 3EC

- (a) is subject to any terms, conditions, limitations or exclusions specified in the policy or policies approved under subregulation (2); and
 - (b) may include additional insurance for a matter if:
 - (i) the matter is related to a matter mentioned in column 2 of an item in the table in subregulation (1); and
 - (ii) the additional insurance is included in a commercially available policy of insurance that covers the matter referred to in subparagraph (i); and
 - (c) may provide insurance for the spouse of a member, or a person assisting the member in undertaking activities referred to in column 3 of the item, in respect of a matter for which insurance is provided to the member under this regulation.
- (4) An approval under subregulation (2) is not a legislative instrument.

3EC Insurance of personal effects

- (1) For subsection 5(1) of the Act, the additional benefit of entitlement to the cost of insurance of personal effects, as set out in this regulation, is prescribed.
- (2) The Prime Minister is entitled to the cost of insurance for the Prime Minister's personal effects at official establishments.

Part 2A—Additional benefits for Parliamentary office-holders

3F Additional benefits for Leader of the Opposition

For subsection 5(1) of the Act, the cost of photographic services, as approved by the Prime Minister, is prescribed as an additional benefit for the Leader of the Opposition in the House of Representatives.

3G Additional benefits for certain office-holders

For subsection 5(1) of the Act, the cost of mobile telephone services for use of personal staff, as approved by the Minister, is prescribed as an additional benefit for:

- (a) the Leader of the Opposition in the House of Representatives; and
- (b) the Leader of The Nationals in the Senate; and
- (c) the leader of a minority party; and
- (d) party whips.

Part 3—Legal assistance to ministers

Division 1—Preliminary

5 Definitions

In this Part, unless the contrary intention appears:

approving Minister has the meaning given by regulation 7.

applicant means a person who is, or has been on or after 24 May 1990, a Minister.

ministerial duties means duties or conduct arising from occupying the office of Minister.

proceedings means:

- (a) a claim for damages or compensation against an applicant; or
- (b) a prosecution of an applicant; or
- (c) proceedings, in which damages or compensation are not claimed, that are brought against an applicant before a court, tribunal, person or body that may award damages or compensation; or
- (d) a claim that an applicant has a legal liability and should take some resulting action; or
- (e) an inquiry into matters involving an applicant or the conduct of an applicant (but not a challenge to the validity or conduct of the inquiry); or
- (f) a threat to start proceedings mentioned in paragraph (b) or (c).

Secretary means the Secretary to the Attorney-General's Department.

subpoena includes a summons or other compulsory process to appear to give evidence or to produce documents.

6 Application of Part

This Part applies to proceedings, or a subpoena received by an applicant related to his or her ministerial duties, in relation to a matter happening on or after 24 May 1990.

Division 2—Assistance

7 Approving Minister

- (1) For an application for assistance under regulation 9, the approving Minister is the Attorney-General unless subregulation (2), (3) or (4) applies.
- (2) If the Attorney-General is involved and the Prime Minister is not involved, the approving Minister is the Prime Minister.
- (3) If the Prime Minister and the Attorney-General are involved in the same matter, the approving Minister is the Minister for Finance and Administration.
- (4) If the Prime Minister, the Attorney-General and the Minister for Finance and Administration are involved in the same matter, the approving Minister is another Minister, who is not involved in the matter, appointed by the Prime Minister.
- (5) If all Ministers are involved in the matter, the approving Minister is the Attorney-General.

8 Application for assistance

An applicant may apply in writing to the approving Minister for assistance under regulation 9.

9 Assistance to an applicant

- (1) For subsection 5(1) of the Act, subject to this Part, the approving Minister may approve payment by the Commonwealth of:
 - (a) the costs of an applicant's legal representation in relation to proceedings and other costs related to proceedings; and
 - (b) damages or costs awarded against an applicant; and
 - (c) a reasonable amount payable by an applicant in the settlement of proceedings; and
 - (d) a fine or penalty imposed on an applicant; and

Regulation 10

- (e) the costs of legal representation in responding to a subpoena and other costs related to providing a response to a subpoena.
- (2) Assistance is payable in accordance with the approval, subject to these Regulations.
- (3) Assistance extends to the payment of costs for an appeal against, or a review of, a decision in proceedings for which the approval was given.
- (4) The approving Minister may reduce the amount of assistance payable if the approving Minister is satisfied that the applicant has breached these Regulations or a condition of the approval.
- (5) The approving Minister may defer making a decision whether to approve payment of assistance in whole or part until the proceedings reach a point at which the approving Minister considers it appropriate to make the decision.
- (6) Assistance approved in relation to the defence of an indictable offence must be limited initially to the preparation and conduct of committal proceedings.
- (7) Assistance for payment of a fine or penalty imposed or costs awarded against the applicant in criminal proceedings must not be approved until the fine or penalty is imposed or the costs are awarded.

10 Consideration by approving Minister

- (1) Before giving approval under regulation 9, the approving Minister must:
 - (a) consult other Ministers in accordance with arrangements approved by the Prime Minister; and
 - (b) for proceedings mentioned in paragraph (e) of the definition in regulation 5 of *proceedings*—be satisfied that:
 - (i) the inquiry relates to the performance by an applicant of ministerial duties; and
 - (ii) it is appropriate to give assistance; and
 - (c) for proceedings other than those mentioned in paragraph (b)—be satisfied that:

Regulation 11

- (i) the proceedings relate to actual or alleged performance or non-performance by the applicant of ministerial duties and the applicant acted reasonably and responsibly in relation to the matters giving rise to the proceedings; or
 - (ii) the proceedings arose only because the applicant is, or has been, the holder of the office of Minister.
- (2) Approval must not be given for assistance for proceedings that have arisen out of a motor vehicle incident for which:
 - (a) the applicant's liability is insured; or
 - (b) the approving Minister considers that the applicant's liability should reasonably have been insured.
- (3) Approval may be refused if there has been unreasonable delay in applying for assistance.

11 Revocation of approval

- (1) An approval under regulation 9 may be revoked by the approving Minister, by notice given to the applicant:
 - (a) so far as it provides for expenditure to be incurred, after the notice is given, for costs of an appeal or review; or
 - (b) if the approving Minister is satisfied that the applicant has breached a condition of the approval.
- (2) Where the grounds mentioned in paragraph (1)(b) exist:
 - (a) all or part of the approval may be revoked; and
 - (b) the applicant may be required to repay all or part of any money paid under the approval after the condition was breached.

12 Other arrangements

- (1) These Regulations do not affect an applicant's eligibility for assistance other than under these Regulations.

Regulation 12

- (2) However, in considering whether to approve assistance under these Regulations or the amount of assistance, the approving Minister may take into account any payment received or receivable by the applicant other than under these Regulations.

Division 3—Conditions

13 Control by Commonwealth

If an approval under paragraph 9(1)(b) or (c) has been given, the Commonwealth may control the conduct of the defence of the proceedings.

14 Assistance by applicant

The applicant must give to the Commonwealth the assistance that it requests in exercising its control under regulation 13.

15 General conditions

- (1) An approval under regulation 9 may be subject to the condition that the Australian Government Solicitor or another nominated legal practitioner will represent the applicant.
- (2) An approval may be subject to other conditions imposed by the approving Minister at any time.
- (3) The costs of an applicant's legal representation and other related costs will be paid only so far as they are certified by the Secretary, or another officer designated by the Secretary, to be reasonable.

16 Recovery of costs

- (1) An approval under regulation 9 for the Commonwealth to arrange for the defence of an applicant is subject to the condition that, if an award of costs is made in the applicant's favour, the applicant must take all steps directed by the Commonwealth to recover the costs and must pay to the Commonwealth any costs recovered.
- (2) The approval includes approval for the payment of the reasonable expense, certified by the Secretary or another officer designated by the Secretary, of the steps reasonably taken or directed to be taken by the applicant to recover those costs.

Division 4—Monitoring and reporting

17 Monitoring

The Secretary or another officer designated by the Secretary must:

- (a) monitor strategies adopted by an applicant in legal proceedings for which assistance under regulation 9 has been approved; and
- (b) inform the approving Minister if the Secretary or the other officer considers that proposed expenditure on the proceedings is unreasonable.

18 Reporting

The Attorney-General must:

- (a) inform the Parliament of each decision to pay assistance under this Part, including reasons for the decision and any limits on expenditure, as soon as possible; and
- (b) within 3 months after the end of each financial year, table a consolidated statement of expenditure under this Part for that year, specifying the expenditure for each matter.

Schedule 1—Variation or omission of Scheduled benefits in Schedule 1 to the Parliamentary Entitlements Act 1990

(regulation 2A)

Part 1—Variations or omissions for Part 1

[100AA] Item 2

after
symbols,
insert
as approved by the Minister,

[100] Item 3

omit

[101] Item 4

omit

[102] Item 5

omit
publications from the Australian Government Bookshop
insert
Australian Government publications

[103] Item 6

omit
in
insert
at

[104] Item 7

substitute

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- | | |
|--------|---|
| 7. (1) | Office accommodation (including for personal staff) in the electorate, together with equipment, facilities, office requisites and stationery necessary to operate the office, as approved by the Minister, for purposes related to Parliamentary, electorate or official business, but not commercial business. |
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- | | |
|-----|--|
| (2) | For subitem (1), office requisites and stationery, as approved by the Minister, must not exceed:
(a) from 1 October 2009 to 30 June 2010—\$26 178; and
(b) for each subsequent financial year—\$35 000 indexed annually. |
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|-----|--|
| (3) | Subject to subitem 7(5), if, in the previous financial year, a member received a supplement under regulation 3EA—the amount in paragraph 7(2)(b) is reduced by the amount of the supplement spent by the member on office requisites and stationery. |
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| (4) | However, the Minister may, having regard to the particular circumstances of a member, waive the requirement in subitem 7(3) in relation to the member. |
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|-----|---|
| (5) | If the Minister has approved, under subregulation 3EA(7A), the expenditure, in the 2011–2012 financial year, of a supplement, under regulation 3EA, for the 2010–2011 financial year, the amount in paragraph 7(2)(b), for the 2012–2013 financial year, is reduced by the amount of the supplement spent by the member on office requisites and stationery in the 2010–2011 and 2011–2012 financial years. |
|-----|---|
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|-----|--|
| (6) | However, the Minister may, having regard to the particular circumstances of a member, waive the requirement in subitem 7(5) in relation to the member. |
|-----|--|
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[104A] After item 7

insert

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- | | |
|---------|--|
| 7A. (1) | The cost of purchasing publications (including electronic publications) for purposes related to Parliamentary, electorate or official business, but not commercial business. |
|---------|--|
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Schedule 1 Variation or omission of Scheduled benefits in Schedule 1 to the
Parliamentary Entitlements Act 1990

Part 1 Variations or omissions for Part 1

-
- | | |
|-------|--|
| (2) | For subitem (1), the entitlement for a member of the House of Representatives representing an electorate with a demographic rating, as determined by the Australian Electoral Commission, of inner metropolitan or outer metropolitan, must not exceed:
(a) for the 2009–2010 financial year—\$3 419; and
(b) for each subsequent financial year—\$3 419 indexed annually in accordance with the Consumer Price Index. |
| <hr/> | |
| (3) | For subitem (1), the entitlement for a Senator or a member of the House of Representatives not mentioned in subitem (2), must not exceed:
(a) for the 2009–2010 financial year—\$4 572; and
(b) for each subsequent financial year—\$4 572 indexed annually in accordance with the Consumer Price Index. |
-

[105] Paragraph 8(b)

omit

official cars;

insert

car with driver services;

[105A] Subitem 9(1)

after

Parliamentary Delegation

insert

, other than an Inter-Parliamentary Union or Commonwealth
Parliamentary Association delegation,

[106] Paragraph 9(1)(a)

substitute

- (a) the cost of the following, in accordance with the official itinerary:
- (i) fares at no higher than business class;
 - (ii) charter travel for the delegation;
 - (iii) accommodation of an appropriate standard;

- (iv) meals and incidentals (some or all of which may be paid by way of an allowance equivalent to the standard applying to an SES employee in the Department of Foreign Affairs and Trade); and

[107] Paragraph 9(1)(b)

omit

appropriate Australian Public Service standard;

insert

standard applying to an employee in the Senior Executive Service in the Department of Foreign Affairs and Trade;

[108] After paragraph 9(1)(c)

insert

- (ca) the cost of facilities and services necessary for meetings of the delegation; and

[109] Paragraph 9(1)(d)

substitute

- (d) the following costs relating to medical and hospital services received by the member:
 - (i) the cost of vaccinations and medical supplies essential for travel overseas;
 - (iii) the cost of medical services (including emergency dental services) and hospital services received overseas by the member in the period covered by the official itinerary if the cost is not covered by insurance; and

[110] Paragraphs 9(1)(e) and (f)

substitute

- (e) use of special purpose aircraft as approved by the Prime Minister.

[111] Subitem 9(2)

substitute

Schedule 1 Variation or omission of Scheduled benefits in Schedule 1 to the
Parliamentary Entitlements Act 1990

Part 1 Variations or omissions for Part 1

- (2) The class of travel entitlement of the member may be downgraded for either or both of the following purposes:
- (a) to offset the cost of the fare of an accompanying spouse;
 - (b) to enable travel to be extended in accordance with a revised itinerary approved by the Minister for purposes related to Parliamentary or electorate business.

[112] After item 9

insert

Note: Travel for Inter-Parliamentary Union and Commonwealth Parliamentary Association delegations is funded separately by the Parliament.

[113] Item 10

omit

and Leaders of the Opposition in the House of Representatives,

insert

, former Leaders of the Opposition in the House of Representatives and
former Leaders of The Nationals in the House of Representatives,

Part 2—Variations or omissions for Part 2

[201] Paragraph 1(1)(b)

substitute

- (b) for the Leader of the Opposition in the House of Representatives, the use of an official car with driver in Canberra or in the capital city of his or her home State or Territory; and

[202] Paragraph 1(1)(c)

omit

[203] Paragraph 1(1)(d)

omit

official cars;

insert

car with driver services;

[204] Paragraph 1(1)(e)

after

Presiding Officer,

insert

who may be accompanied by his or her spouse, 1 staff member and, subject to subitems (5) and (6), 1 or more persons mentioned in subitem (4),

[205] Paragraph 1(1)(f)

substitute

- (f) for the leader of a minority party, who may be accompanied by his or her spouse, 1 staff member and, subject to subitems (5) and (6), 1 or more persons mentioned in subitem (4), the cost of charter transport, not exceeding an annual amount calculated in accordance with subitem (7); and

[205A] Subitem 1(2)

omit

an Opposition Office holder or Presiding Officer,

insert

a Senior Officer,

[205AB] After subitem 1(3)

insert

- (4) For paragraphs (1)(e) and (f), the persons are:
 - (a) 1 or more additional members of his or her staff; and
 - (b) another member, or members, whose presence is relevant to the purpose of the travel; and
 - (c) subject to subitem (6), any other person.
- (5) A person mentioned in subitem (4) is not entitled to travel under this item if, as a result of the addition of the person to the travelling party:
 - (a) a larger aircraft or vehicle is required; or
 - (b) the cost to the Commonwealth of the travel is increased.
- (6) If a person mentioned in paragraph (4)(c) is added to a travelling party, the cost of the person's travel must be recovered, in accordance with cost recovery guidelines issued by the Minister.
- (7) For paragraph (1)(f), the annual amount is:
 - (a) for the 2011–2012 financial year—\$18,300; and
 - (b) for each subsequent financial year—\$18,300 indexed annually, in accordance with the Consumer Price Index, rounded up or down to the nearest multiple of \$100 (rounding up an amount of \$50).

[206] Item 2

substitute

- 2. (1) For travel overseas on official business by a Presiding Officer travelling on an itinerary approved by the Prime Minister:
 - (a) the cost of business class fares; and

- (b) the cost of accommodation, meals and incidentals; and
 - (c) the cost of travel, at business class, of one staff member accompanying the Presiding Officer; and
 - (d) if there is no accompanying spouse, and the Prime Minister so approves, the cost of travel, at business class, of a second staff member accompanying the Presiding Officer; and
 - (e) the following costs relating to medical and hospital services received by the Presiding Officer:
 - (i) the cost of vaccinations and medical supplies essential for travel overseas;
 - (iii) the cost of medical services (including emergency dental services) and hospital services received overseas if the cost is not covered by insurance; and
 - (g) equipment and clothing allowances equivalent to the standard applying to an SES employee in the Department of Foreign Affairs and Trade.
- (2) If, with the approval of the Prime Minister, a member is representing the Presiding Officer, the member is entitled to the same benefits under subitem (1) as the Presiding Officer.
- (3) In this item:
- staff member** means a person employed under the *Members of Parliament (Staff) Act 1984*.
- 2A. (1) For travel overseas on official business in a financial year by the Leader of the Opposition in the House of Representatives, and by other members of the Opposition as approved by the Leader of the Opposition, an amount equal to the cost of 4 scheduled first class around-the-world airfares as calculated:
- (a) on 1 July in that financial year; and
 - (b) on the basis of a Sydney to London to Sydney via Eastern hemisphere route and Atlantic-Pacific route.
- (2) If, during a financial year, a person becomes the Leader of the Opposition in the House of Representatives because the person's party has become the Opposition party or has joined one or more parties to become the Opposition:

- (a) during that year, the amount of the benefit mentioned in subitem (1) is taken to be an amount worked out by the formula:

$$\text{amount of whole benefit} \times \frac{\text{number of days in remainder of financial year}}{365} \quad ; \text{ and}$$

- (b) the amount so worked out must be rounded to the nearest whole number that is greater than zero.

Note: The number of days in the remainder of the financial year includes the day the party becomes the Opposition party or joins one or more parties to become the Opposition.

- (3) If, during a financial year, a person becomes the Leader of the Opposition in the House of Representatives in circumstances to which subitem (2) does not apply, the amount of the benefit mentioned in subitem (1) is taken to be the amount that was available to be used immediately before the person became the Leader.
- (4) The amount of the benefit mentioned in subitem (1) is to be used for:
- (a) the cost of travel of the Leader of the Opposition in the House of Representatives and other members of the Opposition travelling overseas at no higher than business class; and
 - (b) for the Leader and Deputy Leader of the Opposition in the House of Representatives, if the cost of his or her fares is being met by the amount of the benefit mentioned in subitem (1)—if a staff member is accompanying the Leader or Deputy Leader, as described in subitem (5), the cost of travel of a second staff member accompanying the Leader or Deputy Leader and travelling overseas at business class or a lower class; and
 - (c) for any other Opposition member, if the cost of his or her fares is being met by the amount of the benefit mentioned in subitem (1)—the cost of travel of up to 2 staff members accompanying the member and travelling overseas at

business class or a lower class, as approved by the Leader of the Opposition; and

- (d) for the Leader of the Opposition or other member—
equipment and clothing allowances equivalent to the standard applying to an SES employee in the Department of Foreign Affairs and Trade.
 - (5) In addition to the benefit mentioned in subitem (1), for travel overseas on official business in a financial year by the Leader or Deputy Leader of the Opposition in the House of Representatives, if the cost of his or her fares is being met by the amount of the benefit mentioned in subitem (1), the cost of travel of one staff member accompanying the Leader or Deputy Leader and travelling overseas at business class or a lower class.
 - (6) In addition to the benefit mentioned in subitem (1), for travel overseas on official business in a financial year by the Leader of the Opposition in the House of Representatives and other members of the Opposition:
 - (a) the following costs relating to medical and hospital services received by the Leader or member:
 - (i) the cost of vaccinations and medical supplies essential for travel overseas;
 - (iii) the cost of medical services (including emergency dental services) and hospital services received overseas if the cost is not covered by insurance.
 - (7) In this item:

staff member means a person employed under the *Members of Parliament (Staff) Act 1984*.
- 2B. (1) For travel overseas on official business in a financial year by the leader of a minority party, and by other members of the minority party as approved by the leader of the minority party, an amount equal to the cost of one scheduled first class around-the-world airfare as calculated:
- (a) on 1 July in that financial year; and
 - (b) on the basis of a Sydney to London to Sydney via Eastern hemisphere route and Atlantic-Pacific route.

- (2) If, during a financial year, a person becomes the leader of a minority party because the person's party becomes a minority party:

- (a) during that year, the amount of the benefit mentioned in subitem (1) is taken to be an amount worked out by the formula:

$$\text{amount of whole benefit} \times \frac{\text{number of days in remainder of financial year}}{365} ; \text{ and}$$

- (b) the amount so worked out must be rounded to the nearest whole number that is greater than zero.

Note: The number of days in the remainder of the financial year includes the day the party becomes a minority party.

- (3) If, during a financial year, a person becomes the leader of a minority party in circumstances to which subitem (2) does not apply, the amount of the benefit mentioned in subitem (1) is taken to be the amount that was available to be used immediately before the person became the leader.
- (4) The amount of the benefit mentioned in subitem (1) is to be used for:
- (a) the cost of travel of the leader of the minority party and other members of the minority party travelling overseas at no higher than business class; and
- (b) for the leader of the minority party, if the cost of his or her fares is being met by the amount of the benefit mentioned in subitem (1)—if a staff member is accompanying the leader as described in subitem (5), the cost of travel of a second staff member accompanying the leader and travelling overseas at business class or a lower class; and
- (c) for any other member of the minority party, if the cost of his or her fares is being met by the amount of the benefit mentioned in subitem (1)—the cost of travel of up to 2 staff members accompanying the member and travelling overseas at business class or a lower class, as approved by the leader of the minority party; and

- (d) for the leader of the minority party or other member—
equipment and clothing allowances equivalent to the standard
applying to an SES employee in the Department of Foreign
Affairs and Trade.
- (5) In addition to the benefit mentioned in subitem (1), for travel
overseas on official business in a financial year by the leader of the
minority party, if the cost of his or her fares is being met by the
amount of the benefit mentioned in subitem (1), the cost of travel
of one staff member accompanying the leader and travelling
overseas at business class or a lower class.
- (6) In addition to the benefit mentioned in subitem (1), for travel
overseas on official business in a financial year by the leader of the
minority party and other members of the minority party:
 - (a) the following costs relating to medical and hospital services
received by the leader and other members of the minority
party:
 - (i) the cost of vaccinations and medical supplies essential
for travel overseas;
 - (iii) the cost of medical services (including emergency
dental services) and hospital services received overseas
if the cost is not covered by insurance.
- (7) In this item:

staff member means a person employed under the *Members of
Parliament (Staff) Act 1984*.

[208A] Subitem 3(1)

substitute

- 3. (1) For travel overseas by the spouse of a Minister or Presiding Officer
when accompanying the Minister or Presiding Officer travelling on
official business:
 - (a) the cost of fares at the same class as the Minister or Presiding
Officer; and
 - (b) the cost of accommodation; and
 - (c) the cost of meals and incidentals (some or all of which may
be paid by way of an allowance equivalent to the standard

- applying to an SES employee in the Department of Foreign
Affairs and Trade); and
- (d) the cost of emergency medical and hospital treatment
overseas (if required).

[210] Item 4

after
Officer
insert
(other than a Parliamentary Secretary)

[210A] Paragraph 4(b)

omit
prior

[210B] Paragraph 4(b)

omit
first-class
insert
the highest available class

[211] Item 6(2)

substitute

- (1A) For a Senior Officer, the following costs in relation to a dedicated
data line associated with 1 home telephone service mentioned in
subitem 6(1):
- (a) the full cost of installation, maintenance and rental of the
line; and
 - (b) all call and on-line costs.
- (2) For the leader of a minority party:
- (a) the full cost of a home telephone service in Canberra; and
 - (b) for a dedicated data line associated with the home telephone
service:

- (i) the full cost of installation, maintenance and rental of the line; and
- (ii) all call and on-line costs.

[212] Item 7

after

official business

insert

, other than postage for a bulk mail-out

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Endnote 1—About the endnotes

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1997 No. 318	17 Nov 1997	17 Nov 1997	
1998 No. 269	26 Aug 1998	26 Aug 1998	—
2001 No. 355	21 Dec 2001	1 Jan 2002	—
2003 No. 149 (a)	26 June 2003	1 July 2003	—
2005 No. 197	22 Aug 2005 (F2005L02321)	23 Aug 2005	—
2005 No. 235	24 Oct 2005 (F2005L03257)	25 Oct 2005	—
2006 No. 211	14 Aug 2006 (F2006L02653)	rr. 1–3 and Schedule 1: 1 July 2006 Schedule 2: 15 Aug 2006 Remainder: 1 Sept 2006	—
2007 No. 145	8 June 2007 (F2007L01549)	9 June 2007	—
2008 No. 15	6 Mar 2008 (F2008L00659)	1 July 2008	—
2008 No. 228	3 Dec 2008 (F2008L04474)	4 Dec 2008	—
2009 No. 219	9 Sept 2009 (F2009L03463)	1 Oct 2009	—
as amended by			
2009 No. 250	30 Sept 2009 (F2009L03706)	30 Sept 2009	—
2009 No. 366	15 Dec 2009 (F2009L04564)	rr. 1–3 and Schedule 1: 1 Oct 2009 Schedule 2: 16 Dec 2009	—
2011 No. 55	21 Apr 2011 (F2011L00631)	22 Apr 2011	—

Endnotes

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
as amended by			
2011 No. 97	17 June 2011 (F2011L01069)	18 June 2011	—
2011 No. 72	2 June 2011 (F2011L00927)	3 June 2011	r. 4
2012 No. 104	19 June 2012 (F2012L01245)	1 July 2012	—
71, 2013	17 May 2013 (F2013L00792)	18 May 2013	—
109, 2013	14 June 2013 (F2013L01005)	1 July 2013	—
113, 2014	23 July 2014 (F2014L01018)	24 July 2014	—

(a) Item 3 of Schedule 1 was disallowed by the Senate on 20 August 2003.

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Heading to Part 1	ad. 1998 No. 269
r. 1	rs. 2001 No. 355
r. 2A	ad. 2003 No. 149
Part 2	
Heading to Part 2	ad. 1998 No. 269
	rs. 2003 No. 149
Division 1	
Heading to Div. 1	ad. 2009 No. 219
r. 3	rs. 2001 No. 355
	am. 2006 No. 211; 2007 No. 145; 2008 No. 15
	rs. 2009 No. 219 (as am. by 2009 No. 250)
r. 3A	ad. 2001 No. 355
	rs. 2006 No. 211
	am. 2008 No. 15
	rep. 2009 No. 219 (as am. by 2009 No. 250)
r. 3AA	ad. 2009 No. 219 (as am. by 2009 No. 250)
	am. 2009 No. 366; 2011 Nos. 55 and 72; No. 71, 2013
r. 3AB	ad. 2009 No. 219 (as am. by 2009 No. 250)
	am. 2011 No. 55 (as am. by 2011 No. 97)
r. 3AC	ad. 2009 No. 219 (as am. by 2009 No. 250)
	am. 2011 No. 55 (as am. by 2011 No. 97)
Division 2	
Heading to Div. 2	ad. 2009 No. 219
Heading to r. 3B	rs. 2003 No. 149
r. 3B	ad. 2001 No. 355
	am. 2003 No. 149; No. 109, 2013
r. 3C	ad. 2003 No. 149
	am. 2006 No. 211; No. 109, 2013
r. 3D	ad. 2003 No. 149

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r. 3E.....	ad. 2003 No.149
r. 3EA.....	ad. 2011 No. 55 (as am. by 2011 No. 97)
r. 3EB.....	ad. No. 109, 2013
r. 3EC.....	ad. No. 109, 2013
r. 4.....	rep. 2003 No. 149
Part 2A	
Part 2A.....	ad. 2003 No. 149
r. 3F.....	ad. 2003 No. 149
Heading to r. 3G.....	rs. 2006 No. 211
r. 3G.....	ad. 2003 No. 149
	rs. 2005 No. 197
	am. 2006 No. 211
Part 3	
Part 3.....	ad. 1998 No. 269
Division 1	
r. 5.....	ad. 1998 No. 269
r. 6.....	ad. 1998 No. 269
Division 2	
r. 7.....	ad. 1998 No. 269
r. 8.....	ad. 1998 No. 269
r. 9.....	ad. 1998 No. 269
r. 10.....	ad. 1998 No. 269
r. 11.....	ad. 1998 No. 269
r. 12.....	ad. 1998 No. 269
Division 3	
r. 13.....	ad. 1998 No. 269
r. 14.....	ad. 1998 No. 269
r. 15.....	ad. 1998 No. 269
r. 16.....	ad. 1998 No. 269
Division 4	
r. 17.....	ad. 1998 No. 269
r. 18.....	ad. 1998 No. 269

Endnote 4—Amendment history

Provision affected	How affected
Schedule 1	
Schedule 1	ad. 2003 No. 149 am. 2005 No. 235; 2006 No. 211; 2008 No. 228; 2009 No. 219 (as am. by 2009 No. 250); 2011 Nos. 55 (as am. by 2011 No. 97) and 72; 2012 No. 104; No. 109, 2013; No 113, 2014

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]