



Parliamentary Entitlements Amendment Regulations 2011 (No. 1)

Select Legislative Instrument 2011 No. 55 as amended

made under the

Parliamentary Entitlements Act 1990

This compilation was prepared on 18 June 2011
taking into account amendments up to SLI 2011 No. 97

**[This Regulation was amended by SLI 2011 No. 97 (*see*
F2011L01069)]**

Amendments from SLI 2011 No. 97

[Schedule 1 (items 1 and 2) amended item 3 of Schedule 1

Schedule 1 (items 3 and 4) amended item 5 of Schedule 1

Schedule 1 (items 5 and 6) amended item 6 to Schedule 1]

Schedule 1 (items 7 and 8) amended item 8.

Schedule 1 (items 1–8) commenced on 18 June 2011]

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

1 Name of Regulations

These Regulations are the *Parliamentary Entitlements Amendment Regulations 2011 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Parliamentary Entitlements Regulations 1997*

Schedule 1 amends the *Parliamentary Entitlements Regulations 1997*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 3AA (2)

substitute

- (2) The entitlement is for the cost of commercial services for:
- (a) printing, and the production of e-material; and
 - (aa) matters for incorporation into commercially printed material and commercially produced e-material, including the following:
 - (i) translation;
 - (ii) design;
 - (iii) artwork;
 - (iv) photography; and
 - (b) the communication and distribution of printed material and e-material; and
 - (c) the establishment and maintenance of websites.

[2] Subregulations 3AB (1) to (5)

omit

[3] After subregulation 3AB (8)

insert

- (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 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.

[4] Subregulation 3AC (1), including the table

omit

[5] After subregulation 3AC (2)

insert

- (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.

[6] After regulation 3E

insert

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

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

[7] Schedule 1, before item [100]

insert

[100AA] Item 2

after

symbols,

insert

as approved by the Minister,

[8] Schedule 1, item [104], after subitem 7 (2)

insert

- (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.
- (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.
- (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.
- (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.