



Members of Parliament (Life Gold Pass) Act 2002

No. 110, 2002

**An Act about Life Gold Passes, and for other
purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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Members of Parliament (Life Gold Pass) Act 2002

No. 110, 2002

An Act about Life Gold Passes, and for other purposes

[Assented to 2 December 2002]

The Parliament of Australia enacts:

Part 1—Introduction

1 Short title

This Act may be cited as the *Members of Parliament (Life Gold Pass) Act 2002*.

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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 receives the Royal Assent	30 December 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

The following is a simplified outline of this Act:

- This Act sets out the entitlements of holders of a Life Gold Pass.
- The basic rules are as follows:
 - (a) a former Prime Minister is entitled to a maximum of 40 domestic return trips per year;
 - (b) other pass-holders are entitled to a maximum of 25 domestic return trips per year.
- This Act also deals with travel by:
 - (a) spouses of pass-holders; and
 - (b) the widows and widowers of deceased pass-holders; and
 - (c) the spouses of sitting members who have satisfied the qualifying period for the issue of a Life Gold Pass.
- 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 Life Gold Pass travel and severance travel.

4 Definitions

In this Act, unless the contrary intention appears:

Australia does not include an external Territory.

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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*.

domestic return trip means a return trip that is:

- (a) wholly within Australia; and
- (b) not for a commercial purpose; and
- (c) 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.

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

holder of a Life Gold Pass means a former member who, on retirement from the Parliament, was qualified to hold a Life Gold Pass.

Note 1: A person who retired from the Parliament after the commencement of this section may have been qualified to hold a Life Gold Pass under a determination of the Remuneration Tribunal.

Note 2: A person who retired from the Parliament before the commencement of this section may have been qualified to hold a Life Gold Pass under a determination of the Remuneration Tribunal or under a scheme that was in existence under the executive power of the Commonwealth.

member means a member of either House of the Parliament.

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.

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.

widow, in relation to a deceased man, means the woman who was the spouse of the deceased man at the time of his death.

widower, in relation to a deceased woman, means the man who was the spouse of the deceased woman at the time of her death.

year means:

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

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.

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- (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 Life Gold Pass; 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 Life Gold Pass 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:

- (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).

Widow or widower

- (2) Subsection (1) does not apply for the purposes of determining the entitlements of the widow or widower of a former member.
- (3) If:
- (a) the widow or widower of a former member has entitlements under this Act in relation to:
 - (i) the 12-month period beginning at the time of the death of the former member or the commencement of this section, whichever is the later; and
 - (ii) each succeeding 12-month period; and
 - (b) the widow or widower 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 widow or widower of a former member has entitlements under this Act only in relation to:
- (a) the 12-month period beginning at the time of the death of the former member or the commencement of this section, whichever is the later; and
 - (b) the next succeeding 12-month period;
- then:
- (c) if the widow or widower 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 widow or widower begins a return trip in the period mentioned in paragraph (b)—the trip is taken to be in that

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period, so long as the trip is completed before the end of that period.

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 Life Gold Pass	a maximum of 40 domestic return trips per year.
2	the spouse of a former Prime Minister, where the former Prime Minister: (a) has retired from the Parliament; and (b) is the holder of a Life Gold Pass	a maximum of 40 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 widow or widower 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.

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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 of a former Prime Minister is a ***non-accompanying/joining trip*** if the trip is not for the purpose of 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 Life Gold Pass	a maximum of 25 domestic return trips per year.
2	the spouse of a former member, where the former member is the holder of a Life Gold Pass	a maximum of 25 domestic return trips per year, so long as each trip is for the purpose of accompanying or joining the former member.
3	the widow or widower of a former member, where the former member: (a) was the holder of a Life Gold Pass at the time of his or her death; and (b) died after the commencement of this section	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 member; (b) a maximum of 5 domestic return trips in the next succeeding 12-month period; so long as each trip is completed before the end of that next succeeding 12-month period.

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Entitlements		
Item	This person...	is entitled to...
4	the widow or widower of a former member, where the former member: <ul style="list-style-type: none"> (a) retired from the Parliament on or after 1 June 1976; and (b) was the holder of a Life Gold Pass at the time of his or her death; and (c) died during the 12-month period preceding the commencement of this section 	the following: <ul style="list-style-type: none"> (a) a maximum of 10 domestic return trips in the 12-month period beginning at the commencement of this section; (b) a maximum of 5 domestic return trips in the next succeeding 12-month period; so long as each trip is completed before the end of that next succeeding 12-month period.
5	the widow or widower of a former member, where the former member: <ul style="list-style-type: none"> (a) retired from the Parliament before 1 June 1976; and (b) was the holder of a Life Gold Pass at the time of his or her death; and (c) died before the commencement of this section 	the following: <ul style="list-style-type: none"> (a) a maximum of 10 domestic return trips in the 12-month period beginning at the commencement of this section; (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.

Pro-rata adjustments

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

Part 4—Spouses of sitting members

12 Spouses of sitting members

Scope

- (1) This section applies if a member has satisfied the relevant qualifying period for the issue of a Life Gold Pass.

Entitlements

- (2) The following table has effect:

Entitlements		
Item	This person...	is entitled to...
1	the spouse of the Prime Minister	a maximum of 40 domestic return trips to Canberra per year, so long as each trip is for the purpose of accompanying or joining the Prime Minister.
2	the spouse of a member, where the member has held office as Prime Minister	a maximum of 40 domestic return trips to Canberra per year, so long as each trip is for the purpose of accompanying or joining the member.
3	the spouse of a member, where the member never held office as Prime Minister	a maximum of 25 domestic return trips to Canberra per year, so long as each trip is for the purpose of accompanying or joining the member.

Pro-rata adjustments

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

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Additional entitlements

- (4) Entitlements under subsection (2) are in addition to:
- (a) any entitlements under a determination of the Remuneration Tribunal that do not relate to qualification for a Life Gold Pass; or
 - (b) any entitlements under the *Parliamentary Entitlements Act 1990*.

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 of a former member or member during a year;
 - (c) a pro-rata adjustment where, during a year, a member satisfies the relevant qualifying period for the issue of a Life Gold Pass.

14 Pro-rata adjustments

(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 using the pro-rating formula in subsection (2), where the <i>remaining period begins on...</i>
1	item 1 of a table in Part 2 or 3 to a former member	the former member retires from the Parliament during a year	the day after the day on which the former member retires from the Parliament.

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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 using the pro-rating formula in subsection (2), where the <i>remaining period</i> begins on...
2	item 2 of a table in Part 2 or 3 to a person who is the spouse of a former member	either or both of the following events happens during a year: (a) the person becomes the spouse of the former member at a time when the former member was retired from the Parliament; (b) the former member retires from the Parliament.	whichever is the later of the following days: (a) the day on which the person became the spouse of the former member; (b) the day after the day on which the former member retires from the Parliament.
3	item 1, 2 or 3 of a table in Part 4 to a person who is the spouse of a member	either or both of the following events happens during a year: (a) the person becomes the spouse of the member; (b) the member first satisfies the relevant qualifying period for the issue of a Life Gold Pass	whichever is the later of the following days: (a) the day on which the person became the spouse of the member; (b) the day on which the member first satisfied the relevant qualifying period for the issue of a Life Gold Pass.

Pro-rating formula

- (2) The pro-rating formula is:

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

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).

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 Life Gold Pass 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 Life Gold Pass when the order was made	<p>the person is taken to have ceased to be the holder of a Life Gold Pass and, if a Life Gold Pass had been issued to the person before the order was made:</p> <p>(a) the Life Gold Pass is cancelled; and</p> <p>(b) the person must return the Life Gold Pass to the Minister within 14 days after the order was made.</p>
2	<p>both of the following conditions are satisfied:</p> <p>(a) the person was not the holder of a Life Gold Pass when the order was made;</p> <p>(b) the person had satisfied the relevant qualifying period for the issue of a Life Gold Pass when the order was made</p>	the person is taken to have ceased to satisfy the relevant qualifying period for the issue of a Life Gold Pass.

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Consequences of order		
Item	If...	the consequence of the making of the order is that...
3	the following conditions are satisfied: (a) the person was not the holder of a Life Gold Pass when the order was made; (b) the person had not satisfied the relevant qualifying period for the issue of a Life Gold Pass when the order was made	the person is incapable of satisfying the relevant qualifying period for the issue of a Life Gold Pass.
4	the person is not the holder of a Life Gold Pass	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 Life Gold Pass was cancelled under item 1 of the table in section 17	the Life Gold Pass is to be restored to the person as soon as practicable.
2	the person was the holder of a Life Gold Pass when the order was made	the person is taken to have resumed being the holder of a Life Gold Pass.

Effect of revocation		
Item	If...	the effect of the revocation of the order is that...
3	both of the following conditions are satisfied: (a) the person was not the holder of a Life Gold Pass when the order was made; (b) the person had satisfied the relevant qualifying period for the issue of a Life Gold Pass when the order was made	the person is taken to have resumed satisfying the relevant qualifying period for the issue of a Life Gold Pass.
4	the following conditions are satisfied: (a) the person was not the holder of a Life Gold Pass when the order was made; (b) the person had not satisfied the relevant qualifying period for the issue of a Life Gold Pass 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 Life Gold Pass.
5	the person is not the holder of a Life Gold Pass	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 (b) ending when the order was revoked.

19 Revocation of order—compensatory travel

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

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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 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	in addition to any other entitlements of the spouse, the spouse is entitled to such number of additional domestic return trips as the Minister considers to be fair recompense to the spouse, 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 widow or widower of a former member, undertakes a domestic return trip; and
- (b) the return trip uses an entitlement of the former member, or the widow or widower, 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 widow or widower, 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 of former Prime Minister

For the purposes of this Act, if:

- (a) the spouse of a former Prime Minister undertakes a domestic return trip; and

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- (b) the former Prime Minister has retired from the Parliament; and
- (c) the return trip uses an entitlement of the spouse 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 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 for the purpose of accompanying or joining the former Prime Minister—for that purpose; and
- (g) if the return trip was not for the purpose of accompanying or joining the former Prime Minister—otherwise than for the purpose of accompanying or joining the former Prime Minister.

23 Stop-over by spouse of former member

For the purposes of this Act, if:

- (a) the spouse of a former member undertakes a domestic return trip; and
- (b) the former member never held office as Prime Minister; and
- (c) the return trip uses an entitlement of the spouse 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 is taken to have completed an additional 0.5 domestic return trips:

- (e) at the time when the return trip was completed; and

- (f) for the purpose of accompanying or joining the former member.

24 Stop-over by spouse of sitting member

For the purposes of this Act, if:

- (a) the spouse of a member undertakes a domestic return trip to Canberra; and
- (b) the return trip uses an entitlement of the spouse 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 spouse is taken to have completed an additional 0.5 domestic return trips to Canberra:

- (d) at the time when the return trip was completed; and
- (e) for the purpose of accompanying or joining the member.

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 widow or widower of a former member 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, 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.
- (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 Life Gold Pass

- (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 Life Gold Pass.
- (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).

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

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- (b) the corresponding provisions of another determination of the Remuneration Tribunal (whether made before or after the commencement of this section).

31 Appropriation

The cost of travel under this Act is to be paid out of the Consolidated Revenue Fund, which is appropriated for the purpose.

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
 - (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.

34 Transitional period

Schedule 1 has effect.

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.

Schedule 1—Transitional period

Note: See section 34

Part 1—Introduction

1 Definition

In this Schedule:

transitional period means the period:

- (a) beginning on the 28th day after the day on which this Act receives the Royal Assent; and
- (b) ending on 30 June 2003.

2 When return trip is in the transitional period

For the purposes of this Act, if a return trip begins in the transitional period, the trip is taken to be in the transitional period (even if the trip is completed after the end of the transitional period).

Clause 3

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

3 Transitional period

Entitlements

(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 Life Gold Pass	a maximum of N domestic return trips in the transitional period (where N is the transitional number).
2	the spouse of a former Prime Minister, where the former Prime Minister: (a) has retired from the Parliament; and (b) is the holder of a Life Gold Pass	a maximum of N domestic return trips in the transitional period (where N is the transitional number), so long as no more than 10 of those trips are non-accompanying/joining trips (as defined by subclause (5)).

Pro-rata adjustments

(2) Subclause (1) has effect subject to clause 8 (pro-rata adjustments).

Transitional number

(3) For the purposes of this clause, the **transitional number** is the number worked out using the formula:

$$40 \times \frac{\text{Number of days in the transitional period}}{365}$$

Clause 3

- (4) 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).

Non-accompanying/joining trip

- (5) For the purposes of this clause, a domestic return trip by the spouse of a former Prime Minister is a ***non-accompanying/joining trip*** if the trip is not for the purpose of accompanying or joining the former Prime Minister.

Part 3—Former members

4 Transitional period

Scope

- (1) This clause 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 Life Gold Pass	a maximum of N domestic return trips in the transitional period (where N is the transitional number).
2	the spouse of a former member, where the former member is the holder of a Life Gold Pass	a maximum of N domestic return trips in the transitional period (where N is the transitional number), so long as each trip is for the purpose of accompanying or joining the former member.

Pro-rata adjustments

- (3) Subclause (2) has effect subject to:
- (a) clause 5 (total number of domestic return trips); and
 - (b) clause 8 (pro-rata adjustments).

Transitional number

- (4) For the purposes of this clause, the **transitional number** is the number worked out using the formula:

$$25 \times \frac{\text{Number of days in the transitional period}}{365}$$

- (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).

5 Adjustment—total number of domestic return trips in the financial year beginning on 1 July 2002

Scope

- (1) This clause applies if:
- (a) a former member retired from the Parliament before the commencement of this clause; and
 - (b) the former member became the holder of a Life Gold Pass on retirement from the Parliament; and
 - (c) if this Act had not been enacted, the former member would have been entitled to travel, at the expense of the Commonwealth, up to a maximum of 25 domestic return trips (or a pro-rata rounded number of domestic return trips) in the financial year beginning on 1 July 2002; and
 - (d) the former member never held office as Prime Minister.

Former member

- (2) The total number of domestic return trips which the former member may undertake in that financial year in his or her capacity of holder of a Life Gold Pass must not exceed 25, or the pro-rata rounded number, as the case requires.

Spouse of former member

- (3) The total number of domestic return trips which the spouse of the former member may undertake in that financial year in his or her capacity of spouse of a holder of a Life Gold Pass must not exceed 25, or the pro-rata rounded number, as the case requires.

Clause 5

When return trip is in a financial year

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

Part 4—Spouses of sitting members

6 Transitional period

Scope

- (1) This clause applies if a member has satisfied the relevant qualifying period for the issue of a Life Gold Pass.

Entitlements

- (2) The following table has effect:

Entitlements		
Item	This person...	is entitled to...
1	the spouse of the Prime Minister	a maximum of N domestic return trips to Canberra in the transitional period (where N is the first transitional number), so long as each trip is for the purpose of accompanying or joining the Prime Minister.
2	the spouse of a member, where the member has held office as Prime Minister	a maximum of N domestic return trips to Canberra in the transitional period (where N is the first transitional number), so long as each trip is for the purpose of accompanying or joining the member.
3	the spouse of a member, where the member never held office as Prime Minister	a maximum of N domestic return trips to Canberra in the transitional period (where N is the second transitional number), so long as each trip is for the purpose of accompanying or joining the member.

Clause 6

Pro-rata adjustments

- (3) Subclause (2) has effect subject to clause 8 (pro-rata adjustments).

Additional entitlements

- (4) Entitlements under subclause (2) are in addition to:
- (a) any entitlements under a determination of the Remuneration Tribunal that do not relate to qualification for a Life Gold Pass; or
 - (b) any entitlements under the *Parliamentary Entitlements Act 1990*.

First transitional number

- (5) For the purposes of this clause, the **first transitional number** is the number worked out using the formula:

$$40 \times \frac{\text{Number of days in the transitional period}}{365}$$

- (6) 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).

Second transitional number

- (7) For the purposes of this clause, the **second transitional number** is the number worked out using the formula:

$$25 \times \frac{\text{Number of days in the transitional period}}{365}$$

- (8) 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 5—Pro-rata adjustments

7 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 the transitional period;
 - (b) a pro-rata adjustment where a person becomes the spouse of a former member or member during the transitional period;
 - (c) a pro-rata adjustment where, during the transitional period, a member satisfies the relevant qualifying period for the issue of a Life Gold Pass.

8 Pro-rata adjustments

- (1) The following table has effect:

Schedule 1 Transitional period
Part 5 Pro-rata adjustments

Clause 8

Pro-rata adjustment

Item	For the purposes of the application of...	if the following condition is satisfied...	the item has effect for the transitional period as if the number of domestic return trips specified in the item were the number worked out using the pro-rating formula in subclause (2), where the <i>remaining period</i> begins on...
1	item 1 of a table in Part 2 or 3 of this Schedule to a former member	the former member retires from the Parliament during the transitional period	the day after the day on which the former member retires from the Parliament.
2	item 2 of a table in Part 2 or 3 of this Schedule to a person who is the spouse of a former member	either or both of the following events happens during the transitional period: (a) the person becomes the spouse of the former member at a time when the former member was retired from the Parliament; (b) the former member retires from the Parliament.	whichever is the later of the following days: (a) the day on which the person become the spouse of the former member; (b) the day after the day on which the former member retires from the Parliament.

Pro-rata adjustment

Item	For the purposes of the application of...	if the following condition is satisfied...	the item has effect for the transitional period as if the number of domestic return trips specified in the item were the number worked out using the pro-rating formula in subclause (2), where the <i>remaining period</i> begins on...
3	item 1, 2 or 3 of a table in Part 4 of this Schedule to a person who is the spouse of a member	either or both of the following events happens during the transitional period: (a) the person becomes the spouse of the member; (b) the member first satisfies the relevant qualifying period for the issue of a Life Gold Pass	whichever is the later of the following days: (a) the day on which the person became the spouse of the member; (b) the day on which the member first satisfied the relevant qualifying period for the issue of a Life Gold Pass.

Pro-rating formula

(2) The pro-rating formula is:

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

where:

remaining period means the period:

- (a) beginning on the day worked out using the table; and
- (b) ending at the end of the transitional period.

Clause 8

- (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).

Part 6—Entitlements cannot be carried forward

9 Entitlements cannot be carried forward

If a person has entitlements under this Act in relation to the transitional period, an unused entitlement cannot be carried forward from the transitional period to a year.

*[Minister's second reading speech made in—
House of Representatives on 26 June 2002
Senate on 24 September 2002]*

(138/02)
