

Parliamentary Entitlements Act 1990

No. 28, 1990

**Compilation No. 13**

**Compilation date:** 10 December 2015

**Includes amendments up to:** Act No. 145, 2015

**Registered:** 28 January 2016

**About this compilation**

**This compilation**

This is a compilation of the *Parliamentary Entitlements Act 1990* that shows the text of the law as amended and in force on 10 December 2015 (the ***compilation date***).

This compilation was prepared on 20 January 2016.

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

**Uncommenced amendments**

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

**Application, saving and transitional provisions for provisions and amendments**

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

**Modifications**

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

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 2

1 Short title 2

2 Commencement 2

3 Definitions 2

4 Entitlement to benefits 4

5 Entitlement to additional benefits 4

6 Amount of benefit reduced if entitlement begins part‑way through financial year 4

7 Calculation of benefits 5

9 Alteration of Schedule 5

10 Conflict between regulations and determination 5

11 Appropriation 6

12 Regulations 6

Schedule 1—Scheduled benefits 7

Part 1—Members 7

Part 2—Parliamentary office‑holders and Ministers 9

Endnotes 12

Endnote 1—About the endnotes 12

Endnote 2—Abbreviation key 13

Endnote 3—Legislation history 14

Endnote 4—Amendment history 15

An Act relating to the provision of benefits to Members of each House of the Parliament

Part 1—Preliminary

1 Short title

This Act may be cited as the *Parliamentary Entitlements Act 1990*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Definitions

In this Act, unless the contrary intention appears:

***amount***, in relation to a benefit, includes any quantity, frequency or other limitation expressed in numbers (other than numbers of persons).

***benefit*** means a benefit provided by or under this Act.

***cost of travel*** means the cost of fares, accommodation, meals and incidentals.

***Defence Minister*** means the Minister administering section 1 of the *Defence Act 1903*.

***dependent child***, in relation to a Senior Officer, means:

(a) a person under 16 who:

(i) is in the custody, care and control of the Officer or is a person to whom the Officer has access; or

(ii) where no other person has the custody, care and control of the person—is wholly or substantially in the care and control of the Officer; or

(b) a person who is:

(i) at least 16 but under 25;

(ii) receiving full‑time education at a school, college or university; and

(iii) wholly or substantially dependent upon the Officer.

***incidentals*** includes the cost of transport.

***leader of a minority party*** means the leader of a recognised non‑Government party of at least 5 members, but does not include an Opposition Office Holder, and ***deputy leader of a minority party*** has a corresponding meaning.

***member*** means a member of either House of the Parliament.

***Opposition Office Holder*** means:

(a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or

(b) the Leader or Deputy Leader of the Opposition in the Senate.

***Parliamentary office‑holder*** means a person holding a particular office, or performing particular functions, in or in relation to the Parliament or either House of the Parliament.

***Presiding Officer*** means the President of the Senate or the Speaker of the House of Representatives.

***Scheduled benefit*** means a benefit set out in Schedule 1.

***Senior Officer*** means a Minister, an Opposition Office Holder or a Presiding Officer.

***spouse*** of a member includes a de facto partner of the member within the meaning of the *Acts Interpretation Act 1901*.

***year*** means a financial year, and ***annual*** has a corresponding meaning.

4 Entitlement to benefits

(1) Members are entitled to benefits as set out in Part 1 of Schedule 1.

(2) Parliamentary office‑holders and Ministers are entitled to benefits as set out in Part 2 of Schedule 1.

(3) Benefits under subsection (2) are in addition to benefits under subsection (1).

(4) Benefits under this Act do not limit:

(a) benefits under any other law; or

(b) benefits afforded by the Government to a Minister for the purpose of carrying out functions as a Minister.

5 Entitlement to additional benefits

(1) Members, Parliamentary office‑holders and Ministers are entitled to such additional benefits as are:

(a) determined by the Remuneration Tribunal under section 7 of the *Remuneration Tribunal Act 1973*; or

(b) prescribed by the regulations.

(2) Subsection (1) does not extend to a benefit in the nature of remuneration.

6 Amount of benefit reduced if entitlement begins part‑way through financial year

(1) If:

(a) a person becomes a member or a Parliamentary office‑holder during a financial year; and

(b) a benefit to which the person is entitled is limited to an annual amount;

then, during that year, the person is entitled only to a proportionate amount of that benefit worked out by the formula:



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

7 Calculation of benefits

(1) A person is entitled to a benefit (other than a benefit for a Parliamentary office‑holder or a Minister) during the whole time when the person is entitled to an allowance under the *Parliamentary Allowances Act 1952*.

(2) A person is entitled to a benefit for a Parliamentary office‑holder only so long as the person is a Parliamentary office‑holder.

(3) A person is entitled to a benefit for a Minister only so long as the person is a Minister.

(4) A person may make use of the full annual amount of a benefit before the end of the relevant financial year.

9 Alteration of Schedule

(1) A Scheduled benefit may be varied or omitted by determination by the Remuneration Tribunal under section 7 of the *Remuneration Tribunal Act 1973*.

(2) A Scheduled benefit may be varied or omitted by the regulations.

(3) A determination or regulations made under this section may make such consequential and transitional provisions as are necessary.

10 Conflict between regulations and determination

(1) Where the regulations are inconsistent with a determination by the Remuneration Tribunal under paragraph 5(1)(a) or subsection 9(1), the regulations prevail and the determination is void to the extent of the inconsistency.

(2) Where the regulations are intended to cover the whole field in relation to a particular subject matter, then, for the purposes of subsection (1), any provision of a determination that deals with that subject matter is taken to be inconsistent with the regulations, whether or not they are capable of operating concurrently.

11 Appropriation

The costs of benefits are to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

12 Regulations

The Governor‑General may make regulations for the purposes of paragraph 5(1)(b) and section 9.

Schedule 1—Scheduled benefits

Section 4

Part 1—Members

| **Item** | **Benefit** |
| --- | --- |
| 1. | Transfer of bulk papers to and from Parliament House and the member’s electorate office. |
| 2. | Australian flags and printed material related to national symbols, for presentation to constituents. |
| 3. | The cost of postage in relation to Parliamentary or electorate business (other than party business), not exceeding an annual amount of $9,000. |
| 4. | Personalised letterhead stationery. |
| 5. | The cost of acquiring publications from the Australian Government Bookshop as approved by the Presiding Officers. |
| 6. | Photographic services provided in Parliament House as approved by the Minister. |
| 7. | Office accommodation in the electorate, together with equipment and facilities necessary to operate the office, as approved by the Minister. |
| 8. | For travel in Australia for purposes related to Parliamentary or electorate business:  (a) the cost of first‑class scheduled commercial services; and  (b) the use of official cars; and  (c) the use of special purpose aircraft as approved by the Defence Minister. |
| 9. (1) | For travel overseas as a member of a Parliamentary Delegation within a program approved for each calendar year by the Prime Minister:  (a) the cost of travel in accordance with the official itinerary (or, if it is cheaper, a round‑the‑world ticket); and  (b) equipment and clothing allowances equivalent to the appropriate Australian Public Service standard; and  (c) the cost of official hospitality extended by the delegation; and  (d) the cost of medical and hospital services received by the member; and  (e) use of special purpose aircraft as approved by the Prime Minister; and  (f) for the leader of a minority party, with the approval of the Prime Minister, the cost of travel, at the appropriate Australian Public Service standard, of a member of staff accompanying the leader. |
| (2) | The class of travel entitlement of the member may be downgraded to offset the cost of the fare of an accompanying spouse or to enable travel to be extended. |
| 10. | For former Prime Ministers and Leaders of the Opposition in the House of Representatives, while they are members, additional facilities as approved by the Prime Minister. |

Part 2—Parliamentary office‑holders and Ministers

1. (1) For travel in Australia on official business:

(a) for any Parliamentary office‑holder, the cost of first‑class scheduled commercial services; and

(b) for an Opposition Office Holder or Presiding Officer, the use of an official car (with a driver and a car telephone) in Canberra and the capital city of the home State or Territory; and

(c) for the leader of a minority party, the use of an official car (with a driver) in the capital city of the home State or Territory; and

(d) for any Parliamentary office‑holder, the use of official cars; and

(e) for an Opposition Office Holder or Presiding Officer, the cost of charter transport; and

(f) for the leader of a minority party, the cost of air charter transport, not exceeding an annual amount of $10,000; and

(g) for any Parliamentary office‑holder, with the approval of the Defence Minister, the use of special purpose aircraft.

(2) Any member, when representing an Opposition Office Holder or Presiding Officer, is entitled to the same benefits under subitem (1) as the person being represented.

(3) For any Parliamentary office‑holder, with the approval of the Defence Minister, the use of special purpose aircraft for travel in Australia, during election campaigns, on campaign business.

2. (1) For travel overseas on official business by the Leader or Deputy Leader of the Opposition in the House of Representatives or a Presiding Officer:

(a) for the Leader or Deputy Leader, the cost of fares, not exceeding an annual amount of:

(i) in the case of the Leader—$8,889; or

(ii) in the case of the Deputy Leader—$5,818; and

(b) for a Presiding Officer travelling on an itinerary approved by the Prime Minister, the cost of first‑class fares; and

(c) the cost of accommodation, meals and incidentals; and

(d) the cost of travel, at the appropriate Australian Public Service standard, of on member of staff accompanying the Leader of Deputy Leader or Presiding Officer; and

(e) if there is no accompanying spouse, and the Prime Minister so approves, the cost of travel, at the appropriate Australian Public Service standard, of a second member of staff accompanying the Leader or Deputy Leader or Presiding Officer; and

(f) the cost of medical and hospital services received overseas by the Leader, Deputy Leader or Presiding Officer.

(2) The whole or part of an entitlement of the Leader or Deputy Leader under subitem (1) in respect of a year may be carried forward to the next year, but not to a later year.

(3) If, with the approval of the Prime Minister, a member is representing the Leader or Deputy Leader of the Opposition in the House of Representatives or a Presiding Officer, the member is entitled to the same benefits under subitem (1) as the person being represented, but, in the case of the benefit under paragraph (1)(a), only to the extent approved by that person.

3. (1) The cost of travel overseas by a spouse when accompanying a Senior Officer travelling on official business.

(2) The cost of travel in Australia for official purposes by the spouse of a Senior Officer.

4. For travel in Australia by each dependent child of a Senior Officer:

(a) the cost of travel at economy class for 3 return visits between Canberra and the electorate each year; and

(b) with the prior approval of the Minister, the cost of travel at economy class (or at first‑class if accompanying the Officer or spouse) for:

(i) 1 return visit to any place within Australia each year; and

(ii) travel to and from Parliamentary functions in Canberra attended by the Officer or spouse; and

(iii) return visits between the nominated principal place of residence and Canberra when the Officer and spouse are in Canberra for lengthy periods.

5. For an Opposition Office Holder, Presiding Officer or leader of a minority party, office accommodation in a capital city, together with the equipment and facilities necessary to operate the office, as approved by the Minister.

6. (1) For a Senior Officer, the full cost of a home telephone service in one private residence:

(a) in Canberra; and

(b) at the nominated principal place of residence.

(2) For the leader of a minority party, the cost of calls from a home telephone in Canberra.

7. For any of the following:

(a) a Minister;

(b) an Opposition Office Holder;

(c) a Presiding Officer;

(d) the leader of a minority party;

(e) a Government or Opposition Whip in the Senate;

(f) a Government or Opposition Whip in the House of Representatives;

the cost of postage in relation to official business.

Endnotes

Endnote 1—About the endnotes

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

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

**Abbreviation key—Endnote 2**

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

**Legislation history and amendment history—Endnotes 3 and 4**

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

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

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

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

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

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- | --- |
| Parliamentary Entitlements Act 1990 | 28, 1990 | 24 May 1990 | 24 May 1990 (s 2) |  |
| Same‑Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008 | 144, 2008 | 9 Dec 2008 | Sch 7 (item 51): 10 Dec 2008 (s 2(1) item 16) | — |
| Statute Law Revision Act 2011 | 5, 2011 | 22 Mar 2011 | Sch 5 (items 178–181): 19 Apr 2011 (s 2(1) item 13) | — |
| Statute Law Revision Act (No. 1) 2015 | 5, 2015 | 25 Feb 2015 | Sch 5 (items 3–5): 25 Mar 2015 (s 2(1) item 10) | — |
| Statute Law Revision Act (No. 2) 2015 | 145, 2015 | 12 Nov 2015 | Sch 5 (items 2, 3): 10 Dec 2015 (s 2(1) item 7) | Sch 5 (item 3) |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 3 | am No 144, 2008; No 5, 2011 |
| s 8 | rep No 145, 2015 |
| s 13 | am No 5, 2015 |
|  | rep No 45, 2015 |
| s 14 | rep No 45, 2015 |
| **Schedule 1** |  |
| Schedule 1 | am No 5, 2011 |
| Schedule 2 | rep No 5, 2015 |