



Parliamentary Entitlements Act 1990

No. 28 of 1990

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

[Assented to 24 May 1990]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART 1—PRELIMINARY

Short title

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

Commencement

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

Definitions

3. 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;

“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; and

(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”, in relation to a member, includes a person who is living with the member as the spouse of the member on a genuine domestic basis although not legally married to the member;

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

Entitlement to benefits

4. (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.

Entitlement to additional benefits

5. (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.

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

6. (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:

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

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

Calculation of benefits

7. (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.

Validation

8. Where a benefit of a kind set out in Schedule 1 has been used by, or made available to, a person at any time before the commencement of this Act, the person is taken, by force of this section, to have been entitled to that benefit as if this Act had been in force at that time.

Alteration of Schedule

9. (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.

Conflict between regulations and determination

10. (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.

Appropriation

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

Regulations

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

Amendment of Remuneration Tribunal Act

13. (1) The *Remuneration Tribunal Act 1973* is amended as set out in Schedule 2.

(2) A determination under section 7 of the *Remuneration Tribunal Act 1973* and in force immediately before the commencement of this Act continues in force as if it had been made under that Act as amended by this Act.

Transitional: financial year 1989-90

14. (1) In its application to the financial year 1989-90, an amount (in this section called “**whole amount**”) referred to in Schedule 1 (other than item 3 in Part 1) is to be reduced to an amount worked out by the formula:

$$\text{whole amount} \times \frac{\text{remaining number of days}}{365}$$

where “**remaining number of days**” means the number of days in that financial year from and including the day on which this Act commences.

(2) In its application to the financial year 1989-90, an amount referred to in item 3 of Part 1 of Schedule 1 is to be read as the amount (if any) by which \$9,000 exceeds the amount spent by the member on postage in relation to Parliamentary or electorate business (other than party business) during the period beginning on 1 July 1989 and ending at the commencement of this Act.

(3) An amount worked out under subsection (1) must be rounded to the nearest whole number that is greater than zero.

(4) If section 6 applies, this section does not.

SCHEDULE 1

Section 4

SCHEDULED BENEFITS

PART 1

MEMBERS

- | <i>Item</i> | <i>Benefit</i> |
|-------------|--|
| 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: <ul style="list-style-type: none">(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 Minister for Defence. |
| 9. (1) | For travel overseas as a member of a Parliamentary Delegation within a program approved for each calendar year by the Prime Minister: <ul style="list-style-type: none">(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 |

SCHEDULE 1—continued

- 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 Minister for Defence, 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 Minister for Defence, the use of special purpose aircraft for travel in Australia, during election campaigns, on campaign business.

SCHEDULE 1—continued

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 one member of staff accompanying the Leader or 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

SCHEDULE 1—continued

- (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.

SCHEDULE 2

Section 13

AMENDMENT OF REMUNERATION TRIBUNAL ACT 1973

Subsection 3 (1):

Insert the following definition:

“ ‘allowance’ includes, but is not limited to, an annual allowance and a travelling allowance;”.

[*Minister's second reading speech made in—
House of Representatives on 10 May 1990
Senate on 11 May 1990*]