

EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 235

Issued by the Authority of the Special Minister of State

Parliamentary Entitlements Act 1990

Parliamentary Entitlements Amendment Regulations 2005 (No. 2)

The *Parliamentary Entitlement Act 1990* (the Act) provides Senators and Members with a range of allowances, not covered by Remuneration Tribunal Determinations, including electorate office equipment and facilities, overseas delegation travel and personalised stationery and newsletters.

Section 12 of the Act provides in part that the Governor-General may make regulations for the purpose of section 9. Subsection 9(2) of the Act provides a Scheduled benefit may be varied or omitted by the regulations.

Subitem 9(1) of Part 1 of Schedule 1 to the Act sets out the entitlements of members (defined in section 3 of the Act as meaning a member of either House of the Parliament) travelling as part of a parliamentary delegation. Subitem 9(2) of Part 1 of Schedule 1 to the Act further provides that such members may downgrade their class of travel entitlement to enable them to offset the fare of an accompanying spouse, or to enable travel to be extended for purposes related to Parliamentary or electorate business.

The Amendment Regulations amend subitem 9(2) of Part 1 of Schedule 1 to the Act to clarify that members may downgrade their class of travel entitlement to both offset the cost of their spouse accompanying them and to extend their travel, should they wish to do so.

The Act specifies no conditions that need to be satisfied before the power to make the Amendment Regulations may be exercised.

The Amendment Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (Legislative Instruments Act).

In relation to section 17 of the Legislative Instruments Act, consultation was not undertaken within the Australian Government in relation to the Amendment Regulations, as they are of a minor or machinery nature and do not substantially alter existing arrangements. The Office of Regulation Review has advised that the preparation of a Regulation Impact Statement is not mandatory for the same reasons.

The Amendment Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

Authority: Section 12 of the
Parliamentary Entitlements Act
1990