

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 211

Issued by the Authority of the Special Minister of State

Parliamentary Entitlements Act 1990

Parliamentary Entitlements Amendment Regulations 2006 (No. 1)

The *Parliamentary Entitlements Act 1990* (the Act) provides Members of each House of Parliament with a range of benefits, including electorate office equipment and facilities, overseas delegation travel and personalised stationery and newsletters. Other benefits are also provided under relevant Remuneration Tribunal Determinations.

Section 12 of the Act provides that the Governor-General may make regulations for the purposes of paragraph 5(1)(b) and section 9 of the Act. Paragraph 5(1)(b) provides that Members, Parliamentary office-holders and Ministers are entitled to such additional benefits as are prescribed by the regulations. Subsection 9(2) provides that a benefit prescribed in Schedule 1 to the Act may be varied or omitted by the regulations.

The *Parliamentary Entitlements Amendment Regulations 2006 (No. 1)* (the Amendment Regulations) enhance existing entitlements, where current resources have proven inadequate and inserts technical amendments to clarify and improve the administration of entitlements. The Amendment Regulations:

- set Senators' printing benefits at \$20,000 per annum from 1 July 2007 (they are currently set at 20 reams of paper) and amend the administrative arrangements to provide Senators with similar flexibility to Members of the House of Representatives, including to choose their preferred supplier for their printing requirements;
- increase the printing entitlements for Members of the House of Representatives to \$150,000 per annum (currently \$125,000 per annum) and introduce the ability to carry forward a portion of unused benefits into the following year;
- allow mobile phone services as an additional benefit for staff of Party Whips; and
- make associated transitional and other minor amendments.

Further details of the Amendment Regulations are set out in the Attachment.

The Act does not impose any 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*.

Schedule 2 of the Amendment Regulations commenced the day after the Amendment Regulations were registered on the Federal Register of Legislative Instruments and Schedule 3 will commence on 1 September 2006. Regulation 1 to 3 and Schedule 1 would, however, be taken to have commenced on 1 July 2006.

The Office of Legislative Drafting and Publishing has advised that this retrospective commencement of parts of the proposed Regulations would not affect the rights of a person or impose liabilities on a person other than the Commonwealth and would not contravene subsection 12(2) of the *Legislative Instruments Act 2003*.

Authority: Section 12 of the *Parliamentary Entitlements Act 1990*

Details of the Parliamentary Entitlements Amendment Regulations 2006 (No. 1)

Regulation 1 – Name of Regulations

This Regulation provides that the title of the Regulations is *Parliamentary Entitlements Amendment Regulations 2006 (No. 1)*.

Regulation 2 – Commencement

This Regulation provides for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments, except for regulations 1 to 3 and Schedule 1, which will be taken to have commenced on 1 July 2006 and Schedule 3, which will have effect from 1 September 2006.

Regulation 3 – Amendment of *Parliamentary Entitlements Regulations 1997*

This Regulation provides the *Parliamentary Entitlements Regulations 1997* (the Principal Regulations) are amended as set out in Schedules 1, 2 and 3.

Schedule 1 – Amendments taken to have commenced on 1 July 2006

Item [1], subregulations 3(2) and (3)

This item provides for the printing entitlement of Members of the House of Representatives (Members) to be increased to \$150,000.00 per annum. The entitlement is currently \$125,000.00 per annum. In addition, it allows for either the unused portion or forty-five percent (45%) of this entitlement (whichever is lesser) to be carried forward into the following year only.

These amendments allow greater flexibility for Members accessing the entitlement and the introduction of a carry forward provision is consistent with arrangements for other capped entitlements.

Schedule 2 – Amendments commencing on the day after registration

Item [1], subregulations 3C(3) and (4)

This item provides the Leader of the Opposition and Deputy Opposition Leader with the additional benefit of having a staff member accompany them on certain overseas visits, to provide support in carrying out their official responsibilities.

Items [2] – [4], regulation 3G and paragraphs 3G(c) and (d)

These items provide a new heading for regulation 3G and provide that the cost of mobile phone services for personal staff of Whips will be an additional benefit under the Principal Regulations.

This entitlement is provided to enable staff of Whips to better assist their employing Senator or Member in the role that they play in the parliamentary process. It also removes the potential inconsistency that previously existed where the cost of a mobile

telephone provided to the personal staff of a Whip could be only be met where the staff member was based in the electorate office.

Item [5], Schedule 1, item [105A]

This item clarifies that travel by Inter-Parliamentary Union or Commonwealth Parliamentary Association delegations is funded by a separate head of authority from that of Parliamentary Delegations.

Item [6], Schedule 1, item [106]

This item clarifies that the “cost of travel” in the context of delegation travel should be at the highest class of travel available. This amendment also removes the reference to a round the world fare, which is consistent with the current administrative practice of costing travel on the basis of the official itinerary.

Item [7], Schedule 1, item [111]

This item requires that any extension of delegation travel be in accordance with a revised itinerary, as approved by the Special Minister of State. Currently, the item does not provide for Ministerial approval where delegations extend travel. This item will allow for greater accountability for costs associated with the extension of delegation travel.

Item [8], Schedule 1, items [112] and [113]

Item [112] adds a note to clarify that travel by Inter-Parliamentary Union or Commonwealth Parliamentary Association delegations is funded by a separate head of authority from that of Parliamentary Delegations.

Item [113] adds the Leader of The Nationals in the House of Representatives to the definition of Former Leaders for the purposes of item 10 of Schedule 1 to the Regulations. This provision will bring the entitlements of former Leaders of the National Party in the House of Representatives into line with those of former Leaders of the Opposition in the House of Representatives.

Item [9], Schedule 1, item [205A]

This item codifies the existing practice that Senators and Members representing Ministers are provided with the same benefits as the Minister they are representing. This provision will bring the entitlement of a Senator or Member representing a Minister into line with the entitlements of any Senator or Member who is representing an Opposition Office Holder or Presiding Officer.

Item [10], Schedule 1, item [207]

This item amends the class of travel for consistency with other items in Schedule 1.

Item [11], Schedule 1, item [208A]

This item codifies the existing practice that the cost of overseas travel under subitem 3(1) includes emergency medical and hospital expenses for a Senior Officer’s

spouse when accompanying the Senior Officer on official travel overseas. A definition of “Senior Officer” is found in section 3 of the Act.

Item [12], Schedule 1, item [210A] and [210B]

This item removes the requirement for the approval of the Minister for dependent children of Senior Officers to travel under paragraph 4(b) to be obtained prior to travel. Allowing approval to be obtained after travel is completed provides flexibility to Senators and Members and is more efficient to administer.

This item also changes travel to that at “the highest available class” when accompanying the Senior Officer or his or her spouse.

Schedule 3 –Amendments commencing on 1 September 2006

Item [1], Regulation 3A

This item will set a Senator’s printing entitlement at \$20,000 per annum (currently set at 20 reams of paper) and will amend the administrative arrangements to provide Senators with similar flexibility to Members of the House of Representatives, including to choose their preferred supplier for their printing requirements.