

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2009 No. 21**

Issued by the Authority of the Special Minister of State

*Members of Parliament (Life Gold Pass) Act 2002*

*Members of Parliament (Life Gold Pass) Amendment Regulations 2009 (No. 1)*

The *Members of Parliament (Life Gold Pass) Act 2002* (the Act) specifies the entitlements of holders of a Life Gold Pass (former Prime Ministers, qualifying former Senators or Members), and their spouses or de facto partners, and surviving spouses or surviving de facto partners. The basic rule is that a Life Gold Pass holder is entitled to 25 return trips, within Australia, per year (former Prime Ministers are entitled to 40 return trips). The Act was recently amended, by the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws - General Law Reform) Act 2008* (SSR Act), to remove marital and same sex discrimination by extending the entitlement to travel to opposite and same sex de facto partners.

Section 35 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. The *Members of Parliament (Life Gold Pass) Regulations 2002* (the Principal Regulations) outline the 'exceptional circumstances' and evidence that must be provided to the Minister in relation to stopovers of more than 24 hours, pursuant to Part 7 of the Act.

Details of the Regulations are in Attachment A, below. These minor amendments bring the Principal Regulations in line with the amendments made to the Act.

The Office of Legislative Drafting and Publishing has advised that the retrospective commencement of the proposed Regulations would not detrimentally 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*.

The Regulations would be a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations are taken to have commenced on 10 December 2008, being the day the amendments to the Act (made by the SSR Act) took effect.

### **Consultation**

No consultation in relation to these Regulations was undertaken because they do not have a direct or significant indirect impact on business and do not restrict competition. Furthermore, the amendments are of a minor or machinery nature and do not substantially alter existing arrangements. The Office of Best Practice Regulation has advised that the preparation of a Regulation Impact Statement is not required.

**Details of the Regulations**

Regulation 1 – Name of Regulations

This Regulation provides that the title of the Regulations is *Members of Parliament (Life Gold Pass) Amendment Regulations 2009 (No. 1)*.

Regulation 2 – Commencement

This Regulation provides for the Regulations to commence on 10 December 2008, which is the same day the recent amendments to the Act took effect.

Regulation 3 – Amendment to the *Members of Parliament (Life Gold Pass) Act 2002*

This Regulation provides that the Principal Regulations are amended, as set out in Schedule 1.

Schedule 1

**Item [1], subregulation 4(1)**

**Item [2], subregulation 6(2)**

**Item [4], subregulation 6(4)**

These items insert a reference to ‘de facto partner’ wherever the term ‘spouse’ is used. The term ‘de facto partner’ is defined in the Act.

**Item [3], subregulation 6(3)**

Following the amendments to the Act, the terms ‘widow’ or ‘widower’ have been replaced with the term ‘surviving spouse or de facto partner’, which is defined in the Act. This item replaces the terms ‘widow’ and ‘widower’ in subregulation 6(3) with the new term ‘surviving spouse or de facto partner’.