

EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 72

Issued by the Authority of the Special Minister of State

Parliamentary Entitlements Act 1990

Parliamentary Entitlements Amendment Regulations 2011 (No. 2)

The *Parliamentary Entitlements Act 1990* (the Act) provides members of each House of Parliament (members) with a range of benefits, including those set out in Schedule 1 to the Act. Section 12 of the Act provides, in part, that the Governor-General may make regulations for the purposes of section 9 of the Act. Subsection 9(2) of the Act provides that a benefit set out in Schedule 1 to the Act may be varied or omitted by the regulations.

The Amendment Regulations implement the Government's decision to remove the requirement under the *Parliamentary Entitlements Regulations 1997* (Principal Regulations) for printed material (excluding letterhead stationery and greeting cards) produced by a member under their printing and communications entitlement to contain either of the prescribed statements '*This material has been produced at Australian Government expense by [insert name of member]*' or '*This material has been produced by [insert name of member] using [his or her] printing and communications entitlement*'.

The Amendment Regulations also make other amendments, from 1 July 2011, to:

- allow additional passengers to travel with an Opposition Office Holder, Presiding Officer, or leader of a minority party when travelling under the charter transport entitlement in item 1, Part 2, Schedule 1 to the Act, provided that a larger aircraft or vehicle is not required to seat the additional passengers, and there is no additional cost to the Commonwealth. This amendment ensures an efficient use of resources by allowing vacant seats on charter aircraft or vehicles to be filled; and
- increase the annual charter travel entitlement for a leader of a minority party, under paragraph 1(1)(f), Part 2, Schedule 1 to the Act, to \$18,300, to be indexed annually for all following years, in accordance with the Consumer Price Index (rounded to the nearest \$100). This amendment increases the annual charter travel entitlement for a leader of a minority party as it has not been increased since 2003.

Details of the Amendment Regulations are included in the [Attachment](#).

The Act does not impose any conditions that need to be satisfied before the power to make the Regulations may be exercised. The Amendment Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. The Amendment Regulations commence the day after they are registered on the Federal Register of Legislative Instruments.

Consultation and Regulatory Impact

Consultation in relation to the charter entitlement of an Opposition Office Holder, Presiding Officer and a leader of a minority party has been undertaken with the relevant office holders. Consultation has not been undertaken in relation to the other provisions in the Amendment Regulations. The provisions do not have a direct or significant indirect impact on business and do not restrict competition.

The Office of Best Practice Regulation has confirmed that the preparation of a Regulation Impact Statement is not necessary, as the amendments have a nil or low impact on business or the economy or individuals, apart from the Federal Parliamentarians affected.

Details of the *Parliamentary Entitlements Amendment Regulations 2011 (No. 2)*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Parliamentary Entitlements Amendment Regulations 2011 (No. 2)*.

Regulation 2 – Commencement

This regulation provides for the Amendment Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 – Amendment of the *Parliamentary Entitlements Regulations 1997 (Principal Regulations)*

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

Regulation 4 – Application

This regulation provides that the amendments to the charter travel entitlements of an Opposition Office Holder, Presiding Officer and leader of a minority party apply to travel in Australia on official business undertaken on or after 1 July 2011.

Schedule 1 – Amendments

Item [1] deletes subregulations 3AA(6), (7) and (7A) from the Principal Regulations. This removes the requirement for certain material produced under the printing and communications entitlement to contain one of the prescribed statements.

Item [2] amends item 1, Part 2, Schedule 1 to the *Parliamentary Entitlements Act 1990* (the Act), via an amendment to the Principal Regulations. This amendment allows additional passengers to travel with an Opposition Office Holder and Presiding Officer under their charter travel entitlement in paragraph (1)(e), in addition to their spouse and one staff member. The additional passengers, and the requirements for travel, are set out in new subitems 1(4), (5) and (6) (see item [5] below).

Item [3] amends item 1, Part 2, Schedule 1 to the Act, via an amendment to the Principal Regulations. Consistent with item [2], this amendment allows additional passengers to travel with a leader of a minority party under their charter travel entitlement in paragraph 1(1)(f), in addition to their spouse and one staff member. The additional passengers, and the requirements for travel, are set out in new subitems 1(4), (5) and (6) (see item [4] below). The amendment also increases the annual amount of the charter travel entitlement of a leader of a minority party, as specified in new subitem 1(7) (see item [4] below).

Item [4] amends item 1, Part 2, Schedule 1 to the Act, via an amendment to the Principal Regulations, to insert new subitems 1(4), (5), (6) and (7).

Subitem 1(4) specifies the additional persons who may travel with an Opposition Office Holder, Presiding Officer or leader of a minority party under the amendments in items [2] and [3]. The passengers that are permitted to travel are:

- 1 or more additional members of his or her staff (new paragraph 1(4)(a)); and
- another member, or members, whose presence is relevant to the purposes of the travel (new paragraph 1(4)(b)); and

- any other person, such as a journalist, subject to the cost recovery provisions in new subitem 1(6) (new paragraph 1(4)(c)).

Subitem 1(5) provides that additional passengers, travelling under the amendments in items [2] and [3], may only travel if a larger aircraft or vehicle is not required, and there is no additional cost to the Commonwealth.

Subitem 1(6) provides that the cost of travel by an additional passenger, travelling under the proposed amendments in items [2] and [3], who is a person described in new paragraph 4(c), must be recovered in accordance with cost recovery guidelines issued by the minister.

Subitem 1(7) provides that the annual amount of the charter travel entitlement for a leader of a minority party is \$18,300 for the 2011-2012 financial year, indexed in accordance with the Consumer Price Index (rounded to the nearest \$100), for each subsequent financial year.