

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 71

Issued by the authority of the Special Minister of State

Parliamentary Entitlements Act 1990

Parliamentary Entitlements Amendment Regulation 2013 (No. 1)

The *Parliamentary Entitlements Act 1990* (the Act) provides members of each House of Parliament (members) with a range of benefits.

Section 12 of the Act provides, in part, that the Governor-General may make regulations for the purposes of paragraph 5(1)(b) of the Act. Paragraph 5(1)(b) of the Act provides that members are entitled to such additional benefits as are prescribed by the regulations. Division 1 of Part 2 of the *Parliamentary Entitlements Regulations 1997* (Principal Regulations) sets out a printing and communications entitlement for members.

This Regulation amends the Principal Regulations to specifically allow for the provision of audio posters under the printing and communications entitlement. Audio posters are an emerging technology. They consist of a small audio device fitted to a poster to enable sound recordings to accompany written messages. Audio posters have been widely used in the Northern Territory, and they have the potential to assist members to deliver messages to constituents who are blind, have low vision, are illiterate, or who speak languages other than English.

The Regulation also amends the Principal Regulations to specifically exclude radio and television advertising costs from the printing and communications entitlement. This removes any potential uncertainty, and clarifies that the existing entitlement cannot be used to pay for television and radio advertising, including production and broadcast costs.

A Statement of Compatibility with Human Rights is included in [Attachment A](#). Details of the Regulation are included in [Attachment B](#).

The Act does not impose any conditions that need to be satisfied before the power to make the Regulation may be exercised. The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences the day after it is registered on the Federal Register of Legislative Instruments.

Consultation and Regulatory Impact

Consultation was not undertaken in relation to the provisions in the Regulation as it is of a minor or machinery nature and does not substantially alter existing arrangements. The provisions do not have a direct, or substantial indirect, effect on business and do not restrict competition.

The Office of Best Practice Regulation has determined 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.

Authority: Section 12 of the
Parliamentary Entitlements Act 1990

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Parliamentary Entitlements Amendment Regulation 2013 (No. 1)

This Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

This Regulation amends the *Parliamentary Entitlements Regulations 1997* (Principal Regulations) to specifically allow for the provision of audio posters under the printing and communications entitlement for members of each House of Parliament.

The Regulation also amends the Principal Regulations to clarify that radio and television advertising costs are excluded from the printing and communications entitlement.

Human rights implications

The Regulation is compatible with the human rights and freedoms recognised or declared by the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

In particular, in extending the printing and communications entitlement to audio posters, the Regulation promotes the attainment of Australia's obligations under the Convention on the Rights of Persons with Disabilities. The Regulation will go towards ensuring that people who are blind or have low vision can participate fully in all aspects of life and exercise the right to freedom of expression and opinion, including the freedom to seek and receive information and ideas on an equal basis with others.

Because audio posters may be used to project their poster's message in a different or local language, the Regulation also supports rights recognised in the International Covenant on Civil and Political Rights. This includes the right of every citizen to take part in the conduct of public affairs (Article 25(a)), to vote (Article 25(b)), and the right of linguistic minorities to use their own language (Article 27). The Regulation also supports rights contained in the International Covenant on the Elimination of All Forms of Racial Discrimination.

Conclusion

This Regulation is compatible with human rights because it advances the protection of human rights.

Mark Dreyfus QC
Special Minister of State

Details of the *Parliamentary Entitlements Amendment Regulation 2013 (No. 1)*

Section 1- Name of Regulation

This section provides that the title of the Regulation is the *Parliamentary Entitlements Amendment Regulation 2013 (No. 1)*.

Section 2 – Commencement

This section provides for the Regulation to commence on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Authority

This section states that this regulation is made under the *Parliamentary Entitlements Act 1990*.

Section 4 – Schedule(s)

This section provides that each instrument specified in a Schedule to the Regulation is amended or repealed as set out in the Schedule, and that any other item in a Schedule has effect according to its terms.

Schedule 1 – Amendments

Item [1] repeals subregulation 3AA(2) of the *Parliamentary Entitlements Regulations 1997* and substitutes new subregulations 3AA(2) and 3AA(2A).

New *subregulation 3AA(2)* provides for the existing printing and communications entitlement for the cost of commercial services for: printing (*paragraph 3AA(2)(a)*); the production of e-material (*paragraph 3AA(2)(b)*); matters for incorporation into commercially printed material and commercially produced e-material (*paragraph 3AA(2)(c)*); the communication and distribution of printed material and e-material (*paragraph 3AA(2)(d)*); and the establishment and maintenance of websites (*paragraph 3AA(2)(e)*). *Paragraphs 3AA(2)(f), (g) and (h)* establish a new entitlement to the production, maintenance and distribution of audio posters.

Paragraph 3AA(2)(b) gives the entitlement to the cost of commercial services for ‘the production of e-material’ its own paragraph. Previously, paragraph 3AA(2)(a) provided that ‘the entitlement is for the cost of commercial services for printing and the production of e-material’. Separating the entitlement to the cost of commercial services for e-material (in new paragraph 3AA(2)(b)) from the entitlement to ‘the cost of commercial services for printing’ ensures that the restriction in subregulation 3AA(5), which limits the entitlement ‘to printing on paper or card weighing not more than 700 grams per square metre or flat magnetised material’ does not apply to ‘the production of e-material’.

Paragraph 3AA(2)(f) extends the printing and communications entitlement to the cost of commercial services for the production and maintenance of an audio poster. This paragraph is intended to include the cost of maintaining the entire product, including the audio device.

Paragraph 3AA(2)(g) extends the printing and communications entitlement to the cost of commercial services for matters for incorporation into an audio poster, including translation, design, artwork, photography and audio recordings. This paragraph is intended to extend to the cost of producing the visual design of a poster and to the cost of producing, editing and engineering the audio recording for a poster.

Paragraph 3AA(2)(h) extends the printing and communications entitlement to the cost of commercial services for the distribution of audio posters.

New *subregulation 3AA(2A)* amends the existing printing and communications entitlement to specifically exclude the use of the printing and communications entitlement to meet the cost of television or radio advertising.

Paragraph 3AA(2A)(a) states that the printing and communications entitlement must not be used for the cost of commercial services for the production of television or radio advertising. This includes all material produced for the purposes of inclusion in a television or radio advertisement, but does not restrict the matters that may be produced for the purpose of inclusion in other materials that may be produced, communicated, or distributed under the entitlement, such as e-material.

Paragraph 3AA(2A)(b) states that the printing and communications entitlement must not be used for the cost of commercial services for television or radio advertising. This includes payment for television or radio advertising broadcast time or 'slots'.