

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Finance

Parliamentary Entitlements Act 1990

Parliamentary Entitlements Amendment (Opposition Office Holder Travel) Regulation 2016

The *Parliamentary Entitlements Act 1990* (the Act) provides members of each House of the Parliament (members) with a range of benefits. These benefits are set out in Schedule 1 to the Act (section 4), and the regulations (paragraph 5(1)(b)). Subsection 9(2) of the Act provides that a benefit listed in Schedule 1 to the Act may be varied or omitted by the regulations.

Section 12 of the Act provides that the Governor-General may make regulations for the purposes of section 9 of the Act. The *Parliamentary Entitlements Regulations 1997* (the Principal Regulations) currently provide for a number of variations to Schedule 1 to the Act (see Schedule 1 to the Principal Regulations).

Subitems 2A(1) and (4) of Part 2 of Schedule 1 to the Act (as varied by item [206] of the Principal Regulations) provide the Leader of the Opposition in the House of Representatives with an annual budget for overseas travel on official business. The Leader of the Opposition may also approve other members of the Opposition to access the budget to meet the cost of their overseas travel on official business (paragraph 2A(4)(a)), including the cost of up to two staff members accompanying them (paragraph 2A(4)(c)).

The Principal Regulations and Schedule 1 to the Act provide an additional benefit to the Leader and Deputy Leader of the Opposition in the House of Representatives. This benefit allows the cost of one accompanying staff member's travel to be met at Commonwealth expense, without debit against the Opposition Leader's travel budget (paragraph 2A(4)(b) and subitem 2A(5)).

This Regulation amends the Principal Regulations to vary the benefits provided by paragraph 2A(4)(b) and subitem 2A(5) of Part 2 of Schedule 1 to the Act to make these benefits available to both the Leader and Deputy Leader of the Opposition in the Senate. The variation provides consistent overseas travel arrangements for all Opposition Office Holders.

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.

This Regulation is a legislative instrument for the purposes of the *Legislation Act 2003*.

Commencement

Schedule 1 of the Regulation operates prospectively and commences on the day following registration of the Regulation on the Federal Register of Legislation.

Consultation and Regulatory Impact

In relation to section 17 of the *Legislation Act 2003*, consultation was not considered necessary or appropriate as the amendments are machinery in nature and do not substantially alter existing arrangements.

The Office of Best Practice Regulation (OBPR) has agreed that proposals such as these have no regulatory impact on businesses, individuals or organisations and therefore the regulatory costs are nil.
OBPR ID Number: 19957.

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 (Opposition Office Holder Travel) Regulation 2016

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 Legislative Instrument amends the *Parliamentary Entitlements Regulations 1997* to extend a benefit to both the Leader and Deputy Leader of the Opposition in the Senate to allow them to be accompanied on overseas travel on official business by one staff member at Commonwealth expense, without debit against the Leader of the Opposition's overseas travel budget. This amendment provides consistent overseas travel arrangements for all Opposition Office Holders.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Mathias Cormann
Minister for Finance

Details of the *Parliamentary Entitlements Amendment (Opposition Office Holder Travel) Regulation 2016*

Section 1- Name

This section provides that the title of the Regulation is the *Parliamentary Entitlements Amendment (Opposition Office Holder Travel) Regulation 2016* (the Regulation).

Section 2 – Commencement

This section provides that the Regulation commences in accordance with column 2 of the table in subsection 2(1).

Item 1 of the table provides that the whole of the instrument commences on the day after the Regulation is registered on the Federal Register of Legislation.

Section 3 – Authority

This section states that the Regulation is made under the *Parliamentary Entitlements Act 1990* (the Act).

Section 4 – Schedules

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 and substitutes paragraph 2A(4)(b) of Schedule 1 to the Act to extend the operation of the paragraph to include both the Leader and Deputy Leader of the Opposition in the Senate by using the term ‘Opposition Office Holder’, defined in section 3 of the Act to mean:

- (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or
- (b) the Leader or Deputy Leader of the Opposition in the Senate.

Item [2] repeals and substitutes subitem 2A(5) of Schedule 1 to the Act to extend the operation of the subitem to include both the Leader and Deputy Leader of the Opposition in the Senate by using the term ‘Opposition Office Holder’, defined in section 3 of the Act to mean:

- (a) the Leader or Deputy Leader of the Opposition in the House of Representatives; or
- (b) the Leader or Deputy Leader of the Opposition in the Senate.