



Parliamentary Business Resources (Commonwealth Transport) Determination 2017

I, Mathias Cormann, Minister for Finance, determine that, for subsection 33(1) of the *Parliamentary Business Resources Act 2017*, Commonwealth transport (as prescribed in section 62 of the *Parliamentary Business Resources Regulations 2017*) is to be provided in accordance with this instrument.

Dated 20th December 2017

Mathias Cormann
Minister for Finance

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Part 1—Preliminary

1 Name

This instrument is the *Parliamentary Business Resources (Commonwealth Transport) Determination 2017*.

2 Commencement

This instrument commences immediately after the *Parliamentary Business Resources Regulations 2017*.

3 Authority

This instrument is made under subsection 33(1) of the *Parliamentary Business Resources Act 2017*.

4 Definitions

In this instrument:

Act means the *Parliamentary Business Resources Act 2017*.

COMCAR has the meaning given by section 5.

Department means the Department arranging for the provision of the COMCAR services for members in the circumstances of the travel.

Regulations means the *Parliamentary Business Resources Regulations 2017*.

special purpose aircraft has the meaning given by section 6.

Note: A number of expressions used in this instrument are defined in the Regulations, including the following:

- (a) Commonwealth transport;
- (b) family member;
- (c) transport costs;
- (d) travels with;
- (e) unscheduled commercial transport.

5 Meaning of **COMCAR**

- (1) **COMCAR** means the car with driver transport service, known by that name, operated by the Commonwealth.
- (2) For the avoidance of doubt, COMCAR includes a third party service engaged by the Commonwealth for the purposes of providing or administering the COMCAR services in accordance with this instrument.

6 Meaning of *special purpose aircraft*

Special purpose aircraft means air passenger transport operated by the Commonwealth through the Department of Defence.

Part 2—COMCAR

Division 1—COMCAR for member travel

7 Objective

The objective of this Division is to support members' conduct of their parliamentary business, throughout Australia, by providing an efficient and effective transport service that is secure, reliable, and responsive to changing parliamentary business needs, while providing value for money for the Commonwealth.

8 Member may use COMCAR within Australia

COMCAR services are to be made available for the purposes of subsection 8(2) of the Regulations, in accordance with this instrument.

Note: Subsection 8(2) prescribes transport costs for members for travel by Commonwealth transport, where such transport is made available in accordance with this determination.

COMCAR will only be claimable under subsection 8(2) in accordance with the requirements of the Act and Regulations, including the dominant purpose test and value for money principle.

9 Limits and conditions on members' use of COMCAR within Australia

When other car transport is reasonably available

- (1) COMCAR is not available for the purposes of subsection 8(2) of the Regulations if the member could reasonably use the member's private plated vehicle in the circumstances, assuming the member had a private plated vehicle.

Note: A member who chooses an allowance instead of a private plated vehicle could reasonably be expected to use the allowance instead of claiming COMCAR transport costs in circumstances where a private plated vehicle could otherwise reasonably be used.

COMCAR to be treated as 'unscheduled commercial transport' for applicable cost limits in the Regulations

- (2) COMCAR transport costs are to be treated as unscheduled commercial costs for the purposes of any applicable limit for a member in section 14 of the Regulations.

Note: This means that the transport costs for a journey taken by COMCAR will count towards the member's limit (if any) in subsection 14(1) of the Regulations, if the transport costs for a member to travel by unscheduled commercial transport for that journey would have counted towards the limit.

10 Persons travelling with a member on a COMCAR journey

- (1) A member travelling by COMCAR in accordance with this instrument may invite any of the following to travel with the member:
- (a) a family member of the member;
 - (b) a staff member of the member;
 - (c) a person assisting the member in the conduct of the member's parliamentary business;
 - (d) another person to whom, in the member's opinion, it is appropriate to offer transport in the circumstances.

Note: If a person is travelling with the member in accordance with this provision, the transport costs for the COMCAR are not treated as the accompanying person's travel costs.

- (2) Subsection (1) is subject to any contrary direction to a member by the Minister.

Note: A contrary direction could be made, for example, for security reasons.

Division 2—COMCAR for persons other than members, who are travelling independently

Subdivision A—COMCAR for family members

11 When family members travelling independently may use COMCAR

COMCAR is to be made available for the transport of a spouse or nominee of a member, in accordance with this instrument, for the purposes of the following provisions of the Regulations:

- (a) paragraph 21(4)(b), for travel mentioned in section 21 (child up to 12 months and an accompanying family member travelling to accompany or join the member);
- (b) paragraph 22(2)(c), for travel mentioned in section 22 (spouse or nominee travelling as the member's representative);
- (c) paragraph 23(3)(c), for travel mentioned in section 23 (spouse or nominee travelling as an official invitee);
- (d) paragraph 24(5)(c), for travel mentioned in section 24 (travel by spouse of a senior office holder);
- (e) paragraph 25(4)(c), for travel mentioned in section 25 (family member travelling for incidental purposes);
- (f) paragraph 36(3)(c), for travel mentioned in section 36 (incidental spouse travel within Australia related to approved international travel).

Note: Family members may also travel with a member who is using COMCAR in accordance with this instrument and the relevant provisions of the Act and Regulations (see section 10 of this instrument).

12 Limits and conditions on family members' use of COMCAR

When other car transport is reasonably available

COMCAR is not available for the purposes mentioned in section 11 of this instrument if the member could reasonably provide the member's private plated vehicle for use in the circumstances, assuming the member had a private plated vehicle.

Note: A member who chooses an allowance instead of a private plated vehicle could reasonably be expected to use the allowance, instead of claiming COMCAR transport costs for the family member, in circumstances where a private plated vehicle could otherwise reasonably be used.

Subdivision B—COMCAR for other persons**13 When other persons travelling independently may use COMCAR**

COMCAR is to be made available, in accordance with this instrument, to a medical doctor mentioned in paragraph 43(2)(c) of the Regulations, for the purposes of travel mentioned in section 36 and paragraph 43(3)(a) of the Regulations (transport costs for travel within Australia that is incidental to approved international travel).

Division 3 —Access and administration

14 Subject to availability and prioritisation

COMCAR services will be provided subject to operational availability, and any specified order of priority approved by the Minister (including priority in relation to persons for whom COMCAR services are provided otherwise than under the Act).

15 Making COMCAR transport costs information available

- (1) The Department will publish a schedule of the costs, or a method for arriving at the costs, for use of COMCAR as mentioned in this instrument.

Note: A member must ensure that claimed transport expenses provide value for money, taking into account the need to conduct the member's parliamentary business ((see section 27 of the Act).

- (2) The published information must be a reasonable estimate of the transport costs of COMCAR services for the purposes of subsection 5(4) of the Regulations (meaning of 'transport costs').

Part 3—Special purpose aircraft

16 Special purpose aircraft use for the Prime Minister and Minister for Defence

- (1) Special purpose aircraft is available for the Prime Minister for the purposes of subsection 8(2) and paragraph 35(1)(c) of the Regulations.
- (2) Special purpose aircraft is available for the Minister for Defence for the purposes of section 8(2) of the Regulations.
- (3) A Minister mentioned in this section may also invite other persons to travel with them on the special purpose aircraft, on such conditions as the Minister considers appropriate.

Note 1: The travel must be for the dominant purpose of the Minister's parliamentary business (see sections 6 and 26 of the Act).

Note 2: The Minister must ensure that expenses incurred provide value for money, taking into account the need to conduct the Minister's parliamentary business (see section 27 of the Act).

Note 3: Conditions for third party travel could include, for example, security or financial contributions.

17 Minister for Defence or Prime Minister may approve another member's use of special purpose aircraft

- (1) The Minister for Defence may approve the provision of special purpose aircraft for a member's travel within Australia.
- (2) The Prime Minister may approve the provision of special purpose aircraft for a member for travel that takes place, in whole or part, outside Australia.
- (3) A Minister mentioned in this section may also approve, either in general or in relation to specific circumstances, other persons to travel with the member on the special purpose aircraft, and impose conditions in relation to that travel.
- (4) However, the Minister must not approve a use of special purpose aircraft that would not provide value for money in the circumstances, taking into account the need to conduct the relevant member's parliamentary business.

Note 1: The travel must be for the dominant purpose of the member's parliamentary business (see sections 6 and 26 of the Act).

Note 2: Each member must ensure that public resources that are claimed provide value for money, taking into account the need to conduct the member's parliamentary business ((see section 26 of the Act).

Note 3: Conditions for third party travel could include, for example, security or financial contributions.