



Australian Government

Department of Finance and Deregulation

# **SENATORS AND MEMBERS**

---

## **ENTITLEMENTS**

---

### **2012**

With the exception of the Commonwealth Coat of Arms all material presented in this document is provided under a Creative Commons Attribution 3.0 Australia (<http://creativecommons.org/licenses/by/3.0/au/>) licence. To the extent that copyright subsists in a third party, permission will be required from the third party to reuse the material.



The document must be attributed as the Commonwealth of Australia, *Senators and Members' Entitlements* handbook.

#### Use of the Coat of Arms

The terms under which the Coat of Arms can be used are detailed on the following website: <http://www.itsanhonour.gov.au/coat-arms/>.

#### Contact Us

Inquiries regarding the licence and any use of the material on this website are welcome at:

Director  
Communications and Public Affairs  
Department of Finance and Deregulation  
John Gorton Building  
King Edward Terrace  
Parkes ACT 2600  
Email: [financepublications@finance.gov.au](mailto:financepublications@finance.gov.au)

Produced by Ministerial and Parliamentary Services.

The information contained in this handbook is provided for general information only.

It remains the responsibility of Senators and Members to familiarise themselves with the entitlements provided to them under legislation, Determinations of the Remuneration Tribunal and as otherwise provided by Government. Where you are unsure of an entitlement, please contact your Entitlements Manager before taking any action or decision on the basis of any material contained in this publication alone.

<b>SENATORS AND MEMBERS ENTITLEMENTS HANDBOOK.....</b>	<b>1</b>
<b>WHAT'S NEW .....</b>	<b>10</b>
October 2012 Edition.....	10
June 2012 Edition .....	10
<b>PART ONE: INTRODUCTION.....</b>	<b>12</b>
<b>1.1 Overview .....</b>	<b>13</b>
<b>1.2 Legislative Framework .....</b>	<b>14</b>
1.2.1 Parliamentary Contributory Superannuation Act 1948.....	14
1.2.2 Parliamentary Allowances Act 1952.....	14
1.2.3 Remuneration Tribunal Act 1973 .....	14
1.2.4 Members of Parliament (Staff) Act 1984.....	15
1.2.5 Parliamentary Entitlements Act 1990 .....	15
1.2.6 Parliamentary Entitlements Regulations 1997 .....	15
1.2.7 Remuneration and Allowances Act 1990.....	15
1.2.8 Remuneration and Allowances Regulations 2005 .....	15
1.2.9 Members of Parliament (Life Gold Pass) Act 2002.....	16
1.2.10 Members of Parliament (Life Gold Pass) Regulations 2002.....	16
1.2.11 Parliamentary Superannuation Act 2004 .....	16
<b>1.3 Provision of Entitlements and Accountability .....</b>	<b>17</b>
1.3.1 Provision of Entitlements.....	17
1.3.2 Accountability .....	17
1.3.3 Certification .....	19
1.3.4 Record Keeping and Management Reports.....	20
1.3.5 Interaction with Australian Public Service Agencies .....	20
1.3.6 Entitlements During Election Periods.....	20
<b>1.4 Ministerial and Parliamentary Services Intranet.....</b>	<b>23</b>
<b>PART TWO: SALARY .....</b>	<b>24</b>
<b>2.1 Salary .....</b>	<b>25</b>
2.1.1 Level of Salary.....	25
2.1.2 Payment of Salary .....	25
<b>2.2 Electorate Allowance .....</b>	<b>27</b>
<b>2.3 Superannuation.....</b>	<b>28</b>
2.3.1 The PCSS.....	28
2.3.2 PCSS Benefits.....	29
2.3.3 PCSS Reversionary Benefits.....	30
2.3.4 Reduction of benefits .....	31
2.3.5 Further Information.....	31
2.3.6 Superannuation Accumulation Arrangements .....	31
2.3.7 Administration of Accumulation Arrangements .....	32
2.3.8 Superannuation Arrangements for Former Senators and Members .....	32
<b>2.4 Resettlement Allowance.....</b>	<b>33</b>

<b>PART THREE: ACCOMMODATION AND OFFICE FACILITIES.....</b>	<b>34</b>
<b>3.1 Electorate Offices.....</b>	<b>35</b>
3.1.1 The Entitlement.....	35
3.1.2 Accommodation.....	35
3.1.3 Fitout of Electorate Offices.....	35
3.1.4 Division of Responsibilities for Electorate Office Services.....	36
3.1.5 Car Parking .....	36
3.1.6 Security in Electorate Offices .....	37
3.1.7 Advertising the Location of an Electorate Office .....	39
3.1.8 Electorate Office Signs .....	39
3.1.9 Post Office Box.....	40
3.1.10 Flagpoles and Australian National Flags .....	40
3.1.11 Energy Efficiency in Electorate Offices .....	41
<b>3.2 Electorate Office Furniture and Fittings.....</b>	<b>42</b>
3.2.1 The Entitlement.....	42
<b>3.3 Electorate Office Equipment .....</b>	<b>43</b>
3.3.1 The Entitlement.....	43
3.3.2 Privately-Owned Office Equipment.....	44
3.3.3 FaxStream .....	44
3.3.4 Photocopiers.....	44
<b>3.4 Electorate Office Information Technology Services and Training .....</b>	<b>45</b>
3.4.1 The Entitlement.....	45
3.4.2 Equipment Provided.....	45
3.4.3 Computer Help Desk (DPS Client Support Desk—2020) .....	45
3.4.4 The Extended Parliamentary Network .....	45
3.4.5 Protection of Data .....	46
3.4.6 Software Reimbursement.....	47
3.4.7 Electoral Roll .....	47
3.4.8 Privately-Owned Computer Equipment .....	48
3.4.9 Computer Training.....	48
<b>3.5 Telephone Services in Electorate Offices.....</b>	<b>49</b>
3.5.1 The Entitlement.....	49
3.5.2 Mobile Telephones.....	49
3.5.3 Bulk Short Messaging Services (SMS).....	50
3.5.4 1300 Telephone Numbers .....	50
<b>3.6 Telephone Services in Residences.....</b>	<b>51</b>
3.6.1 The Entitlement.....	51
3.6.2 Nomination of Telephone Services.....	51
3.6.3 Payment of Accounts .....	51
<b>3.7 Office Requisites and Stationery .....</b>	<b>52</b>
3.7.1 The Entitlement.....	52
3.7.2 Ordering.....	52
3.7.3 Delivery and Receipt of Goods .....	52
<b>3.8 Publications.....</b>	<b>54</b>
<b>3.9 Printing and Communications.....</b>	<b>55</b>
3.9.1 The Entitlement.....	55
3.9.2 Amount of the Entitlement.....	55
3.9.3 Administration and Payment of Accounts .....	56

3.9.4 Printing .....	57
3.9.5 Communications .....	59
3.9.6 Postage at Parliament House.....	59
3.9.7 Postage Meters .....	60
3.9.8 Other Australia Post Services .....	60
3.9.9 Over-Expenditure of Entitlement.....	61
<b>3.10 Privately-Funded Electorate Offices .....</b>	<b>62</b>
<b>3.11 Commonwealth Parliament Offices (CPO) .....</b>	<b>63</b>
3.11.1 The Entitlement.....	63
3.11.2 How to Access a CPO Visiting Suite.....	63
<b>PART FOUR: TRAVEL .....</b>	<b>65</b>
<b>4.1 Travel in Australia by Senators and Members .....</b>	<b>66</b>
4.1.1 Reporting the use of Travel Entitlements.....	66
4.1.2 Travel Declaration Form (Form 4).....	66
<b>4.2 Travel on Scheduled Services .....</b>	<b>67</b>
4.2.1 The Entitlement.....	67
4.2.2 Travel to the External Territories.....	68
4.2.3 Bookings on Scheduled Services .....	68
4.2.4 Airline Loyalty Programs.....	69
4.2.5 Airline Promotions.....	70
4.2.6 Registration of Interests .....	70
4.2.7 Additional Luggage .....	70
<b>4.3 Entitlements to Travel by Car .....</b>	<b>71</b>
4.3.1 Car Transport .....	71
4.3.2 Car-with-Driver Transport .....	72
4.3.3 Short-Term Self-Drive Hire Cars.....	73
4.3.4 Using Short-term Self-Drive Hire Cars in Canberra .....	74
<b>4.4 Private-Plated Vehicles.....</b>	<b>76</b>
4.4.1 The Entitlement.....	76
4.4.2 Ordering a Vehicle .....	76
4.4.3 Parking.....	77
4.4.4 Traffic and Parking Fines and Tolls.....	78
4.4.5 Vehicle Condition .....	78
4.4.6 Return of Vehicles .....	79
4.4.7 Standard Vehicles – Specific Conditions.....	79
4.4.8 Non-Standard Vehicles – Specific Conditions.....	80
4.4.9 Four-wheel Drive Vehicles – Specific Conditions.....	81
<b>4.5 Private Vehicle Allowance .....</b>	<b>84</b>
4.5.1 The Entitlement.....	84
4.5.2 Parking at Airports.....	84
4.5.3 Making a Claim .....	85
<b>4.6 Charter Entitlements .....</b>	<b>86</b>
4.6.1 Electorate Charter – the Entitlement.....	86
4.6.2 Electorate Charter – Certification .....	88
4.6.3 Carry Forward of Electorate Charter Entitlement .....	89
4.6.4 Charter in Lieu of Scheduled Commercial Services .....	89
4.6.5 Special Charter.....	89

4.6.6 Booking Charter Transport .....	90
4.6.7 COMCAR .....	90
4.6.8 Insurance Cover when Travelling in Chartered Transport.....	90
<b>4.7 Special Purpose Aircraft.....</b>	<b>91</b>
4.7.1 The Entitlement.....	91
<b>4.8 Travelling Allowance.....</b>	<b>92</b>
4.8.1 The Entitlement.....	92
4.8.2 Relevant Definitions and Provisions.....	92
4.8.3 When Travelling Allowance is Payable.....	92
4.8.4 Travel Within Home State, Territory or Electorate.....	93
4.8.5 Small Electorates that include Distant Areas .....	94
4.8.6 External Territories .....	95
4.8.7 Travel between Western Australia or the Northern Territory and Canberra.....	95
4.8.8 Rates of Travelling Allowance .....	96
4.8.9 Claiming Travelling Allowance.....	103
4.8.10 Daily Expense Allowance: Australian Capital Territory and Adjoining Electorates .....	104
<b>4.9 Family Reunion Travel within Australia.....</b>	<b>106</b>
4.9.1 Mode of travel.....	106
4.9.2 Entitled Persons .....	107
4.9.3 The Entitlement.....	108
4.9.4 Stopovers .....	110
4.9.5 General provisions .....	111
4.9.6 Car Transport .....	112
4.9.7 Electorate Charter Entitlement.....	114
4.9.8 Summary of Spouse/Nominee Travel Provisions .....	115
4.9.9 Summary of Dependent Children Travel Provisions .....	119
<b>4.10 Overseas Study Travel.....</b>	<b>121</b>
4.10.1 The Entitlement.....	121
4.10.2 How to Access the Entitlement.....	123
4.10.3 Bookings .....	124
4.10.4 Combined Overseas Study and Delegation Travel .....	124
4.10.5 Assistance from the Department of Foreign Affairs and Trade .....	125
4.10.6 Overseas Study Travel Reports.....	125
4.10.7 Election Provisions .....	126
<b>4.11 Overseas Delegation Travel.....</b>	<b>128</b>
4.11.1 The Entitlement.....	128
4.11.2 The Entitlement of a Delegate on a Bilateral Delegation.....	128
4.11.3 Passports .....	130
4.11.4 Insurance .....	131
4.11.5 Hospitality and Transport .....	131
4.11.6 Health.....	131
4.11.7 Commonwealth Parliamentary Association (CPA) and Inter-Parliamentary Union (IPU) Conferences .....	132
4.11.8 Combining a CPA or IPU Conference with Other Delegation Travel .....	132
<b>4.12 Travel After Retirement .....</b>	<b>133</b>
4.12.1 Life Gold Pass.....	133
4.12.2 Severance Travel.....	137
4.12.3 Post-Retirement Travel .....	139

<b>PART FIVE: STAFF MATTERS .....</b>	<b>140</b>
<b>5.1 Electorate Employees.....</b>	<b>141</b>
5.1.1 The Entitlement.....	141
5.1.2 <i>Members of Parliament (Staff) Act 1984</i> .....	141
5.1.3 Responsibilities .....	141
5.1.4 Authorisations .....	142
5.1.5 Staff Structure .....	143
5.1.6 Recruitment Options for Vacant Electorate Officer Positions .....	144
5.1.7 Recruitment Options for Vacant Personal Employee Positions .....	145
5.1.8 Employment Agreement .....	146
5.1.9 Hours of Duty .....	149
<b>5.2 Salary Matters .....</b>	<b>151</b>
5.2.1 Salary .....	151
5.2.2 Salary on Commencement .....	152
5.2.3 Salary Progression .....	152
5.2.4 Temporary Performance Progression (Higher Duties Allowance) .....	153
5.2.5 Competency Assessment .....	153
5.2.6 Superannuation .....	153
<b>5.3 Electorate Staff Allowance .....</b>	<b>155</b>
5.3.1 Time off in lieu .....	156
<b>5.4 Leave and Public Holidays .....</b>	<b>158</b>
5.4.1 Leave – General Provisions .....	158
5.4.2 Direction to Use Annual Leave.....	158
5.4.3 Excess (Canberra) Travel Leave .....	159
5.4.4 Personal Leave.....	159
5.4.5 Public Holidays and Annual Closedown.....	159
<b>5.5 Other Employment Matters .....</b>	<b>161</b>
5.5.1 Relief Staff.....	161
5.5.2 Guidelines .....	161
5.5.3 Additional Relief Provisions.....	162
5.5.4 Engagement of Employees under the Relief Staff Budget.....	163
5.5.5 Work Handover for Personal Employees.....	163
5.5.6 Relocation and Associated Expenses .....	163
5.5.7 When Relocation Expenses are not Payable .....	164
<b>5.6 Electorate Employee Travel .....</b>	<b>165</b>
5.6.1 Electorate Staff Travel Budget.....	167
5.6.2 Airline Loyalty Points.....	168
5.6.3 Travelling Allowance.....	168
<b>5.7 Training and Professional Development .....</b>	<b>170</b>
5.7.1 Professional Development Program.....	170
5.7.2 Studies Assistance.....	170
5.7.3 Training Provided by Party Secretariats .....	171
5.7.4 Electorate Office Computer Systems Training .....	171
5.7.5 Ad hoc Learning and Development Opportunities .....	171
5.7.6 Online Access to Information at Parliament House .....	172
<b>5.8 Workplace Practices .....</b>	<b>173</b>
5.8.1 Responsibilities in the Workplace.....	173
5.8.2 Workplace Practices - General.....	173
5.8.3 Consultation with Employees .....	173

5.8.4 Workplace Diversity Principles .....	174
5.8.5 Work Health and Safety .....	174
5.8.6 Workers' Compensation .....	178
5.8.7 Bullying, Harassment and Workplace Violence .....	178
<b>5.9 Employment of Trainees in Electorate Offices.....</b>	<b>180</b>
5.9.1 Participation in Schemes.....	180
5.9.2 Nature of Relationship .....	180
5.9.3 Constitutional Limitations .....	180
5.9.4 Use of Electorate Allowance to Employ Trainees .....	180
5.9.5 Employment of Minors .....	181
<b>5.10 Liability for Volunteers .....</b>	<b>182</b>
<b>5.11 Cessation of Employment .....</b>	<b>183</b>
5.11.1 Termination.....	183
5.11.2 Severance Benefits.....	185
5.11.3 Payment of Accumulated Long Service Leave when Employment is Terminated .....	187
5.11.4 Resignation .....	187
<b>PART SIX: OTHER MATTERS .....</b>	<b>188</b>
<b>6.1 Supplement of Capped Entitlements in Exceptional Circumstances (SCE) .....</b>	<b>189</b>
6.1.1 The Entitlement.....	189
6.1.2 Amount of the Entitlement.....	190
6.1.3 Administrative Procedures .....	190
<b>6.2 Interests and Gifts.....</b>	<b>192</b>
6.2.1 Registration of Interests .....	192
6.2.2 Declaration of Gifts.....	192
<b>6.3 Personal Compensation for Accidents.....</b>	<b>193</b>
6.3.1 The Entitlement.....	193
<b>6.4 Authorisation of Powers .....</b>	<b>194</b>
6.4.1 The Entitlement.....	194
6.4.2 Who may be Authorised .....	194
<b>6.5 Badge of Office/Electorate Medallion.....</b>	<b>195</b>
<b>6.6 Photographic Services.....</b>	<b>196</b>
6.6.1 The Entitlement.....	196
6.6.2 Copyright .....	196
6.6.3 Bookings .....	196
<b>6.7 Awards And National Symbols.....</b>	<b>197</b>
6.7.1 Information on Australian Awards and National Symbols .....	197
6.7.2 Congratulatory Messages: Birthdays and Anniversaries.....	197
6.7.3 Australian Honours and Awards .....	197
<b>6.8 Constituents' Request Program (CRP) .....</b>	<b>199</b>
6.8.1 The Entitlement.....	199
6.8.2 Large Flags for Presentation to Constituents .....	199
6.8.3 Desktop and Hand-waver Flags for Presentation to Constituents .....	201
6.8.4 The Chamber Flag Program.....	201
6.8.5 Display of Flags at Electorate and Ministerial Offices .....	201



<b>6.9 Management of Electorate Office Records.....</b>	<b>202</b>
6.9.1 Responsibility for Managing Records.....	202
6.9.2 Categories of Records .....	202
6.9.3 Indexing Records .....	203
6.9.4 Storing Records.....	203
6.9.5 Accessing Records .....	203
6.9.6 Disposing of Records .....	203
6.9.7 Legislation .....	204
6.9.8 Useful Resources for Records Management .....	204

**APPENDIX A: GUIDELINES FOR THE USE OF SPECIAL PURPOSE AIRCRAFT**  
..... **205**

## WHAT'S NEW

---

This is a running index of updates and amendments to the *Senators and Members' Entitlements* handbook.

### October 2012 Edition

Section	Section Heading	Date of Effect	Relevant reference
2.1.1	Level of Salary	1 July 2012	<b>Remuneration Tribunal Determination 2012/15</b>
2.3.1	Superannuation	N/A	<b>Remuneration Tribunal Determination 2012/03</b>
4.1 4.3.4	Travel in Australia by Senators and Members	N/A	<b>Ministerial and Parliamentary Services</b>
4.6.1	Electorate Charter Entitlement	1 July 2012	<b>Remuneration Tribunal Determination 2012/15</b>
4.8.1-4.8.8	Travelling Allowance	26 August 2012	<b>Remuneration Tribunal Determination 2012/19</b>
4.9.2	Nomination of Entitled Persons	N/A	<b>Ministerial and Parliamentary Services</b>
4.12.1	Life Gold Pass – Transitional Provision	1 July 2012	<i>Members of Parliament (Life Gold Pass) Act 2002</i>
Part 5	Staff Matters	N/A	<i>Commonwealth Members of Parliament Staff Enterprise Agreement 2012-2015 and Work Health and Safety Act 2011</i>

### June 2012 Edition

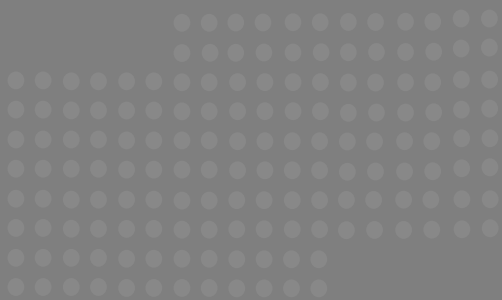
Section	Section Heading	Date of Effect	Relevant reference
3.4.2	Equipment Provided	N/A	<b>Ministerial and Parliamentary Services</b>
3.5	Telephone Services in Electorate Offices	N/A	<b>Ministerial and Parliamentary Services</b>

Section	Section Heading	Date of Effect	Relevant reference
3.9.3	Administration and Payment of Accounts	N/A	<b>Ministerial and Parliamentary Services</b>
3.9.4	Printing		
4.2.7	Gifts and Benefits (Text Removed)	N/A	<b>Ministerial and Parliamentary Services</b>
4.8.6	External Territories	N/A	<b>Ministerial and Parliamentary Services</b>
4.9.2	Entitled Persons	N/A	<b>Remuneration tribunal Determination 2012/04 and the <i>Parliamentary Entitlements Act 1990</i></b>
5.1.8	National Police History Checks	N/A	<b>Ministerial and Parliamentary Services</b>
5.6	Electorate Employee Travel	N/A	<b>Ministerial and Parliamentary Services</b>
6.1	Supplement of Capped Entitlements in Exceptional Circumstances (SCE)	N/A	<b>Ministerial and Parliamentary Services</b>

**PART ONE:**

# **INTRODUCTION**

**INTRODUCTION**



## 1.1 Overview

---

Senators and Members are provided with a range of entitlements under various pieces of legislation, including salaries, accommodation and office facilities, travel and staff. These entitlements are provided to Senators and Members to facilitate the conduct of their duties and responsibilities as elected representatives of the Australian public.

Ministerial and Parliamentary Services, a division of Asset Management and Parliamentary Services Group in the Department of Finance and Deregulation (referred to throughout this handbook as Ministerial and Parliamentary Services) has prepared this handbook. Ministerial and Parliamentary Services oversees the provision of a number of Senators and Members' entitlements and administers the accountability mechanisms.

This handbook is intended as a guide to the entitlements of Senators and Members.

The entitlements relating to salary, accommodation and office facilities, travel and staff are set out in the following five parts. Various procedural matters – including record keeping, authorisation powers, badges of office, awards and national symbols, and the Constituents' Request Program – are set out in the sixth part.

Updates to the information contained in this handbook will be placed on the [Department of Finance and Deregulation website](http://www.finance.gov.au) at [www.finance.gov.au](http://www.finance.gov.au). In addition, Ministerial and Parliamentary Services can provide further information and advice to Senators and Members about their entitlements and how to access them. It can also provide Senators and Members, and their staff, with assistance on entitlement issues.

## 1.2 Legislative Framework

---

Senators and Members' entitlements are primarily determined by Acts of Parliament and determinations of the Remuneration Tribunal. Copies of a number of these Acts and determinations are available from the [Commonwealth of Australia Law website](http://www.comlaw.gov.au) at [www.comlaw.gov.au](http://www.comlaw.gov.au).

The key pieces of legislation determining Senators and Members' entitlements are:

- *Parliamentary Contributory Superannuation Act 1948*;
- *Parliamentary Allowances Act 1952*;
- *Remuneration Tribunal Act 1973*;
- *Members of Parliament (Staff) Act 1984*;
- *Parliamentary Entitlements Act 1990*;
- *Parliamentary Entitlements Regulations 1997*;
- *Remuneration and Allowances Act 1990*;
- *Remuneration and Allowances Regulations 2005*;
- *Members of Parliament (Life Gold Pass) Act 2002*;
- *Members of Parliament (Life Gold Pass) Regulations 2002*; and
- *Parliamentary Superannuation Act 2004*.

A brief summary of this legislation follows:

### 1.2.1 Parliamentary Contributory Superannuation Act 1948

The *Parliamentary Contributory Superannuation Act 1948* established the Parliamentary Contributory Superannuation Scheme (PCSS). Membership of the PCSS is compulsory for all Senators and Members, who entered Parliament before the general election of 9 October 2004.

### 1.2.2 Parliamentary Allowances Act 1952

The *Parliamentary Allowances Act 1952* provides that the allowances determined by the Remuneration Tribunal are payable to Senators and Members. The Act also prescribes the days on which the allowances of Senators and Members commence and cease, and provides a statutory basis for the additional remuneration of certain Parliamentary office-holders. Note that remuneration for other office-holders is, in the main, dealt with by the Remuneration Tribunal in accordance with the *Remuneration Tribunal Act 1973*.

### 1.2.3 Remuneration Tribunal Act 1973

The *Remuneration Tribunal Act 1973* established the Remuneration Tribunal which, among other things, determines certain entitlements for Senators and Members when they are engaged in Parliamentary, electorate or official business.

The entitlements for Senators and Members currently set by Remuneration Tribunal determinations are:

- electorate allowance;
- travelling allowance for Senators and Members and office-holders;
- travel within Australia by Senators and Members, including by scheduled services, car transport, charter, private-plated vehicles, and privately owned vehicles;
- travel by the spouse or nominee, dependent children and designated persons of a Senator or Member;
- overseas study travel;

- severance benefits and travel after retirement as a Senator or Member (where applicable); and
- home telephone services.

Senators and Members should note that on and from 15 March 2012, there will be no further accrual of entitlement to financial assistance for overseas travel as provided for by Remuneration Tribunal Determination 2006/18: Members of Parliament – Entitlements.<sup>1</sup>

#### 1.2.4 Members of Parliament (Staff) Act 1984

The *Members of Parliament (Staff) Act 1984* provides for the employment of staff, by Senators and Members, on behalf of the Commonwealth.

In addition to this Act, the terms and conditions of employment of staff are determined primarily by:

- determinations made under this Act;
- the *Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012*; and
- the *Fair Work Act 2009*.

#### 1.2.5 Parliamentary Entitlements Act 1990

The *Parliamentary Entitlements Act 1990* prescribes certain entitlements for Senators and Members and Parliamentary office-holders, including:

- electorate office accommodation, equipment and office requisites;
- travel overseas by Parliamentary delegations;
- Australian flags and printed items related to national symbols;
- photographic services at Parliament House; and
- travel by special purpose aircraft.

Note, however, that some of these entitlements may be omitted or varied by determinations made by the Remuneration Tribunal.

#### 1.2.6 Parliamentary Entitlements Regulations 1997

The *Parliamentary Entitlements Regulations 1997* provide details of the additional benefits provided to Members and Parliamentary office-holders under the *Parliamentary Entitlements Act 1990*, and legal assistance for Ministers.

#### 1.2.7 Remuneration and Allowances Act 1990

The *Remuneration and Allowances Act 1990* sets the rates of remuneration and allowances, including additional salary, for certain office-holders, including Senators and Members. Annual salary for Senators and Members is currently linked to a reference salary within the Remuneration Tribunal's Principal Executive Office Structure.

#### 1.2.8 Remuneration and Allowances Regulations 2005

The *Remuneration and Allowances Regulations 2005* set the percentage of the reference salary (as determined by the Remuneration Tribunal) for the purposes of setting the annual salary of Senators and Members under the *Remuneration and Allowances Act 1990*.

---

<sup>1</sup> See Part 10 of Remuneration Tribunal Determination 2012/04.

### 1.2.9 Members of Parliament (Life Gold Pass) Act 2002

The *Members of Parliament (Life Gold Pass) Act 2002* sets out the terms and conditions under which Life Gold Pass holders are eligible for travel at Australian Government expense for non-commercial purposes.

### 1.2.10 Members of Parliament (Life Gold Pass) Regulations 2002

The *Members of Parliament (Life Gold Pass) Regulations 2002* defines the phrase 'exceptional circumstances' for the purposes of the 'stop-over' provisions of the *Members of Parliament (Life Gold Pass) Act 2002*.

### 1.2.11 Parliamentary Superannuation Act 2004

The *Parliamentary Superannuation Act 2004* establishes superannuation accumulation arrangements for all Senators and Members entering or re-entering the Federal Parliament on or after the general election of 9 October 2004. Under this Act, Senators and Members have a 15.4 per cent superannuation contribution paid by the Government to a complying superannuation fund (other than a self-managed superannuation fund) or to a Retirement Savings Account of their choice.



## 1.3 Provision of Entitlements and Accountability

The majority of Parliamentary entitlements are provided on a financial year basis, but the method by which Senators and Members receive them varies. Some entitlements, such as the provision of electorate offices, are provided by the Department of Finance and Deregulation, for use by the Senator or Member. Other entitlements, such as electorate allowance, are paid directly to Senators and Members and acquitted by them through the taxation system.

For some benefits there is no monetary or other limit prescribed. A Senator or Member may access these benefits without limit provided that conditions specified in relation to the entitlement are met. For example, there is no limit to the travel within Australia that may be undertaken by a Senator or Member on scheduled commercial services provided such travel is for Parliamentary, electorate or official business. Accountability for the use of such entitlements is ensured through separate certification processes.

### 1.3.1 Provision of Entitlements

Usually, however, there is a monetary cap or a specified number of times that the Senator or Member may access an entitlement. An example of the former is the charter transport entitlement, and of the latter, overnight stays within the electorate. Where there is a cap on an entitlement, the Senator or Member is required to certify their accounts for payment, and Ministerial and Parliamentary Services checks that the entitlement limit has not been reached. In cases where the entitlement limit is exceeded, Ministerial and Parliamentary Services will take action to recover the expenditure as a debt due to the Commonwealth.

Where a benefit is limited to an annual amount, a person becoming a Senator or Member during the course of a financial year is allocated the entitlement on a pro rata basis worked out by the formula:<sup>2</sup>

$$\text{amount of whole benefit} \quad \times \quad \frac{\text{Number of days in remainder of financial year}}{365}$$

Where an entitlement is calculated on the basis of the size of a Member's electorate, only the land area of the electorate is included in the calculation, unless the Remuneration Tribunal determines otherwise.<sup>3</sup>

### 1.3.2 Accountability

The entitlements of Senators and Members attract close media attention and, from time to time, criticism that they are overly generous and open to abuse. Entitlements use is frequently the subject of applications under the *Freedom of Information Act 1982* received by the Department of Finance and Deregulation.

The fact that there are many shades of grey and considerable room for interpretation of the entitlements framework applicable to Federal parliamentarians means that it is important to take extra care to avoid creating grounds for criticism which, even if ill-founded, can damage a Senator or Member's reputation.

<sup>2</sup> Section 6 of the *Parliamentary Entitlements Act 1990*.

<sup>3</sup> Clause 1.5 of Remuneration Tribunal Determination 2012/04.

Each Senator and Member is individually accountable for his or her use of entitlements as they are required to certify that use was within entitlement. The precise form of the certification required depends on the nature of the entitlement, but generally it includes certifying that the entitlement has been used for Parliamentary or electorate purposes. The certification process is an integral part of the accountability framework that, among other things, serves to protect Senators and Members from unwarranted criticism regarding their use of entitlements.

In administering the various entitlements, Ministerial and Parliamentary Services frequently relies on the certification of the relevant Senator or Member that their use is within entitlement, as it is often not possible or desirable for Departmental officers to make the sort of independent inquiries that would be needed to make an objective assessment. This reliance on the certifications provided by Senators and Members was recognised in a report published by the Australian National Audit Office in December 2004, 'Administration of Staff Employed Under the *Members of Parliament (Staff) Act 1984*':

*Finance necessarily relies heavily upon self-assessment by Parliamentarians for assurance that Commonwealth resources are only used within the terms of the relevant entitlement and/or employment condition.*<sup>4</sup>

While Ministerial and Parliamentary Services can provide advice and assistance, it remains the responsibility of the Senator or Member to satisfy themselves that their use of their entitlements is lawful. It is also in the Senator or Member's interest to satisfy themselves that the use is publicly defensible.

In deciding whether or not to access entitlements, Senators and Members should adopt a risk assessment approach by asking themselves the following questions:

Is It Within The Rules?	How Would It Look? Is It Defensible?	What Is Overall Risk Assessment?
<i>Clearly yes</i>	<i>Fully defensible</i>	<i>Low risk</i>
<i>Technically yes</i>	<i>Some difficulty in defending publicly</i>	<i>Medium risk</i>
<i>Arguably yes</i>	<i>May/would attract criticism</i>	<i>High risk</i>
<i>Clearly no</i>	<i>Would certainly attract criticism</i>	<i>Unsafe/unlawful</i>

<sup>4</sup> See Australian National Audit Office, Audit Report, 'Administration of Staff Employed Under the *Members of Parliament (Staff) Act 1984*, December 2004.

### 1.3.3 Certification

Certification is an important process which ensures accountability by Senators and Members. The following mechanisms are in place to provide appropriate certification:

Entitlement	Certification Required			
Printing and communications entitlement	Senators and Members are required to certify that printing and communications services have been accessed within entitlement.			
Electorate allowance	Senators and Members must declare expenditure to the Australian Taxation Office annually, and be able to substantiate use, or a taxation liability will be incurred.			
Travelling allowance	Claims are only paid on certification by Senators or Members of purpose of travel and, where appropriate, there is evidence of an overnight stay in commercial accommodation. Claims must be submitted within 60 days of travel.			
Overseas delegations travel	Senators and Members are required to submit completed certification forms within 28 days of completion of travel.			
Overseas study travel	Senators and Members are required to report in writing on the visit within 30 days of return.			
Private vehicle allowance	Senators and Members are required to certify that private vehicle allowance claimed is for travel within entitlement.			
Charter transport	Senators and Members are required to certify on the charter certification form (Form 37) that travel was undertaken within and for the service of the electorate.			
	<table border="0"> <tr> <td>Charter booked directly with charter transport company</td> <td>Form 37 should be attached to the invoice provided by the charter transport company before forwarding them to Ministerial and Parliamentary Services for payment.</td> </tr> <tr> <td>Charter booked through the travel services provider contracted by Ministerial and Parliamentary Services</td> <td>Form 37 should be sent directly to Ministerial and Parliamentary Services. The contracted travel services provider will send the invoice to Ministerial and Parliamentary Services for payment.</td> </tr> </table>	Charter booked directly with charter transport company	Form 37 should be attached to the invoice provided by the charter transport company before forwarding them to Ministerial and Parliamentary Services for payment.	Charter booked through the travel services provider contracted by Ministerial and Parliamentary Services
Charter booked directly with charter transport company	Form 37 should be attached to the invoice provided by the charter transport company before forwarding them to Ministerial and Parliamentary Services for payment.			
Charter booked through the travel services provider contracted by Ministerial and Parliamentary Services	Form 37 should be sent directly to Ministerial and Parliamentary Services. The contracted travel services provider will send the invoice to Ministerial and Parliamentary Services for payment.			

Entitlement	Certification Required
Electorate staff travel	Senators and Members (or authorised persons) are required to certify that travel (air, Cabcharge, private vehicle allowance) is at his or her direction. Travelling allowance claims must be acquitted after travel.

#### 1.3.4 Record Keeping and Management Reports

Senators and Members may find it helpful to maintain accurate records of use of their entitlements to assist them in certifying that their use of entitlements has been in accordance with the relevant legislation, determinations, directions, procedural rules and guidelines.

Ministerial and Parliamentary Services provides each Senator and Member with a detailed monthly management report of expenditure on entitlements paid for by Ministerial and Parliamentary Services on his or her behalf during the previous month.

With effect from July 2011, the monthly management report no longer includes a certification page for completion by Senators and Members. However, Senators and Members are encouraged to check the accuracy of each monthly management report as it is received and advise Ministerial and Parliamentary Services immediately of any entries requiring amendment as this will ensure accountability for all use of entitlements.

Ministerial and Parliamentary Services also prepares a six-monthly report on Parliamentarians' expenditure on entitlements paid for by the Department of Finance and Deregulation. This report is tabled in the Parliament and is also published on the [Finance website](http://www.finance.gov.au) at [www.finance.gov.au](http://www.finance.gov.au). Prior to tabling, Senators and Members are requested to check the details in the report and certify that their use of entitlements has been in accordance with the use provisions legislated for each respective entitlement.

From time to time, requests under the *Freedom of Information Act 1982* are made to the Department of Finance and Deregulation in relation to matters administered by Ministerial and Parliamentary Services, and in particular, for documents relating to an individual Senator or Member's entitlements. Where the disclosure of personal information relating to an entitlement may be unreasonable, the decision maker formally consults with the relevant Senator or Member in writing to see if he or she has any concerns about the potential release of the information. The views of the Senator or Member are taken into account by the decision maker when determining whether to release the documents requested. However, the decision maker is not bound by the views of the Senator or Member.

#### 1.3.5 Interaction with Australian Public Service Agencies

Senators and Members who interact with Australian Public Service agencies are encouraged to make themselves familiar with the Australian Public Service Commission publication: *Supporting Ministers, Upholding the Values*.

#### 1.3.6 Entitlements During Election Periods

When a general election or double dissolution is announced, Ministerial and Parliamentary Services will write to all Senators and Members advising them of their entitlements during the election period.

Senators and Members are reminded of the increased public and media interest in the use of entitlements by Parliamentarians in recent years. There may be additional focus during election periods.

The entitlements of Members who are not seeking re-election cease at the time of a dissolution of the House of Representatives.<sup>5</sup>

A Member who is a candidate for re-election as a Member of the House of Representatives at a general election will be entitled to salary and allowances until and including the day immediately preceding the polling day for that election.<sup>6</sup> A candidate who is returned as a Member shall be paid salary and allowances from (and including) the polling day of their election.<sup>7</sup>

Senators for the Northern Territory and the Australian Capital Territory, whose terms run from one Senate polling day to the next, will be entitled to salary and allowances until and including the day immediately preceding the polling day, where they are a candidate for re-election.

Senators whose terms expire on 30 June following a general election and who:

1. do not seek re-election; or
2. seek re-election but are not returned

continue to be paid salary and allowances throughout the election period, and up to and including the expiry of their term on 30 June following that election.

Senators whose terms expire on 30 June following a general election who seek re-election and are returned, continue to be paid salary and allowances throughout the election period, and up to and including 30 June following the election.

Payment in relation to the term for which they have been re-elected begins from and including 1 July following the election.<sup>8</sup>

If the Senate is dissolved:

- the entitlements of Senators who are not seeking re-election cease at the time of dissolution;
- the entitlements of Senators who are seeking re-election continue until and including the day immediately preceding the polling day for that election; and
- a Senator elected at the first election after the dissolution is eligible for entitlements from (and including) the polling day for that election.<sup>9</sup>

Following the announcement of a general election or a double dissolution, the following principles generally apply:

- overseas study travel may not be commenced following the dissolution of the Parliament;
- Members seeking re-election may undertake electorate business but not Parliamentary business (there being no Parliament), so for example, travel by scheduled services for Parliamentary business could not be undertaken;
- it is recognised that in carrying out their electorate business Members may use their entitlements in support of their own re-election but not in support of another candidate;

<sup>5</sup> Section 5A of the *Parliamentary Allowances Act 1952*.

<sup>6</sup> Section 5A(2) of the *Parliamentary Allowances Act 1952*.

<sup>7</sup> Section 5A(1) of the *Parliamentary Allowances Act 1952*.

<sup>8</sup> Section 5(1)(a) of the *Parliamentary Allowances Act 1952*.

<sup>9</sup> Section 5(1)(a) and 5(2) of the *Parliamentary Allowances Act 1952*.

- the electorate office is a Commonwealth leased office and signs promoting a Senator or Member's own, or any other person's candidacy, or that of their party, should not be displayed on the external walls, windows, fences, etc of the office;
- travel by scheduled services may normally be accessed for electorate or official business but not party business (other than meetings of a parliamentary political party, or of its executive, or of its committees, and the national conference of a Senator or Member's political party). It would therefore follow that it would be difficult to rely on Parliamentary business as a justification for travel for Members after the House of Representatives has been dissolved and for Senators and Members following a double dissolution of the House of Representatives and the Senate; and
- the printing and communications entitlement cannot be used to print how-to-vote cards but may be used to print a limited number of postal vote applications for an election.<sup>10</sup> For more information on the printing and communications entitlement, refer to section 3.9.

---

<sup>10</sup> Regulation 3AA(10) of the *Parliamentary Entitlements Regulations 1997*.

## 1.4 Ministerial and Parliamentary Services Intranet

---

Ministerial and Parliamentary Services has offices located in Canberra, the Ministerial Wing of Parliament House and the capital city of each State and Territory. Ministerial and Parliamentary Services has a number of points of contact to assist Senators and Members and their staff with entitlements enquiries.

### M&PS Intranet

Ministerial and Parliamentary Services maintains a website to provide Senators, Members and their employees with key contact details as well as important advice relating to their entitlements.

### Entitlements Managers

Ministerial and Parliamentary Services Entitlements Managers are available to Senators and Members and their staff to address complex or sensitive entitlements issues. Each Entitlements Manager has responsibility for specific States and Territories. Contact details can be found on the Ministerial and Parliamentary Services intranet.

### EMB and Staff Help Desks

Ministerial and Parliamentary Services help desks are available on weekdays to assist with entitlements enquiries. Business hours are: 9.00am to 5.00pm AEST.

The Entitlements Management Branch Help Desk is able to assist with enquiries about Senators and Members' entitlements. The Staff Help Desk is able to assist with enquiries about Members of Parliament staff entitlements.

The help desks can be contacted by phone and email. Contact details can be found on the Ministerial and Parliamentary Services intranet. During sitting weeks, a representative from the Entitlements Management Branch is available in the Ministerial and Parliamentary Services office in Parliament House to provide entitlements advice and accept hard copy forms. For details on the location of the office, please refer to the Ministerial and Parliamentary Services intranet.

### Ministerial and Parliamentary Services State Offices

Ministerial and Parliamentary Services has state offices located in the capital cities of each State and Territory. The state offices provide advice and assistance to Senators and Members and their staff about office accommodation and equipment, private-plated vehicles and various other issues, as well as manage the Commonwealth Parliament Offices located in each capital city (except for Canberra). Contact details for the state offices can be found on the Ministerial and Parliamentary Services intranet.

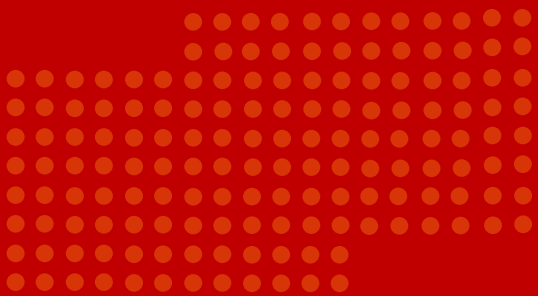
### ASKMAPS

ASKMAPS is an entitlements advisory service available to Senators and Members seeking written advice on complex entitlements issues. The ASKMAPS advisory service aims for a turnaround time of two working days, however, depending on the complexity of the enquiry a response may take longer. Contact details for the ASKMAPS advisory service can be found on the Ministerial and Parliamentary Services intranet.

ASKMAPS will develop a series of Frequently Asked Questions (FAQs) to provide Senators, Members and their employees, with a list of questions and answers that are frequently asked about various parliamentary entitlements. The FAQs will be available on the Ministerial and Parliamentary Services intranet and will be updated from time to time.

**PART TWO:**  
**SALARY**

**SALARY**





## 2.1 Salary

The Department of the Senate is responsible for paying salaries to Senators while the Department of the House of Representatives is responsible for paying salaries to Members.

### 2.1.1 Level of Salary

Each Senator and Member receives an annual base salary, which is determined by the Remuneration Tribunal. As at 1 July 2012, the base salary is \$190,550 per annum.<sup>11</sup>

### 2.1.2 Payment of Salary

The salary of a Senator or Member is paid monthly in arrears.

#### Deductions from Salary for Income Tax

The salary of a Senator or Member is subject to 'Pay as You Go' (PAYG) tax withholding.<sup>12</sup> The amount of PAYG withheld may vary depending on individual circumstances.

#### Deductions from Salary for Superannuation

Contributions to the current superannuation accumulation arrangements or the Parliamentary Contributory Superannuation Scheme (PCSS) are deducted from a Senator or Member's salary.

#### Fringe Benefits

Benefits provided to Senators and Members in the form of fringe benefits are subject to Fringe Benefits Tax (FBT) which is payable by Ministerial and Parliamentary Services.<sup>13</sup> The FBT year ends on 31 March with the FBT rate set at 46.5 per cent of the grossed-up value of benefits provided.<sup>14</sup> A benefit that is a fringe benefit is exempt from income tax.<sup>15</sup>

Examples of fringe benefits include:

- the provision of car transport where the car is used or made available for private purposes;<sup>16</sup>
- the provision of free telephone services where there is a percentage of private use;<sup>17</sup>
- the provision of spouse and dependant travel;<sup>18</sup> and
- the provision of severance and life gold pass holder travel.<sup>19</sup>

<sup>11</sup> Clause 2.1 of Remuneration Tribunal Determination 2012/02.

<sup>12</sup> See section 12-45 of Schedule 1 to the *Taxation Administration Act 1953*.

<sup>13</sup> 'Office-holders' are 'employees' for the purposes of FBT legislation and the responsible Department treated as if it were a legal person (the employer) for these purposes. See section 66 of the *Fringe Benefits Tax Assessment Act 1986* and section 4 of the *Fringe Benefits Tax (Application to the Commonwealth) Act 1986*.

<sup>14</sup> See section 136(1) of the *Fringe Benefits Tax Assessment Act 1986* and section 6 of the *Fringe Benefits Tax Act 1986*.

<sup>15</sup> Section 23L of the *Income Tax Assessment Act 1936*.

<sup>16</sup> Section 7 of the *Fringe Benefits Tax Assessment Act 1986*.

<sup>17</sup> Section 20 of the *Fringe Benefits Tax Assessment Act 1986*.

<sup>18</sup> Sections 45 and 148 of the *Fringe Benefits Tax Assessment Act 1986*.

<sup>19</sup> Section 45 of the *Fringe Benefits Tax Assessment Act 1986*.

### Reportable Fringe Benefits

Ministerial and Parliamentary Services provides the Chamber Departments with the grossed-up value of fringe benefits provided to Senators and Members by Ministerial and Parliamentary Services during the FBT year. If the total taxable value of fringe benefits received exceeds the \$2,000 threshold, the amount will appear on payment summaries.<sup>20</sup> The Chamber Departments are responsible for issuing payment summaries.

There is no income tax paid by the Senator or Member on reportable fringe benefits. However, the reportable fringe benefit amount is added to assessable income and used to calculate a Senator or Member's liability or eligibility to various surcharges, income tax deductions and other obligations such as:

- Medicare levy surcharge;<sup>21</sup>
- income tax deduction for personal superannuation contributions;<sup>22</sup>
- superannuation co-contribution;<sup>23</sup>
- tax offset for contributions to spouse superannuation;<sup>24</sup>
- mature age worker tax offset;<sup>25</sup>
- superannuation contributions and termination payments surcharge;<sup>26</sup>
- compulsory Higher Education Loan Program (HELP) repayments and SFSS (Student Financial Supplement Scheme);<sup>27</sup>
- child support obligations;<sup>28</sup> and
- entitlement to certain income-tested government benefits.

---

20 Sections 135M-135Q of the *Fringe Benefits Tax Assessment Act 1986*.

21 See *A New Tax System (Medicare Levy Surcharge - Fringe Benefits) Act 1999*.

22 Section 290-160 of the *Income Tax Assessment Act 1997*.

23 Section 8(1) of the *Superannuation (Government Contribution for Low Income Earners) Act 2003*.

24 Section 290-230 of the *Income Tax Assessment Act 1997*.

25 Section 61-560 of the *Income Tax Assessment Act 1997*.

26 See *Superannuation Contributions Tax (Assessment and Collection) Act 1997* and the *Termination Payments Tax (Assessment and Collection) Act 1997*.

27 Section 154-5 of the *Higher Education Support Act 2003*.

28 Section 43 of the *Child Support (Assessment) Act 1989*.

## 2.2 Electorate Allowance

Each Senator and Member is paid an electorate allowance for expenses necessarily incurred in the performance of a Senator or Member's duty.<sup>29</sup>

The taxation requirements relating to electorate allowance is a matter between the Australian Taxation Office and the Senator or Member.

The Australian Taxation Office has issued a ruling on what may be claimed as an exemption for income tax purposes.<sup>30</sup> Senators and Members should contact the Australian Taxation Office for details.

The amount of electorate allowance is the same for all Senators, but varies with the size of the electorate for Members. Since 1 May 2009, the annual electorate allowance for Senators has been \$32,000 and the rates for Members are as follows:<sup>31</sup>

ELECTORATE SIZE	ELECTORATE ALLOWANCE
<b>Electorates of less than 2,000km<sup>2</sup></b>	\$32,000
<b>Electorates of 2,000km<sup>2</sup> to 4,999km<sup>2</sup></b>	\$38,000
<b>Electorates of 5,000km<sup>2</sup> or more</b>	\$46,000

The Chamber Departments are responsible for paying salary and electorate allowance monthly to Senators and Members. Any queries relating to salary and electorate allowance should be referred to the relevant Chamber Department. Contact details are available to Senators, Members and their employees from the Ministerial and Parliamentary Services Help Desks or on the Senators and Members Portal on the Extended Parliamentary Network.

Where a Senator or Member elects not to be provided with a private-plated vehicle, they will be entitled to an additional electorate allowance of \$19,500 per annum in lieu of the private-plated vehicle to meet the costs of transport within and for the service of the electorate. Transport within and for the service of the electorate includes transport provided by commercial providers such as taxis, hire cars and public transport (for example buses, trains, trams and ferries). This entitlement cannot be used to lease private motor vehicles.<sup>32</sup>

29 Clauses 2.1-2.3 of Remuneration Tribunal Determination 2012/04.

30 Taxation Ruling 1999/10.

31 Clauses 2.1-2.3 of Remuneration Tribunal Determination 2012/04.

32 Clauses 6.9-6.11 of Remuneration Tribunal Determination 2012/04.

## 2.3 Superannuation

There are two superannuation schemes that may apply to Senators and Members. These are: the Parliamentary Contributory Superannuation Scheme (PCSS) and an accumulation scheme of choice. Entry to the PCSS is dependent on eligibility. This is detailed in the [Parliamentary Contribution Superannuation Scheme Handbook](http://www.finance.gov.au/superannuation/docs/parliamentary-superannuation-handbook.pdf) at <http://www.finance.gov.au/superannuation/docs/parliamentary-superannuation-handbook.pdf>.

The PCSS is a ‘defined benefits scheme’. Membership of the PCSS is compulsory for all Senators and Members who entered the Federal Parliament before the general election of 9 October 2004. Members contribute a percentage of their parliamentary allowance to the PCSS.<sup>33</sup>

The PCSS is constituted under the *Parliamentary Contributory Superannuation Act 1948* and is administered by the Department of Finance and Deregulation.

The PCSS is closed to Senators and Members elected at or after the general election of 9 October 2004. Senators and Members who enter the Federal Parliament on or after 9 October 2004 are not able to join the PCSS.<sup>34</sup>

The second scheme is an accumulation scheme established under the *Parliamentary Superannuation Act 2004*. The accumulation scheme applies to Senators and Members entering (or re-joining) the Federal Parliament on or after the general election of 9 October 2004. Under this scheme, Senators and Members have a superannuation contribution of 15.4 per cent paid by the Government to a complying superannuation fund (other than a self managed superannuation fund) or to a Retirement Savings Account of their choice.<sup>35</sup>

### 2.3.1 The PCSS

Senators and Members’ contributions to the PCSS

Contributions by PCSS members are based on a fixed percentage of:

- the parliamentary allowance<sup>36</sup> to which the member is entitled; and
- any additional salary, or allowance by way of salary for service as Prime Minister, a Minister of State or office-holder to which the member is entitled.<sup>37</sup>

33 Section 13 of the *Parliamentary Contributory Superannuation Act 1948*.

34 Schedule 1 to the *Parliamentary Contributory Superannuation Act 1948*.

35 Section 7 of the *Parliamentary Superannuation Act 2004*.

36 The term ‘parliamentary allowance’ is defined in section 4 of the *Parliamentary Contributory Superannuation Act 1948* to include, among other things, parliamentary base salary (within the meaning of the *Remuneration Tribunal Act 1973*), less any portion determined under subsection 7(1A) of that Act. On and from 1 July 2012, parliamentary base salary is \$190,550. The portion that is not counted as parliamentary allowance is \$39,770. See clauses 2.1 and 2.2 of Remuneration Tribunal Determination 2012/02 as amended by clauses 1.2 and 1.3 of Remuneration Tribunal Determination 2012/15.

37 Section 13 of the *Parliamentary Contributory Superannuation Act 1948*; see also the definition of ‘allowance by way of salary’ and ‘office-holder’ in section 4 of that Act. ‘Salary’ and ‘allowance by way of salary’ for the purposes of that Act do not include, among other things, any portion determined under subsection 7(2A) or 7(1B) of the *Remuneration Tribunal Act 1973*, respectively. The portion that is not counted in each case is 20 per cent. See clauses 2.3 and 3.1 of Remuneration Tribunal Determination 2012/03.

The percentages are:

- 11.5 per cent of the parliamentary allowance until the completion of 18 years' service;
- 5.75 per cent of the parliamentary allowance after the completion of 18 years' service;
- 11.5 per cent of any additional salary or allowance by way of salary<sup>38</sup> earned by the member as a Minister of State or as an office-holder, or 5.75 per cent of that additional salary or allowance where the member has attained their maximum additional benefit. (The maximum additional pension entitlement is 75 per cent of the highest salary or allowance for any of the offices ever held by that member).<sup>39</sup>
- Members of the PCSS are unable to salary sacrifice superannuation contributions to this scheme or any other scheme.

### 2.3.2 PCSS Benefits

If retirement is voluntary, a Senator or Member is entitled to a retiring allowance (i.e., a Parliamentary pension) if:

- he or she has completed at least 12 years' service; or
- he or she ceased to be a member of either House on at least four occasions.<sup>40</sup>

If retirement is involuntary (e.g., due to the loss of preselection or loss at an election or retirement after having attained age 60), but not an invalidity retirement, a Senator or Member is entitled to a retiring allowance if:

- he or she has eight or more years' service; or
- he or she has ceased to be a member of either House on at least three occasions.<sup>41</sup>

An 'occasion' occurs on the dissolution or expiration of the relevant House or the expiration of a Senator or Member's term of office.<sup>42</sup> For Senators who have six-year terms an 'occasion' is deemed to have occurred on both the completion of the first three years of that term, as well as the expiry of that term.<sup>43</sup>

In certain circumstances, persons who cease to be a Senator or Member and do not qualify for a retiring allowance on the grounds specified above, may otherwise be entitled to a retiring allowance if the Parliamentary Retiring Allowances Trust determines that the person has ceased to be a Senator or Member on invalidity grounds. Such grounds exist where the Trust is satisfied that the person is unlikely because of physical or mental impairment (e.g., ill-health) to ever be able to perform the duties of a Senator or Member again.<sup>44</sup>

Where a Senator or Member is not entitled to a retiring allowance, he or she is entitled to a lump sum benefit comprising the higher of:

---

38 As above, see definitions of 'salary' and 'allowance by way of salary' in section 4 of the *Parliamentary Contributory Superannuation Act 1948*.

39 See section 13 of the *Parliamentary Contributory Superannuation Act 1948*.

40 Subsections 18(1A) and (1B) of the *Parliamentary Contributory Superannuation Act 1948*. Note that section 17 of the *Parliamentary Contributory Superannuation Act 1948* sets out when retirement is 'voluntary' for the purposes of that Act.

41 Subsection 18(2) of the *Parliamentary Contributory Superannuation Act 1948*.

42 Section 18 of the *Parliamentary Contributory Superannuation Act 1948*.

43 Subsection 18(2A) of the *Parliamentary Contributory Superannuation Act 1948*.

44 Section 15A of the *Parliamentary Contributory Superannuation Act 1948*.

- a refund of contributions plus a Commonwealth supplement; or
- the superannuation guarantee safety-net amount.<sup>45</sup>

The rates of retiring allowance vary from 50 per cent of parliamentary allowance after eight years' service up to 75 per cent of parliamentary allowance after service of 18 years or more.<sup>46</sup>

Senators and Members, who were paid a salary or allowance for serving as a Minister of State or an office-holder, are entitled to an additional retiring allowance which is calculated as a percentage of the additional applicable salary in respect of that office.<sup>47</sup>

Benefits are reduced to take account of the superannuation contributions surcharge.<sup>48</sup> The superannuation surcharge operated between 20 August 1996 and 30 June 2005.<sup>49</sup> For Senators and Members, who were members during that time, a 'surcharge debt account' is maintained until their retirement.<sup>50</sup>

Senators and Members may, in certain circumstances, commute part of their retiring allowance to a lump sum payment.<sup>51</sup>

Retiring allowances are paid fortnightly and are subject to taxation at the time of payment. Retiring allowances increase subject to determinations of the Remuneration Tribunal in relation to the salaries and allowances applicable under the *Parliamentary Contributory Superannuation Act 1948*.<sup>52</sup>

### 2.3.3 PCSS Reversionary Benefits

An annuity is payable to the 'spouse' of a Senator or Member or former Senator or Member who dies in service or while receiving retirement allowance, irrespective of their length of service. A spouse may be of the opposite or the same sex as the Senator or Member.<sup>53</sup>

The rate of annuity payable is 5/6 of the retiring allowance that would have been applicable to the Senator or Member. Where the annuity becomes payable to the spouse of a serving Senator or Member who died with less than eight years' service, the annuity is based on the benefit which would have been payable had eight years' service been completed.<sup>54</sup>

Orphaned children of a deceased Senator or Member (or former Senator or Member) may also be entitled to an annuity under the PCSS.<sup>55</sup>

45 Paragraph 18(2)(b) and subsection 18(4) of the *Parliamentary Contributory Superannuation Act 1948*. See also section 16A, and subsections 18(2AA), 18(5) and 18(8B) of that Act. Note that the amount of Commonwealth supplement paid varies depending on whether the retirement is voluntary or not.

46 Subsection 18(6) of the *Parliamentary Contributory Superannuation Act 1948*.

47 Subsections 18(9), (10), (10A) and (10B) of the *Parliamentary Contributory Superannuation Act 1948*. Also see definitions of 'salary' and 'allowance by way of salary' in section 4 of the *Parliamentary Contributory Superannuation Act 1948*.

48 See for example, section 4E and subsection 18(8A) of the *Parliamentary Contributory Superannuation Act 1948*.

49 See also *Superannuation Contributions Tax (Assessment and Collection) Act 1997* and the *Superannuation Laws Amendment (Abolition of Surcharge) Act 2005*.

50 See definition of 'surcharge debt account' in section 4 of the *Parliamentary Contributory Superannuation Act 1948*.

51 Sections 18A and 18B of the *Parliamentary Contributory Superannuation Act 1948*.

52 Section 24B of the *Parliamentary Contributory Superannuation Act 1948*. See also the *Income Tax Assessment Act 1997* and subsection 18(6) of the *Parliamentary Contributory Superannuation Act 1948*.

53 See sections 4 and 4C of the *Parliamentary Contributory Superannuation Act 1948* for the meaning of 'spouse' for this purpose.

54 Section 19 of the *Parliamentary Contributory Superannuation Act 1948*.

55 Section 19AA of the *Parliamentary Contributory Superannuation Act 1948*.

### 2.3.4 Reduction of benefits

Special provisions which may reduce the benefits payable to a person where:

- the person is entitled to a retiring allowance or annuity, holds an office of profit under the Commonwealth; or
- the person is elected to a State or Territory legislature.<sup>56</sup>

### 2.3.5 Further Information

The Department of Finance and Deregulation provides Senators and Members, who are PCSS members, with information about the PCSS when requested. Information about the PCSS is also publicly available on [the Department's internet site](#) at [www.finance.gov.au](http://www.finance.gov.au). This includes the Parliamentary Contributory Superannuation Scheme Handbook and Pamphlet.

### 2.3.6 Superannuation Accumulation Arrangements

Superannuation accumulation arrangements under the *Parliamentary Superannuation Act 2004* apply to Senators and Members who are first elected to Parliament, or return to the Parliament after a previous period in Parliament, on or after the 2004 general election i.e., 9 October 2004. Under this Act, a 15.4 per cent Government contribution must be paid into a superannuation fund chosen by the Senator or Member or the default fund.<sup>57</sup>

Existing Senators and Members who are members of the PCSS are not covered by the *Parliamentary Superannuation Act 2004* and cannot elect to be covered by the superannuation accumulation arrangements.

Senators and Members, whose superannuation entitlements are determined by the *Parliamentary Superannuation Act 2004*, may choose a particular complying superannuation fund or Retirement Savings Account in which to receive their 15.4 per cent Government contribution. The Act sets out when and how a Senator or Member may choose a fund.<sup>58</sup> Note that a Senator or Member cannot choose a self managed superannuation fund to receive their superannuation contributions.<sup>59</sup>

If a Senator or Member does not make a choice of fund in accordance with the Act, their contributions will be made to the 'default fund'.<sup>60</sup> The fund currently nominated by the Minister for Finance and Deregulation as the default fund for this purpose is the Australian Government Employees Superannuation Trust (AGEST).<sup>61</sup> The Government contribution is an amount equal to 15.4 per cent of the Senator or Member's total Parliamentary salary, including any additional salary earned as a Minister of State or an office-holder in or in relation to the Parliament.<sup>62</sup>

Senators and Members covered by the accumulation arrangements are able to salary sacrifice to their nominated superannuation fund a specified amount or percentage of their Parliamentary salary, which would be equal to, or less than, 50 per cent of their total Parliamentary salary (i.e., base salary) plus any salary or allowance by way of salary which the Senator or Member is entitled to because he or she was a Minister of State or other

56 Sections 21 and 21B of the *Parliamentary Contributory Superannuation Act 1948*.

57 Section 7 of the *Parliamentary Superannuation Act 2004*.

58 See Division 2 of Part 2 of the *Parliamentary Superannuation Act 2004*.

59 Section 11 of the *Parliamentary Superannuation Act 2004*.

60 See definition of 'basic contribution fund' in section 3 of the *Parliamentary Superannuation Act 2004*.

61 See Default Fund (Parliamentary Superannuation) Declaration 2004 of 16 August 2004.

62 Section 8 of the *Parliamentary Superannuation Act 2004*. See also the definition of 'office-holder' in section 3 of that Act.

‘office-holder’).<sup>63</sup> This enables Senators and Members covered by the accumulation arrangements to supplement the 15.4 per cent Government contribution.

### 2.3.7 Administration of Accumulation Arrangements

The superannuation accumulation arrangements are administered by the Chamber Departments.

### 2.3.8 Superannuation Arrangements for Former Senators and Members

Former Senators and Members who return to the Parliament are covered by the accumulation arrangements, and any retiring allowance being paid to a former Senator or Member under the PCSS will be suspended for that period of service.

The accumulation arrangements also apply where a current Senator or Member ceases Parliamentary service, becomes entitled to a retiring allowance and is then re-elected at some future time. In these circumstances, a Senator or Member will be covered by the accumulation arrangements and any retiring allowance paid to them under the PCSS will be suspended.

Payment of the suspended retiring allowance will recommence once the Senator or Member retires from Parliament and they reach age 55, at the same rate as when the pension was suspended but based on the current salaries applicable under the *Parliamentary Contributory Superannuation Act 1948*.

Where a Senator or Member’s retiring allowance is or has been suspended, he or she may not commute any part of their suspended retiring allowance when the suspension is lifted (except to pay any post-retirement surcharge debt). The provisions in the PCSS relating to reversionary entitlements on the death of a Senator or Member, or retired Senator or Member whose PCSS retiring allowance is suspended, will continue to apply.<sup>64</sup>

---

63 Clause 1G of Schedule 3 to the *Remuneration and Allowances Act 1990*.

64 Schedule 1 to the *Parliamentary Contributory Superannuation Act 1948* and the *Parliamentary Superannuation Act 2004*.



## 2.4 Resettlement Allowance

A Resettlement Allowance is paid, under limited conditions, to certain Senators and Members who retire involuntarily from the Parliament.<sup>65</sup>

In order to be eligible for the allowance, a Senator or Member must ‘retire involuntarily’ from the Parliament by:

- choosing not to stand for re-election following loss of party endorsement, for reasons other than misconduct; or
- being defeated at an election (including an election where the Senator or Member has campaigned to be elected to represent a different electoral division, or to the other House of the Parliament).<sup>66</sup>

The Senator or Member must also have been:

- first elected before 9 October 2004, and whose retiring allowance under the *Parliamentary Contributory Superannuation Act 1948* is not payable immediately on retirement because of the deferral provisions of that Act; or
- first elected on or after 9 October 2004, and declare in writing to the Clerk of the relevant House of Parliament that it is his or her intention to seek employment on leaving Parliament.<sup>67</sup>

A retiring Senator or Member who meets these conditions will be paid a Resettlement Allowance equal to three months of the base salary at the rate current on the date that the Parliament is prorogued prior to the election.<sup>68</sup>

If a Senator or Member receives a Resettlement Allowance, he or she will also be paid an additional three months of the base salary at the same rate as the Resettlement Allowance if he or she is:

- a Senator for a state and has served more than three full years in the Parliament; or
- a Member, or a Senator for a territory, and has served more than one full term in the Parliament.<sup>69</sup>

For the purposes of the payment of the additional allowance, the period of service referred to is the period of continuous service that ceases when the Senator or Member retires involuntarily.<sup>70</sup>

The Chamber Departments are responsible for paying the Resettlement Allowance to eligible Senators and Members. Any queries relating to the Resettlement Allowance should be referred to the relevant Chamber Department. Contact details are available to Senators, Members and their employees from the Ministerial and Parliamentary Services Help Desks or on the Senators and Members’ Portal on the Extended Parliamentary Network.

65 Section 4 of the *Parliamentary Allowances Act 1952* and clauses 9.6-9.8 of Remuneration Tribunal Determination 2012/04.

66 Clause 9.6(a) of Remuneration Tribunal Determination 2012/04.

67 Clause 9.6(b) of Remuneration Tribunal Determination 2012/04.

68 Clause 9.7 of Remuneration Tribunal Determination 2012/04.

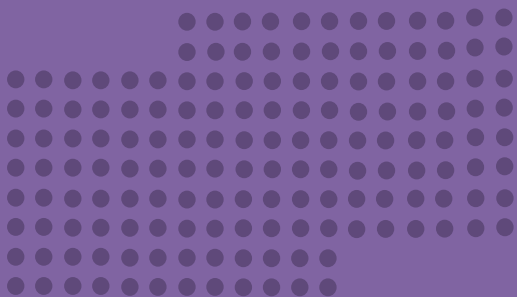
69 Clause 9.8 of Remuneration Tribunal Determination 2012/04.

70 Clause 9.8 of Remuneration Tribunal Determination 2012/04.

**PART THREE:**

**ACCOMMODATION AND  
OFFICE FACILITIES**

**ACCOMMODAT  
OFFICE FACILI**



## 3.1 Electorate Offices

### 3.1.1 The Entitlement

Each Senator and Member is entitled to office accommodation in the electorate, together with equipment and facilities (including for personal staff) necessary to operate the office, as approved by the Special Minister of State, for purposes related to Parliamentary, electorate or official business, but not commercial business.<sup>71</sup>

This includes:

- an electorate office;
- electorate office furniture and fittings;
- electorate office equipment, including such items as photocopiers, computers and telephones; and
- office supplies and newspapers.

A Senator's electorate office may be located within the Commonwealth Parliament Offices in the relevant State capital, or elsewhere within the State.

A Member's electorate office must be located within the Member's electorate.<sup>72</sup>

Members representing electoral divisions larger than 30,000km<sup>2</sup> are each entitled to a second smaller electorate office within their electorate, at Commonwealth expense.<sup>73</sup>

### 3.1.2 Accommodation

Ministerial and Parliamentary Services is responsible for providing electorate offices and does so in consultation with the Senator or Member.

Electorate offices are typically about 175m<sup>2</sup> in area. Where an electorate office is located within a Commonwealth Parliament Office, its area may be smaller, in recognition of the shared facilities afforded within the Commonwealth Parliament Office.

Generally, it is expected that an incoming Senator or Member will occupy the office vacated by his or her predecessor. A Senator or Member wishing to refurbish, extend or relocate his or her electorate office should seek advice from the relevant Ministerial and Parliamentary Services State Manager about the procedures involved.

### 3.1.3 Fitout of Electorate Offices

The relevant Ministerial and Parliamentary Services State Manager arranges the fitout of electorate offices after consultation with Senators and Members.

Office layouts usually include:

- a personal office for the Senator or Member;
- an open area for employees – individual offices will be provided on request, if possible;
- a reception area and general office;
- kitchen facilities;
- toilet and washroom facilities;
- a multi-function room for meetings, interviews and general work; and

71 Section 4 of, and item 7, Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

72 Section 4 of, and item 7, Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

73 Section 4 of, and item 7, Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

- a storage room.

Ministerial and Parliamentary Services offers advice and guidance on standards of furniture and fittings, office layout and location for electorate offices with the intention of providing the highest practicable degree of work health and safety based on current knowledge.

### 3.1.4 Division of Responsibilities for Electorate Office Services

The Ministerial and Parliamentary Services State Managers arrange:

- office fitout;
- flagpole installation (but not maintenance);
- furniture;
- office equipment (other than information technology equipment);
- locksmith requirements (new keys, lock maintenance and replacement);
- security panels, duress alarms and programming of access systems;
- installation of signage;
- telephony issues;
- purchase and repair of whitegoods.

The Department of Parliamentary Services arranges:

- installation, repair and replacement of information technology equipment, software and network infrastructure.

The contracted provider of property services arranges:

- air-conditioning maintenance and repair;
- automatic, manual and roller door servicing and repair;
- building infrastructure services including climate control, fire and sprinkler systems, lifts, plumbing and lighting;
- building maintenance services, including for shared areas such as car parks, stairwells and toilets;
- cleaning services, including general office cleaning, window cleaning, graffiti removal and sanitary bins;
- communication with landlords, agents, bodies corporate and other tenants;
- electrical repairs and maintenance;
- fire services and equipment, including extinguishers and smoke detectors;
- flagpole maintenance (but not installation);
- gardening and grounds maintenance;
- general repairs, including carpet and floor coverings, walls, window furnishings, plumbing, signage, ceiling repairs, carpentry, painting, and other internal maintenance issues;
- lighting, including changing bulbs and tubes, and emergency lighting;
- pest control;
- waste removal, including general waste, recycling and secure waste;
- water services, including boiling and cold water unit repairs; and
- window glazing and other repairs.

### 3.1.5 Car Parking

The relevant Ministerial and Parliamentary Services State Manager arranges for leasing of one car parking space for the Senator or Member at, or as near as possible to, the electorate office. Car parking spaces are not provided for employees or visitors to the office.

### 3.1.6 Security in Electorate Offices

Ministerial and Parliamentary Services arranges security infrastructure for electorate offices funded by the Commonwealth. This includes security measures such as deadlocks, window locks, security mesh, duress and intruder alarms and programming of access systems.

Senators, Members and electorate office employees should ensure that the office is left in a secure state when unoccupied. Windows should be closed and secured, blinds closed, lights (other than security lights), fans, air conditioners and other electrical equipment switched off, and doors locked.

Each laptop computer is provided with a Kensington security cable. To prevent laptops being stolen, laptops should be securely attached to an immovable object at all times in the office or whenever the laptop is unattended, such as when the laptop is in transit (for example, in a car). Senators and Members can request Kensington cables for laptops through the Department of Parliamentary Services' Client Support Desk—2020. Other portable and attractive items (for example, mobile telephones, remote access tokens and mobile broadband cards) should be kept in a secure place when not in use.<sup>74</sup>

#### Protection of Electorate Office Information

Certain information that is routinely collected and stored in electorate offices should be regarded as confidential or sensitive, and protected accordingly. This includes employee details and any personal information provided by constituents.

To protect information held in electorate offices, it is advisable that the following arrangements be set in place:

- an employee should be present at all times when the office is open;
- visitors should be supervised while in the office;
- sensitive or classified material should not be discussed using a mobile telephone, left on a voicemail system, or sent using email or SMS;
- security features on communications devices, such as passwords and personal identification numbers, should be used where available and should not be shared with other people;
- papers, documents, communications devices and data storage devices should be locked away when not in use and at the end of the day;
- cabinets, cupboards and major items of office equipment should be secured when the office is unoccupied;
- computers should be secured with a password protected screen, or turned off, while unattended; and
- in keeping with the requirements of the [Australian Government Information Security Manual](#) (ISM) (available online at: [http://www.dsd.gov.au/publications/Information\\_Security\\_Manual\\_2010.pdf](http://www.dsd.gov.au/publications/Information_Security_Manual_2010.pdf)), all removable media (including external hard drives, USB drives, CD-roms and floppy discs) should be registered with a unique identifier in an appropriate register to allow their movements to be tracked.<sup>75</sup>

When sensitive data is no longer needed, it should be disposed of in accordance with section 6.9.6. Particular care should be taken in distinguishing between 'official' and 'non official' records (for definitions, see section 6.9.2):

<sup>74</sup> Section 4 of, and item 7, Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

<sup>75</sup> 'Media Security' section of the *Australian Government Information Security Manual* (ISM) June 2011.

- sensitive official documents (either in paper form or electronic format) should be returned to the Government department, agency or Parliamentary Committee in which they originated or were registered;
- sensitive non-official documents should be shredded;
- non-official data stored electronically should be securely wiped (encryption of data is not a disposal method); and
- once the electronic data has been returned or wiped, the storage devices such as floppy discs, CDs or DVDs should be destroyed.

Hard drives in networked photocopiers are the responsibility of Ministerial and Parliamentary Services State Managers, who will ensure their destruction.

### **Loss of or Damage to Personal Property at the Electorate Office**

The Commonwealth's liability for loss or damage does not extend to cover cash, stamps, personal items and equipment, including privately-owned computer equipment, kept in electorate offices or Australian Government vehicles. Senators and Members should ensure their personal insurance arrangements are extended to cover such items.

### **Incident Reports**

If an electorate office is broken into, or if any suspicious incident occurs, staff should contact the police immediately and, as soon as practicable, advise the relevant Ministerial and Parliamentary Services State Manager, so that necessary action may be taken to secure the premises. Additional reports may be required where staff are injured at work.

### **Security Issues**

Each electorate office should have a contingency plan for dealing with emergency or security situations, including keeping an up-to-date list of emergency contact numbers (for example the police, ambulance, mental health teams, interpreter and counselling services).

### **Public Liability**

Electorate offices are leased by the Commonwealth and are covered by Commonwealth insurance. In some circumstances, the Commonwealth may be liable for injuries suffered by members of the public while in electorate offices. If an incident occurs, advice should be sought from the Commonwealth's legal advisers and insurers. Senators and Members and their staff do, however, have a duty to put in place and observe workplace practices that minimise the risk of injury to members of the public.<sup>76</sup> Any enquiries or claims concerning public liability should be directed to the relevant Entitlements Manager. Contact details for the Entitlements Managers are available to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet.

The Commonwealth does not provide any public liability insurance for functions or meetings hosted by a Senator or Member that are held outside the electorate office, for example, in hired venues. Senators and Members should seek their own independent legal advice on how to best manage their personal exposure to potential liability claims, taking into account their individual circumstances.

Taxation Ruling TR 1999/10 (as amended on 21 March 2012) provides that in certain circumstances, the cost of public liability insurance is an allowable deduction for income tax purposes. Where a Senator or Member takes out public liability insurance cover for a function or meeting, the cost of the insurance premium is an allowable deduction to the

---

<sup>76</sup> Various provisions of the *Work Health and Safety Act 2011*, including sections 10, 19 and 28.

extent the premium relates to his or her work-related activities, provided that the function or meeting:

- directly relates to the conduct of the Senator or Member's parliamentary duties in their capacity as a member of Parliament;
- is not held in a Commonwealth-funded electorate office; and
- is not purely a social function or event.

An example of the circumstances where the cost of public liability insurance would be an allowable deduction for income tax purposes is when a sitting member of Parliament has organised a stall at a community event held in a park in his or her electorate. The member intends to provide information on his or her representation of the community and provide an opportunity for the community to discuss matters with the member. The member receives advice about public liability insurance in relation to the event and decides to take out insurance for the event.

Any Senator or Member who is in doubt as to their eligibility to claim income tax deductions (including for the cost of public liability insurance) should seek specific advice from the Australian Taxation Office.

### 3.1.7 Advertising the Location of an Electorate Office

Ministerial and Parliamentary Services will arrange and meet the cost of advertising new Senators and Members' electorate office locations or a change in an existing Senator or Member's electorate office location.

Advertisement of an electorate office relocation may be placed in all major community newspapers in the Member's electorate. The publications may include a major provincial newspaper serving the electorate, as well as suburban and rural papers, but not metropolitan (i.e., capital city) daily newspapers.

Senators' office relocations may be advertised in three suburban or rural newspapers as well as in one metropolitan daily paper and a major provincial paper within the State or Territory that the Senator represents.

The advertisements may only be run once at Commonwealth expense. Advertisements are limited in size to two columns by 12 centimetres.

### 3.1.8 Electorate Office Signs

The signage for the electorate office must conform to the terms of the lease and any local government requirements.

Signs may include:

- the name of the Senator or Member;
- the name of the State/Territory or Electoral Division;
- party affiliation;
- the party logo OR the Commonwealth Coat of Arms (it is not appropriate to show the Commonwealth Coat of Arms with the party logo); and
- an image of the Senator or Member.<sup>77</sup>

<sup>77</sup> Section 4 of, and item 7 to, the *Parliamentary Entitlements Act 1990*.

An electorate office is typically located in Commonwealth-leased premises. For this reason, the longstanding view has been that, as with other Commonwealth premises, the exterior walls and windows of an electorate office should not be used for advertising, including political advertising.

Generally the Commonwealth does not meet the cost of free-standing and illuminated signs. However, if an existing sign is in place, the cost of its conversion may be met at Commonwealth expense.

### 3.1.9 Post Office Box

Each Senator and Member is entitled to a Post Office Box, and the relevant Ministerial and Parliamentary Services State Manager can arrange this.

### 3.1.10 Flagpoles and Australian National Flags

A Senator or Member may request the installation of a flagpole outside their electorate office. The relevant Ministerial and Parliamentary Services State Manager will organise the installation. It should be noted that the installation of a flagpole is subject to the lease conditions applicable to the particular premises, and any local government or State legislation concerning such installation.<sup>78</sup>

Senators and Members who are able to have a flagpole installed outside their electorate office should join the Commonwealth Flag Network by registering at the [Awards and Nationals Symbols website](http://www.itsanhonour.gov.au) at [www.itsanhonour.gov.au](http://www.itsanhonour.gov.au). The Commonwealth Flag Network provides guidelines that apply to the Australian National Flag (for example, the times of day when it should be raised and lowered) and supplies e-mail notification of flag protocol for national days of significance.

Of particular importance is the guideline that the Australian National Flag should be raised no earlier than first light and should be lowered no later than dusk. The flag may only be flown at night if illuminated. Where installation of a flagpole is possible at an electorate office, Senators and Members will need to advise their Ministerial and Parliamentary Services State Manager as to whether they intend to raise and lower the flag each day or if they would prefer the flag to be illuminated so it can be flown at night.<sup>79</sup> The addition of illumination is also subject to the office leasing conditions and State and local laws.

The choice of a flag for display outside the electorate office should be made having regard to the prevailing weather conditions (for example, high wind areas). Where appropriate, a heavy-duty flag should be ordered.<sup>80</sup> Where a displayed flag starts to become tattered, faded or worn-out, a replacement flag should be ordered immediately.<sup>81</sup>

In addition to the entitlement to a flagpole, Senators and Members may display an Australian National Flag inside an official office.

Flags should be ordered using the flag order form provided by the contracted supplier of flags. Ministerial and Parliamentary Services will, on request, provide a suitable flagstaff for use inside the office. On receipt of flag orders, the enclosed packing slip is to be endorsed by the office of the Senator or Member and faxed to Ministerial and Parliamentary Services to arrange payment.

78 Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

79 Page 5 of Booklet 'Australian Flags', 3rd Edition, available from <http://www.itsanhonour.gov.au>.

80 Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

81 Page 5 of Booklet 'Australian Flags', 3rd Edition, available from <http://www.itsanhonour.gov.au>.



A Senator or Member is also entitled to flags under the Constituents' Request Program, for provision to eligible bodies and private individuals (see section 6.8).

### 3.1.11 Energy Efficiency in Electorate Offices

Senators and Members are encouraged to minimise energy consumption in the electorate office wherever possible. The following tips are provided to assist with reducing energy consumption:

- turn off lights, computer monitors, printers, televisions, and other office equipment when not required, and at the end of the working day;
- shut down computers and laptops at the end of each week;
- turn off stand-alone heating and cooling when not required and at the end of the working day;
- choose the most efficient office machine for the particular task, for example, use a copy printer for high volume print runs, and a laser colour printer for low volume print runs;
- use double-sided printing where possible;
- review newspaper numbers, particularly when Parliament is sitting;
- re-use and recycle as many items as practicable; and
- report building issues, such as leaking taps or cisterns, to the contracted supplier of property services.

## 3.2 Electorate Office Furniture and Fittings

---

### 3.2.1 The Entitlement

Ministerial and Parliamentary Services provides Senators and Members' electorate offices with furniture and fittings of an appropriate standard.

Furniture and fittings are selected in consultation with Senators and Members, and arranged by the relevant Ministerial and Parliamentary Services State Manager.

Furniture is supplied in accordance with government procurement policies. The cost of furniture and fittings is subject to the approval of the Special Minister of State.<sup>82</sup>

#### Assets Register of Furniture

Ministerial and Parliamentary Services maintains a record of all furniture provided to electorate offices and carries out stocktakes at regular intervals. All items of furniture provided under entitlement remain the property of the Commonwealth and should not be removed from the electorate office. All disposal of Commonwealth property must be undertaken by Ministerial and Parliamentary Services State Managers.

---

82 Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

### 3.3 Electorate Office Equipment

#### 3.3.1 The Entitlement

Electorate offices are fully equipped to enable Senators and Members to carry out their Parliamentary, electorate and official business. It is expected that an incoming Senator or Member will use the equipment allocated to the outgoing Senator or Member.

The standard provision of equipment includes:

- computers and information technology (see section 3.4);
- telephone services (see section 3.5.1);
- mobile telephone services (see section 3.5.2);
- a facsimile machine with a dedicated line;
- a postage meter;
- a black and white photocopier (a copy printer and small photocopier may be provided rather than the standard photocopier);
- a collator (when a copy printer is provided at a Senator or Member's request);
- a folding and enveloping machine (alternatively, costs of up to \$500 per annum for folding and enveloping services from a commercial provider may be claimed); and
- a document shredder.

A refrigerator, a microwave oven, a television to the value of \$900 (which may include a multi-function television), and a coffee percolator may also be provided. A dishwasher may be installed when a new electorate office is fitted out.

Office equipment may be purchased or leased, and is ordered and supplied to electorate offices by the relevant Ministerial and Parliamentary Services State Manager. Where applicable, maintenance contracts are also arranged by the Ministerial and Parliamentary Services State Manager.

#### Replacement of Equipment

A continual program is managed by Ministerial and Parliamentary Services to replace equipment when it has reached the end of its service life, which, for most major items, is five years and for a combined mobile telephone/personal digital assistant is two years. However, it is important to note that the entitlement to, for instance, a mobile phone, is not an entitlement to a new mobile phone every two years. Replacement of all equipment has regard to the need to provide Senators and Members with effective and properly functioning office tools within the entitlement, balanced against the need to ensure proper management of Commonwealth resources.

Computers, printers and related equipment are replaced in accordance with the computing facilities contract with the contracted IT support supplier.

#### Provision, Operation and Maintenance of Equipment

The Ministerial and Parliamentary Services State Manager is responsible for arranging the supply, repair and maintenance of office equipment and for arranging training for employees who operate the equipment. Senators and Members are responsible for ordering consumable items, using the contracted suppliers' online ordering system for office requisites and stationery (see section 3.7). As goods and services provided under entitlement are usually subject to arrangements with contracted suppliers, Senators and Members may not procure goods from an alternative source, without first discussing the matter with their Ministerial and Parliamentary Services State Manager.

### Assets Register of Office Equipment

Ministerial and Parliamentary Services maintains a record of all office equipment provided to electorate offices, on an official assets register, and carries out stocktakes at regular intervals. All office equipment provided under entitlement remains the property of the Commonwealth. Large items must not be removed from the electorate office, and portable items must be returned, as advised by Ministerial and Parliamentary Services, when a Senator or Member's entitlement to that equipment ceases.

#### 3.3.2 Privately-Owned Office Equipment

Senators and Members may, at their own expense, and in consultation with the relevant Ministerial and Parliamentary Services State Manager, install privately-owned equipment in electorate offices (such as items purchased using their electorate allowance).

However, to protect the integrity of official networks and equipment, privately owned computer equipment and software must not be installed, unless it is stand alone. Ministerial and Parliamentary Services does not maintain or support privately-owned equipment.

#### 3.3.3 FaxStream

FaxStream is a service that can send fast facsimile transmissions of high quality to a large number of fax numbers by accessing a single service provider number. The use of FaxStream is not covered by entitlement and Senators and Members are personally responsible for meeting the costs of all use of FaxStream services.

#### 3.3.4 Photocopiers

When a photocopier is due for replacement a Senator or Member is provided with a choice of machines that meet the standard approved by the Special Minister of State, including photocopiers capable of being connected to the electorate office computer network.

##### Copy Printer Option

Photocopiers may be adversely affected if they are frequently used for very high volume copying, which might otherwise be carried out by a printer. Instead of a standard photocopier, Senators and Members may choose to be provided with:

- a high-speed copy printer and collator; and
- a smaller, lower speed photocopier.

## 3.4 Electorate Office Information Technology Services and Training

### 3.4.1 The Entitlement

Since 1 September 2011, the Presiding Officers have been responsible for making decisions about IT equipment and facilities provided in Senators and Members' electorate offices. The Department of Parliamentary Services is responsible for the administration of IT in electorate offices. Senators and Members should contact the Department of Parliamentary Services' Client Support Desk—2020 if they have any queries about the entitlement or requests for equipment and facilities, including:

- desktop and notebook support;
- printer support;
- support for BlackBerrys;
- e-mail support; and
- provision of remote access tokens.

### 3.4.2 Equipment Provided

Senators and Members should contact the Department of Parliamentary Services' Client Support Desk—2020 if they have any queries about the entitlement or requests for IT equipment and facilities (including hardware, mobile broadband modems, software and/or work health and safety equipment).

### 3.4.3 Computer Help Desk (DPS Client Support Desk—2020)

The Department of Parliamentary Services operates a telephone-based client support desk for electorate office IT equipment and provides personalised advice and assistance in resolving equipment and software problems, including maintenance. The Client Support Desk—2020 operates during the following times:

- Non-sitting periods: Monday to Friday 8.00am to 7.00pm AEST (or 8.00pm AEDT);
- Sitting periods: Monday to Thursday 8.00am to 8.00pm (or 9.00pm AEDT); and
- Sitting periods: Friday 8.00am to 7.00pm (or 8.00pm AEDT).

Senators and Members should contact the Client Support Desk—2020 for assistance with any IT issues.

### 3.4.4 The Extended Parliamentary Network

Each electorate office is connected to Parliament House via the Extended Parliamentary Network. The Extended Parliamentary Network is maintained by the contracted network supplier and provides access to:

- the Parliament House electronic mail system;
- the AAP online news service;
- internet services;
- networked electronic diary facility;
- *Parlinfo*, which links to the Parliament House corporate databases, including Hansard and the Parliamentary Library's Information Storage and Retrieval System (ISR); and
- Electronic Media Monitoring Services.

### Remote Access Tokens

Remote access tokens allow Senators and Members and their employees to access the Parliamentary Computing Network remotely, using either a *OneOffice* laptop provided under entitlement or any computer with an internet connection. Remote access tokens are provided to Senators and Members by their Chamber Department. Employees can apply for a remote access token using the *Remote Access Token Application* form available to Senators, Members and their employees under the Office IT and Equipment topic on the Ministerial and Parliamentary Services intranet.

Use of a remote access token by an employee is subject to the conditions set out in the *Remote Access Token Application* form and the *Guidelines on Personal Identification Number (PIN) Security and Remote Access Tokens* (available to Senators, Members and their employees under the Office IT and Equipment topic on the Ministerial and Parliamentary Services intranet). Employees issued with a remote access token are required to pay the cost of a replacement token if the remote access token is lost or broken. Remote access tokens issued to employees must be returned when employment ceases, or the cost of a replacement token will be deducted from the employee's final payment.<sup>83</sup>

#### 3.4.5 Protection of Data

Each electorate office should maintain current backup copies of its computer-based files. This precaution is necessary to protect data in the event of:

- hard disc failure;
- accidental deletion of hard disc files;
- computer virus attack;
- natural disaster such as flood or fire; or
- loss or theft of computer equipment.

The File Server in each electorate office has an automated backup facility that runs nightly. This process performs incremental back-ups for much of the data held on the File Server in offices. It should be noted that the back-up process will not occur if the File Server is off line and/or there is an issue with the connection to Parliament House, for example, as a result of a power outage. Further, not all File Server data is backed up. For example, video files (with file extensions .avi, .vob, .mpg and .mpeg); iPod media files (with file extensions .m4a and .m4v); and all files larger than 1 GB in size are excluded from the backup process. Backups are for Disaster Recovery purposes only, such as hard drive failure or whole-of-office disaster, when an office must be re-established following a critical incident.

Uninterrupted Power Supply (UPS) units are installed to support the File Servers and communications equipment. These devices are designed to protect this equipment from power surges and/or short power outages, reducing the risk of hardware failure and loss of network availability that may arise from such incidents. Other equipment must not be connected to the UPS.

Users/owners of data are responsible for ensuring that they backup their data on a regular basis. It is therefore strongly recommended that each office perform a monthly backup of the EO-share folder, and that the data be stored either in a secure fireproof cabinet in the office or away from the office (for example, in the Parliament House office or some other safe place).

---

<sup>83</sup> Section 4 of, and item 7, Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

None of the data stored on the 'C' drive of an electorate office desktop computer or laptop is backed up. Data stored on the 'C' drive of an electorate office computer is therefore at risk of loss, resulting from:

- user error;
- hardware or software failure;
- damage; or
- theft.

It is strongly recommended that users regularly backup such data, depending on the equipment available in their office.

### Security

To protect electorate office data and the data of Senators and Members from unauthorised use, usernames and passwords must not be shared with any other person. Passwords must be a minimum of seven characters and must contain a combination of upper and lower case letters, numbers and/or punctuation and must be changed within 90 days. If it is suspected that a password has been compromised, it should be changed immediately and the suspected compromise should be reported to the DPS Help Desk.

All equipment and facilities provided to Senators and Members and their employees under the *Parliamentary Entitlements Act 1990*, *Parliamentary Entitlements Regulations 1997* and determinations of the Remuneration Tribunal are subject to security guidelines issued by the Defence Signals Directorate in respect of Australian official communications and information systems.

### Computer Viruses

Virus infection on a computer can result in severe and, in some cases, permanent damage to stored data. Virus detection software that is capable of detecting most viruses is installed on all electorate office computers. This software is run automatically each time the computer is turned on, and is updated regularly. The DPS helpdesk will provide advice and assistance should a virus infection be suspected or discovered in a computer.

#### 3.4.6 Software Reimbursement

In addition to the software provided to electorate offices following approval by the Special Minister of State, Senators and Members may claim reimbursement from Ministerial and Parliamentary Services of up to \$1,500 (excluding GST) per annum for specific software, servicing, back-up and training.<sup>84</sup> Claimants must provide to Ministerial and Parliamentary Services a tax invoice and evidence of payment from a computer software provider, that specifies in writing the software purchased and the servicing, backup and training which may be included in the package. The major political parties have each nominated a single software provider and reimbursement will only be made for purchases through that provider. Reimbursement details will appear in the Senator or Member's monthly management report.

#### 3.4.7 Electoral Roll

Senators and Members are entitled to receive national electoral data, or data for the State/Territory for which they have been elected.<sup>85</sup>

This data is supplied free of charge by the Australian Electoral Commission (AEC) on a monthly basis and is known as the Elector Information Access System (ELIAS). ELIAS is

<sup>84</sup> Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

<sup>85</sup> Subsection 90B of the *Commonwealth Electoral Act 1918*.

provided on CD-ROM and shows the full electoral roll as it existed at the time of extraction from the AEC's Roll Management System. It also contains a number of facilities to assist Senators and Members in accessing the data, including a facility to generate a list of electors new to each Federal Division.

Each Senator and Member must make a written request during the life of each Parliament to the Electoral Commissioner before they are able to receive electoral data. For more information on obtaining ELIAS contact the AEC's ELIAS help desk.

### 3.4.8 Privately-Owned Computer Equipment

Senators and Members should note that, due to the security risk to electorate offices and Parliament House through the Extended Parliamentary Network, the connection of modems and devices that can operate as a modem to computers (including laptops) will not be approved.

To protect the integrity of the electorate office equipment, privately-owned computer equipment cannot be connected to the electorate office network. Electorate office computing equipment owned by the Commonwealth cannot be relocated without prior approval from Ministerial and Parliamentary Services.

### 3.4.9 Computer Training

Computer training is available to Senators, Members and electorate office employees at beginner, intermediate and advanced levels for the following software:

MICROSOFT SOFTWARE	ADDITIONAL SOFTWARE
Microsoft Word	Adobe Creative Suite Master Collection
Microsoft Publisher	Microsoft Front Page
Microsoft PowerPoint	Dragon Naturally Speaking
Microsoft Access	
Microsoft Outlook	
Microsoft Project	
Microsoft SharePoint	
Internet Explorer	

The contracted computer training supplier provides face-to-face training in capital cities and major regional locations throughout Australia, as provided under entitlement by the Special Minister of State for Senators and Members, and under the *Commonwealth Members of Parliament Staff Enterprise Agreement 2010-2012* for electorate office employees.

For assistance with any issues a Senator or Member may have regarding services provided by the contracted computer training supplier, please contact your Ministerial and Parliamentary Services Entitlements Manager.

Online training in entitlement-based software is available from the DPS Intranet. Further information on online training is available from the Department of Parliamentary Services' Client Support Desk—2020.



## 3.5 Telephone Services in Electorate Offices

### 3.5.1 The Entitlement

Telephone services, as approved by the Special Minister of State, are provided to Senators and Members' electorate offices.<sup>86</sup>

A Senator or Member's electorate office is provided with:

- four exchange lines;
- an additional line for facsimile transmissions;
- sufficient handsets to meet the business requirements of the office; and
- a telephone answering machine or *Message Bank* service.

The costs relating to electorate office telephones, including installation, equipment rental and calls are paid by the relevant State office of Ministerial and Parliamentary Services.

Costs relating to the office telephones, facsimile machines and each mobile telephone appear as a separate line item in the Senator or Member's monthly management report.

To protect the privacy of Senators and Members, Ministerial and Parliamentary Services is not provided with detailed records of the telephone numbers called.

Ministerial and Parliamentary Services arranges listings for Senators and Members in *White Pages* and the *Sensis* online network directories. A group listing under Parliamentarians shows all Senators for the States and Territories covered by a particular directory, and all Members whose electorate is covered by that directory. Senators and Members are also listed individually by surname. Photographic entries are not covered by this entitlement.

Senators and Members are entitled to certain telephone services in their home residences as outlined in section 3.6.

### Overseas Communications

Overseas calls (including facsimile transmissions) from electorate offices on Parliamentary, electorate or official business may be made at Commonwealth expense.

### 3.5.2 Mobile Telephones

Mobile telephones and related equipment, as approved by the Special Minister of State, are provided to Senators and Members' electorate offices.

The provision of mobile telephones is arranged by the relevant Ministerial and Parliamentary Services State Manager.

Each Senator and Member is entitled to either:

- two mobile telephones; OR
- one mobile telephone and one combined mobile telephone/personal digital assistant device (MPDA), as approved by the Special Minister of State.

Mobile telephones are provided for telephony and messaging services only and no data services are enabled. Where an MPDA is selected, it is provided for use by the Senator or

<sup>86</sup> The entitlement to telephone services mentioned in section 3.5 of this handbook (including land lines, mobile telephones, bulk Short Messaging Services and 1300 telephone numbers) is covered by section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

Member only. It is expected that the choice between a mobile telephone and an MPDA will only be made when devices are first provided to a Senator or Member under this entitlement, or when a device is due for scheduled replacement.

All new and replacement MPDAs provided to Senators and Members are based on BlackBerry technology.

Senators and Members who use an MPDA when travelling overseas should be mindful that the cost of data access can be extremely high in some regions.

One portable Bluetooth car kit to the value of \$300, OR one hands-free mobile telephone car kit installed in the Senator or Member's private-plated vehicle will be provided on request.

All mobile telephones and MPDAs provided under entitlement remain the property of the Commonwealth. Senators and Members are required to protect portable devices from loss or theft and to return all equipment in good condition when their entitlement to that equipment ceases. The relevant Ministerial and Parliamentary Services State Manager should be advised in writing as soon as practicable after the loss or theft of a mobile telephone or MPDA, so that the device can be remotely deactivated.

#### **Members with a second electorate office provided at Commonwealth expense**

Members provided with a second electorate office within their electorate at Commonwealth expense are entitled to an additional mobile telephone.

#### **3.5.3 Bulk Short Messaging Services (SMS)**

Upon request to the relevant Ministerial and Parliamentary Services State Manager, a Senator or Member may be provided with a bulk SMS facility, for use on one mobile telephone provided under entitlement. Up to 200 SMS messages per month may be sent. Ministerial and Parliamentary Services may recover any excess data costs from a Senator or Member whose monthly SMS use exceeds the 200 SMS limit.

A Senator or Member requesting a Bulk SMS facility must agree to comply with the following conditions, which form part of the Terms and Conditions for use of the service:

- Senators and Members may not use the bulk SMS service to contact constituents;
- the recipient of any bulk SMS message must be able to directly identify and contact the sender; and
- the recipient of any bulk SMS message must first agree to receive messages, and have the ability to opt out of receiving messages at any time.

#### **3.5.4 1300 Telephone Numbers**

To help meet the needs of constituents, Senators and those Members whose electorates encompass more than one STD area may choose to have a 1300 local call fee number to provide access to all constituents for a local call fee. If chosen, this facility is attached to one of the four exchange lines provided.

## 3.6 Telephone Services in Residences

---

### 3.6.1 The Entitlement

A Senator or Member is entitled to have the cost of installation, rental, transfer (of the account), and all call costs from two telephone lines and the installation, maintenance and rental of one telephone answering service or equipment in his or her private residence met at Commonwealth expense.<sup>87</sup> A mobile telephone service may not be substituted for a telephone line in the private residence.

A Senator or Member may nominate one of the two lines to be used exclusively as a dedicated data line.<sup>88</sup> ADSL or ISDN (Enhanced) services are offered at the highest speed available at a Senator or Member's residential location. A Senator or Member who wishes to access this service should initially contact their Ministerial and Parliamentary Services State Manager, who will arrange access to an account.

Senators and Members with an existing account who wish to vary their plan may do so on the relevant website. In areas where ADSL or ISDN (Enhanced) services with the contracted supplier are not available, Senators and Members should discuss options with their Ministerial and Parliamentary Services State Manager.

A Senator or Member with a second residence may elect to have one of the telephone lines in the second residence.<sup>89</sup>

### 3.6.2 Nomination of Telephone Services

Senators and Members need to advise Ministerial and Parliamentary Services, using the *Nomination of Telephone Services in a Private Residence* form (Form 16) of the location and numbers of the telephone services to be covered by the entitlement. Copies of the form are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Additional form(s) may be required by the contracted telecommunications supplier. Ministerial and Parliamentary Services then makes the necessary arrangements to transfer the accounts.

### 3.6.3 Payment of Accounts

Accounts, excluding call details, are forwarded to Ministerial and Parliamentary Services, which pays the supplier direct. Costs are reported in the Senator or Member's monthly management report.

---

87 Clause 11.1 of Remuneration Tribunal Determination 2012/04.

88 Clause 11.2 of Remuneration Tribunal Determination 2012/04.

89 Clause 11.1 of Remuneration Tribunal Determination 2012/04.

## 3.7 Office Requisites and Stationery

### 3.7.1 The Entitlement

Senators and Members are provided with the office requisites and stationery necessary to operate their electorate office, as approved by the Special Minister of State.<sup>90</sup> The office requisites and stationery entitlement was capped in the 2009-10 financial year at \$35,000 per annum, indexed annually.<sup>91</sup>

Orders placed for office requisites and stationery will be debited from the financial year in which the goods are received in the office.

### 3.7.2 Ordering

A catalogue of office requisites and stationery, prepared by the contracted supplier, is available to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet.

Generally, all items that can be described as 'office consumables' will be included in the office requisites and stationery annual financial cap as well as more durable equipment such as cameras, as approved by the Special Minister of State. Items under the cleaning and janitorial section in the catalogue will not be included in the cap, nor will items such as document holders or footrests as these are provided for work health and safety reasons. Office consumables not purchased through the contracted supplier will also be included in the cap. This includes all office machine consumables such as toner, ink, staples, and photocopier copy and toner charges. Where supplied, filtered water and accessories will also be included.

Office requisites and stationery available through the contracted supplier are ordered online. Nominated officers in each electorate office are supplied with a user name and password to enable online ordering through [Order Max](http://www.ordermax.com.au) at [www.ordermax.com.au](http://www.ordermax.com.au). To nominate or amend user details, please complete Form 132, available on the Ministerial and Parliamentary Services intranet. For all queries about products, returns or deliveries, please contact the Western Australian State Office. Contact details for the Western Australian State Office are available on the Ministerial and Parliamentary Services intranet.

The relevant Chamber Department supplies stationery and other office requisites for use within Parliament House.

### 3.7.3 Delivery and Receipt of Goods

Office requisites and stationery can be delivered to alternative addresses, such as a Senator or Member's electorate office, second electorate office (where applicable) or a privately funded electorate office. Please contact the Western Australian State Office if you wish to establish alternative delivery addresses for your office requisites and stationery orders.

When you receive a delivery, please:

- check items received against the delivery docket;
- sign and date the delivery docket/s and note 'Goods Received'; and
- fax the delivery docket to the Western Australian State Office facsimile number available on the Ministerial and Parliamentary Services intranet.

<sup>90</sup> Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

<sup>91</sup> Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

For items not provided through the contracted supplier, such as filtered water or toner, please send invoices or receipts together with the confirmation of delivery of the supplies, as described above, to your Ministerial and Parliamentary Services State Office.

### 3.8 Publications

Senators and Members are entitled to the costs of purchasing publications (including electronic publications) of their choice for purposes related to Parliamentary, electorate or official business, but not commercial business.<sup>92</sup> For the 2011-12 financial year, the entitlement is:

SENATOR OR MEMBER	ALLOWANCE
Members in metropolitan electorates	\$3,641 per annum
Members in non-metropolitan electorates	\$4,870 per annum
Senators	\$4,870 per annum

The maximum amounts will be adjusted each financial year, in line with the average movements of the Consumer Price Index for the immediately preceding financial year.<sup>93</sup>

For the purposes of this entitlement, metropolitan electorates are those electorates classified by the Australian Electoral Commission as inner metropolitan and outer metropolitan.

Senators and Members are responsible for dealing directly with their suppliers (such as a local newsagent) and for forwarding certified and itemised accounts to Ministerial and Parliamentary Services for payment. Invoices forwarded to Ministerial and Parliamentary Services for payment must clearly identify the title, date of purchase, quantity and cost of all items purchased under this entitlement. Accounts will be paid only to the limit of the entitlement. Any expenditure beyond the quantum of the entitlement is the personal responsibility of the Senator or Member concerned.

The monthly management reports assist Senators and Members to monitor expenditure against this entitlement. The quantity, cost, and title of all items purchased under the publications entitlement is tabled in Parliament and published on the [Department of Finance and Deregulation internet site](http://www.finance.gov.au) at [www.finance.gov.au](http://www.finance.gov.au). (Note that for the period 1 July to 30 September 2009, expenditure under this entitlement was reported without titles of items purchased during the transition to full reporting).

#### Subscriptions

The publications entitlement can be used to meet the cost of subscribing to publications. In considering the period of a subscription (for example, one year, two years or three years), a Senator or Member should have regard to the expected duration of the current parliamentary term to avoid any perception of receipt of a personal benefit. Orders placed for a subscription will be debited from the financial year in which the subscription is commenced.

#### Newspaper Delivery at Parliament House

Senators and Members should contact the appropriate Chamber Department regarding arrangements for the provision of newspapers in Parliament House.

<sup>92</sup> Section 4 of, and item 7A(1) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

<sup>93</sup> Section 4 of, and items 7A(2) and (3) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

## 3.9 Printing and Communications

### 3.9.1 The Entitlement

Senators and Members are provided with the costs of commercial services for the printing and the communication and distribution of information in hard copy and electronic format (including the establishment and maintenance of websites).<sup>94</sup>

The printing and communications entitlement must only be used for parliamentary or electorate purposes, and **must not** be used for party business or commercial purposes, or for the production of how-to-vote material.<sup>95</sup>

Note: the telephones, mobile telephones, facsimile machines, and other equipment provided to a Senator or Member to enable him or her to operate their electorate office, are not provided under the printing and communications entitlement. This equipment is provided under sub-item 7(1), Part 1, Schedule 1 to the *Parliamentary Entitlements Act 1990*.<sup>96</sup>

For the purpose of this entitlement, *party business*:

- means the production, communication or distribution of material that:
  - is, or contains, how-to-vote material; or
  - solicits subscriptions or other financial support for a member, political party or candidate; and
- does not include the production, communication or distribution of a postal vote application.<sup>97</sup>

*Commercial purposes* is not defined for the purposes of the printing and communications entitlement. For the printing and communications entitlement, *commercial purposes* will be interpreted to mean a purpose relating to the derivation of financial gain or reward, whether as a board member, an office-holder, an employee, a self-employed person or otherwise.

### 3.9.2 Amount of the Entitlement

Senators and Members will be advised of their printing and communications entitlement for each financial year. Senators and Members should refer to the relevant ministerial circular on the printing and communications entitlement, and the attached advice in the form of questions and answers, for information on the administration of the entitlement.

A copy of the relevant ministerial circular on the printing and communications entitlement and the attached questions and answers, is available to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet.

#### Financial Year 2010-11 and Subsequent Years

From 1 July 2010, any printing and communications entitlement that remains unused at the end of a financial year **cannot** be carried over to the next financial year (that is, any unused entitlement at the end of 2009-10, or a later financial year, cannot be carried over into the following financial year).<sup>98</sup>

94 Section 5(1)(b) of the *Parliamentary Entitlements Act 1990* and Division 1 of Part 2 of the *Parliamentary Entitlements Regulations 1997*.

95 Regulation 3AA(3) of the *Parliamentary Entitlements Regulations 1997*.

96 Section 4 of, and item 7 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

97 Regulation 3AA(11) of the *Parliamentary Entitlements Regulations 1997*.

98 Regulation 3AB of the *Parliamentary Entitlements Regulations 1997*.

Items ordered in a certain financial year that are received in the following financial year will be charged to the latter year's entitlement. Advertisements will be charged to the printing and communications entitlement at the date of publication.

### Senators

Senators are entitled to a printing and communications entitlement of \$40,000 for each financial year.<sup>99</sup>

### Members

Members are entitled to a printing and communications entitlement for each financial year which is the sum of:

- the standard rate of postage (\$0.60 as at 28 June 2010) multiplied by the **number of enrolled voters** (within the electoral boundaries of the Member's electorate as in place at the last general election), as at the last working day in the March before the financial year (or, if an electorate comes into existence after the last working day in March of a calendar year, the number of enrolled voters, within the boundaries of the Member's electorate, as at the close of the electoral roll for the last general election); and
- \$75,000.<sup>100</sup>

However, up to \$1,800 of the entitlement per financial year is administered by the relevant Chamber Department for the provision of stamps and stamped envelopes at Parliament House (see 3.9.6 below).

Members are advised of the amount of their printing and communications entitlement through their monthly management report.

### 3.9.3 Administration and Payment of Accounts

The printing and communications entitlement is administered by Ministerial and Parliamentary Services and payments are made to suppliers on the basis of accounts certified by the Senator or Member. On receipt of an invoice for services covered by the printing and communications entitlement, the Senator or Member must complete a *Printing and Communications Entitlement – Certification* form (Form 141) and submit this form, together with the invoice, and sample of the printed item, or sample of the e-material, to Ministerial and Parliamentary Services. Senators, Members and their employees may obtain copies of the form from the Ministerial and Parliamentary Services intranet.

The key elements of administration are:

- payment of certified invoices on behalf of Senators and Members;
- reporting through the monthly management report of payments made in the last month and remaining entitlement balance; and
- conducting the end of financial year (and pre-polling day) audit of Senators and Members' postage meters.

<sup>99</sup> Regulation 3AC(2) of the *Parliamentary Entitlements Regulations 1997*.

<sup>100</sup> Regulations 3AB(6) and (7) of the *Parliamentary Entitlements Regulations 1997*.



### 3.9.4 Printing

The entitlement covers the cost of commercial services for the printing of items and for the production of electronic material (e-material) for parliamentary or electorate purposes, but not for party business (which includes the printing of how-to-vote material) or commercial purposes.<sup>101</sup>

The entitlement can be used to cover the cost of translation services, as well as professional design, artwork and photography services which are an inherent part of the production of material using the printing and communications entitlement.<sup>102</sup> However, there is no entitlement from which general translation, design, artwork or photographic service costs can be met. To be covered by the printing entitlement, the following requirements must be met.

#### Material that may be printed on

The entitlement may only be used to print on paper or card that does not weigh more than 700 grams per square metre (gsm), or flat magnetised material.<sup>103</sup>

#### Personalised letterhead stationery

For the entitlement, personalised letterhead stationery means:

- letterhead paper;
- envelopes;
- compliments slips; and
- business cards for the Senator or Member.<sup>104</sup>

Printing on personalised letterhead stationery may **only** include the following:

- the Senator or Member's name and title;
- the address, postal address and contact details of the Senator or Member's electorate office, Parliament House office and capital city office (if applicable);
- other contact details of the Senator or Member, including his or her electronic contact addresses (for example, email address and website);
- electoral division (for Members);
- State or Territory (for Senators);
- an electorate, State or Territory map;
- a description of the electorate, State or Territory, which may be in the form of, or include, a pictorial representation relating to the electorate, State or Territory;
- photographs of the Senator or Member;
- the Commonwealth Coat of Arms;
- the Australian flag;
- a political party logo;
- one personal slogan or motto of the Senator or Member; and
- incidental material. Examples of incidental material include:
  - a statement that the material is printed on 100 percent recycled paper; and
  - a symbol such as a tick to indicate that an organisation or body has approved an environmentally friendly method of production of the paper.<sup>105</sup>

If personalised letterhead stationery includes the Commonwealth Coat of Arms, the stationery must not include the Australian flag or a political party logo. If the Commonwealth Coat of

101 Regulation 3AA(3) of the *Parliamentary Entitlements Regulations 1997*.

102 Regulation 3AA(2)(aa) of the *Parliamentary Entitlements Regulations 1997*.

103 Regulation 3AA(5) of the *Parliamentary Entitlements Regulations 1997*.

104 Regulation 3AA(11) of the *Parliamentary Entitlements Regulations 1997*.

105 Regulations 3AA(8) and (9) of the *Parliamentary Entitlements Regulations 1997*.

Arms is used, established practice is to place the Commonwealth Coat of Arms at the head of any printed item with no wording or illustration above. For more information on the use of the Commonwealth Coat of Arms, refer to [General Guidelines for Use of the Commonwealth Coat of Arms within the Commonwealth](#), available from the website of the Department of the Prime Minister and Cabinet at [http://www.dpmc.gov.au/guidelines/docs/CCoA\\_commonwealth.rtf](http://www.dpmc.gov.au/guidelines/docs/CCoA_commonwealth.rtf).<sup>106</sup>

### Postal Vote Applications

The number of postal vote applications that may be printed for a federal election is equal to 50 per cent of the number of enrolled voters in the State, Territory or electorate represented by the Senator or Member, as at the last working day of March before the election.<sup>107</sup>

### Procedures before printing or producing an item

A Senator or Member should ensure that the selection of the supplier (or printer) to produce material under his or her printing and communications entitlement is based on value for money, open and effective competition, ethics and fair dealing, accountability and transparency.

Senators and Members intending to produce material using their printing and communications entitlement have the option to submit a print-ready copy of proposed material to Ministerial and Parliamentary Services for checking prior to printing. The print-ready copy can be emailed or posted to Ministerial and Parliamentary Services.

Please provide the following information when submitting material to Ministerial and Parliamentary Services:

- a brief description of the material being produced (e.g. newsletter, poster, etc.);
- whether the material submitted is being produced using the printing and communications entitlement and/or whether it is being distributed under entitlement; and
- who to contact in case of any queries relating to the submitted material.

The submitted material will be assessed against the parameters of the printing and communications entitlement. Ministerial and Parliamentary Services will advise the Senator or Member in writing as to whether or not the item submitted is within entitlement. Should the item be assessed as outside the parameters of the printing and communications entitlement, if the Senator or Member proceeds with the printing of the material, any cost associated with the production of the item (including artwork) will be the personal responsibility of the Senator or Member.

### Procedures after printing or producing an item

On receipt of an invoice for items covered by the printing and communications entitlement, the Senator or Member must complete a *Printing and Communications Entitlement – Certification* form (Form 141) and submit this form, together with the invoice, to Ministerial and Parliamentary Services. Senators, Members and their employees may obtain copies of Form 141 from the Ministerial and Parliamentary Services intranet.

Invoices relating to printing and e-material **must** also be accompanied by a sample of the printed item or a sample of the e-material.

The tax invoice, certification form and printing sample or e-material sample should be sent to the Canberra office of Ministerial and Parliamentary Services at the address or fax number

<sup>106</sup> General Guidelines for Use of the Commonwealth Coat of Arms within the Commonwealth and pages 293-298 of *Style Manual for authors, editors and printers*, Sixth Edition.

<sup>107</sup> Regulation 3AA(10) of the *Parliamentary Entitlements Regulations 1997*.

provided on Form 141. Ministerial and Parliamentary Services will make payment, subject to the limits of the printing and communications entitlement.

### 3.9.5 Communications

Commercial services may be used for the communication and distribution of information both in hard copy and electronic format. The entitlement must only be used for parliamentary or electorate purposes, and must not be used for party business or commercial purposes. The cost of printing, communicating or distributing information that relates to a Senator or Member's party business or is for commercial purposes cannot be met under entitlement.<sup>108</sup>

Commercial distribution services that may be accessed under this entitlement include:

- postal services from Australia Post (including credits to postage meters);
- other mail distribution services (including letter box drops in the electorate);
- courier services; and/or
- other commercial services for distributing information in hard copy or electronically (including the establishment and maintenance of websites).

However, the cost of stamps, stamped envelopes, or other items available from Australia Post, which are not used to communicate or distribute information are not within the entitlement.

#### Establishment and Maintenance of Websites

When the printing and communications entitlement is used for the establishment and maintenance of websites, it must only be used in relation to parliamentary or electorate purposes and must not be used for party business or commercial purposes.

The printing and communications entitlement cannot be used to solicit subscriptions or other financial support for a Senator or Member, political party or candidate, as these activities are considered to be party business and contrary to the parameters of the entitlement. Websites established and/or maintained using the printing and communications entitlement should not contain links for these purposes. However, it is acceptable for a website established and/or maintained using the printing and communications entitlement to contain a link to a party website.

Examples of costs for commercial services associated with the establishment and maintenance of websites may include:

- design services;
- website construction;
- hosting;
- domain renewals;
- upgrades; and
- website maintenance.

### 3.9.6 Postage at Parliament House

Stamps or stamped envelopes, to the value of \$1,800 per financial year for each Senator and Member, are made available from Parliament House under the capped printing and communications entitlement. These stamps and stamped envelopes must only be used for parliamentary or electorate purposes, and not for party business or commercial purposes.

---

<sup>108</sup> Regulations 3AA(2) and (3) of the *Parliamentary Entitlements Regulations 1997*.

It is the prerogative of each Senator and Member whether they access the postage allocation or elect to have the \$1,800 component available for other uses allowed within the printing and communications entitlement. The relevant chamber department must be advised if a Senator or Member chooses not to receive the stamp allocation.

### 3.9.7 Postage Meters

Ministerial and Parliamentary Services provides each Senator or Member with a postage meter in his or her electorate office. A postage meter impression may be used to pay for bulk postage at a Post Office. Where a large number of impressions are required it may be more practicable for Australia Post to adjust the credit meter by the required amount. The Post Office Manager can provide advice on the most cost-effective way to deal with mail.

The postage meter, which has an inbuilt modem, may be reset by telephone connection to Australia Post. The amount involved is automatically billed to the nominated Australia Post account for the Senator or Member.

Mail processed through the postage meter or Australia Post charge account is to show the Senator or Member's office address for return of undelivered mail.

### 3.9.8 Other Australia Post Services

Senators and Members may use their Australia Post charge account, subject to the annual entitlement limit, for the following services:

- ordinary mail;
- parcels;
- priority paid mail;
- certified mail;
- express courier mail;
- bulk direct mail service;
- bulk pre-sorted mail;
- householder delivery service; and
- faxpost.

Upon application by a Senator or Member following their election, Australia Post may make available a standard Australia Post Charge Account which has a standard credit ceiling of \$10,000 at any one time. The Australia Post account is a private arrangement between a Senator or Member and Australia Post, and a Senator or Member is personally responsible for ensuring that the account is paid in accordance with Australia Post's requirements. Australia Post invoices should be promptly submitted to Ministerial and Parliamentary Services, and invoices will be paid to the extent that funds are available in the printing and communication entitlement budget. Invoices should be submitted with a Form 141 which is available from the Ministerial and Parliamentary Services intranet.

The Australia Post charge account must not be used to purchase stamps or stamped envelopes. In addition, the Australia Post charge account must not be used to purchase office requisites or stationery from Australia Post. Office requisites and stationery must be purchased through [OrderMax](#), the online stationery ordering system at [www.ordermax.com.au](http://www.ordermax.com.au). See 3.7 for further information on ordering office requisites and stationery under the office requisites and stationery entitlement.

### 3.9.9 Over-Expenditure of Entitlement

Senators and Members receive monthly management reports to help them monitor expenditure against this entitlement. Funds administered through Ministerial and Parliamentary Services are paid to suppliers on the basis of invoices certified by the Senator or Member. Accounts will be paid only to the limit of the entitlement. Any expenditure beyond the quantum of the entitlement is the personal responsibility of the Senator or Member concerned, and if an overpayment occurs it will be recovered from the Senator or Member as a debt due to the Commonwealth.

### 3.10 Privately-Funded Electorate Offices

---

In addition to his or her Commonwealth-funded electorate office(s), a Senator or Member may establish a privately-funded electorate office. Subject to the approval of the Special Minister of State, the Senator or Member may locate an employee in a privately-funded electorate office. In addition, and also subject to the approval of the Special Minister of State, a Senator or Member may transfer the following equipment and facilities from their Commonwealth-funded electorate office to their privately-funded electorate office, provided there is no additional cost to the Commonwealth:

- one of the four exchange lines from the electorate office telephone entitlement;
- specified items of office furniture and equipment, with the exception of the postage meter.

The transfer of approved furniture and equipment to and from a privately-funded electorate office is the responsibility of the Senator or Member. Any Commonwealth owned furniture or equipment must be returned to the Commonwealth-funded electorate office when requested by Ministerial and Parliamentary Services or the Department of Parliamentary Services for stocktake, service, repair or scheduled replacement. Commonwealth-owned furniture or equipment must be returned to the Commonwealth-funded electorate office when the privately-funded electorate office is closed, or if the approval of the Special Minister of State is revoked.

Connection to the Extended Parliamentary Network is not provided to a privately-funded electorate office. However, the Senator or Member and his or her employees may access the Extended Parliamentary Network remotely by using a laptop and remote access token, provided as part of the standard suite of computer equipment allocated to the Commonwealth-funded electorate office.

Work health and safety issues in a privately-funded electorate office are the responsibility of the Senator or Member.

## 3.11 Commonwealth Parliament Offices (CPO)

### 3.11.1 The Entitlement

CPOs are located in each State and the Northern Territory and are managed by Ministerial and Parliamentary Services State Offices. CPOs typically provide conference rooms and a number of suites for use on a short term basis by visiting Senators or Members, or permanent accommodation (except in Tasmania and the Northern Territory where the small size of the CPOs precludes permanent accommodation). CPOs are available for use by Senators and Members for parliamentary, electorate and official business, but not for commercial or party business.

#### Employees

Employees do not have an entitlement to use CPO visiting suites, unless they are accompanying their employing Senator or Member. Visiting suites are limited and their use by employees can result in other Senators and Members being denied the use of facilities.

### 3.11.2 How to Access a CPO Visiting Suite

#### Opening Hours

The visiting and conference facilities in CPOs are intended for use during standard business hours and CPOs are staffed by Ministerial and Parliamentary Services employees accordingly. As business hours vary from State to State, Senators and Members are encouraged to confirm CPO opening hours at the time of booking. Ministerial and Parliamentary Services will not provide access to CPOs outside of business hours, unless exceptional circumstances exist. A Senator or Member wishing to access the CPO after hours will need to arrange for a permanent occupant to collect a key from Ministerial and Parliamentary Services during business hours, and to facilitate the visiting Senator or Member's entry into the CPO. A permanent occupant assumes responsibility for any visitors admitted outside the normal business hours of the CPO.

#### Booking Visiting Facilities

Senators and Members wishing to book visiting suites and/or conference rooms may do so by contacting the relevant Ministerial and Parliamentary Services State office. Suites are generally allocated on a 'first come, first served' basis. Block bookings spanning a period of more than four weeks (for example: every Friday for a period of six weeks) will not be accepted. When a booking is no longer required, Senators and Members must cancel the booking promptly.

#### Security

Security arrangements for CPOs are the responsibility of the Security Coordination Branch (SCB) of the Attorney-General's Department.

To assist in maintaining effective security, Senators and Members are asked to ensure that visiting suite and building keys are returned to Ministerial and Parliamentary Services immediately on departure and that visitors, including media, are accompanied at all times within the CPO. Ministerial and Parliamentary Services staff and security staff based at CPOs are not responsible for escorting visitors to and from visiting facilities booked by Senators and Members.

Where permanent occupants are entering the building after hours, care should be taken to ensure that other persons do not 'tailgate' and that building security is maintained.

Any suspicious circumstances should be reported as soon as possible to Ministerial and Parliamentary Services, or, in the case of Melbourne and Sydney, to onsite security officers.

### **Car Parking**

Some CPOs have car parking spaces, which may be made available to Senators and Members who book suites, or who are on official business in the city. As parking space is limited, priority is given to those Senators and Members who have booked suites. Only one parking space is provided per suite. Employees and visitors do not have access to CPO parking spaces. If a parking space is required, Ministerial and Parliamentary Services should be advised at the time a visiting suite and/or conference room booking is made.

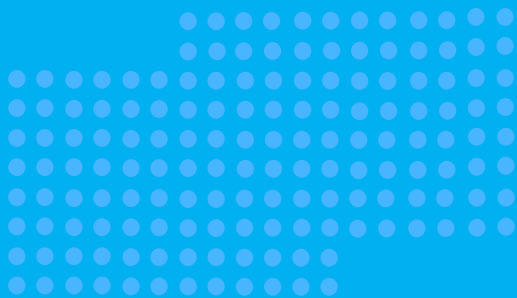
### **Contacts**

Contact details for CPOs are available to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet.



**PART FOUR:**  
**TRAVEL**

**TRAVEL**



## 4.1 Travel in Australia by Senators and Members

Senators and Members are entitled to travel within Australia at Australian Government expense for certain purposes. Senators and Members are responsible for ensuring that any travel at Australian Government expense is undertaken in accordance with their entitlements, i.e., in most circumstances only for Parliamentary, electorate or official business, but not party business.<sup>109</sup>

Senators and Members' travel entitlements are determined primarily by two Remuneration Tribunal Determinations: Determination 2012/04 - Members of Parliament - Entitlements (as amended by Remuneration Tribunal Determination 2012/15 - Members of Parliament – Base Salary, Entitlements and Related Matters) and Determination 2012/19 - Members of Parliament – Travelling Allowance. A copy of each Determination can be found on the [Remuneration Tribunal's website](#) by following the links to: Parliamentarians/Current Determinations, or going directly to: <http://www.remtribunal.gov.au/federalParliamentarians/currentDetermination/>.

### 4.1.1 Reporting the use of Travel Entitlements

Ministerial and Parliamentary Services provides a monthly management report to all Senators and Members, detailing the use of travel entitlements. Senators and Members are encouraged to check the accuracy of each monthly management report as it is received to ensure that the use of travel entitlements by themselves, their family members and their employees has been in accordance with the relevant entitlements.

Every six months, Senators and Members are provided with a report of their own expenditure on entitlements (including travel by themselves and their family members) that is proposed to be tabled in the Parliament. Senators and Members are requested to check the information provided in the report and advise Ministerial and Parliamentary Services of any changes. They are also asked to certify that their use of entitlements has been in accordance with the use provisions legislated for each respective entitlement.

### 4.1.2 Travel Declaration Form (Form 4)

A Senator or Member wishing to claim travelling allowance and/or private vehicle allowance is required to submit details on a *Travel Declaration* form for each occasion that he or she travels at Australian Government expense.

Copies of the *Travel Declaration* form are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Senators and Members are requested to forward receipts along with *Travel Declaration* forms where travelling allowance is claimed for accommodation at commercial rates, or, alternatively, retain receipts so that they can be produced on request. Travelling allowance is discussed further in section 4.8.

<sup>109</sup> Section 4 of, and item 8 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990* and Remuneration Tribunal Determinations 2012/04 (as amended by 2012/15) and 2012/19.

## 4.2 Travel on Scheduled Services

### 4.2.1 The Entitlement

Senators and Members are entitled to use scheduled commercial transport at Commonwealth expense when travelling within Australia (excluding the external territories) on:

- parliamentary business;
- electorate business; or
- official business

but excluding party business, other than meetings of a Parliamentary political party, or of its executive, or of its committees, and the national conference of a political party, of which he or she is a member.<sup>110</sup>

‘Official business’, for the purpose of the domestic travel entitlement means attendance at:

- properly constituted meetings of a Government advisory committee or task force provided that the Senator or Member is a member of the committee or task force; and
- functions representing a Minister or a Presiding Officer on official business as a Minister or Presiding Officer, provided that the Minister or Presiding Officer nominates the function in advance in a written request to the Senator or Member to represent him or her.<sup>111</sup>

This entitlement covers travel on scheduled commercial or commuter air services, mainline rail services, motor coach and other vehicles operating as regular carriers.<sup>112</sup>

Travel by air, rail or sea must not exceed the cost of a business class airfare (or an economy class airfare where a business class airfare is not published for the destination point) for the most reasonable and usual route, between the departure and destination points.<sup>113</sup>

This means that the entitlement to travel by scheduled commercial services with an accommodation component (such as *The Ghan*, *The Indian-Pacific*, *The Overlander* or *The Spirit of Tasmania*) is also capped at the cost of a business class airfare (or an economy class airfare where a business class airfare is not published for the destination point) for the most reasonable and usual route between the departure and destination points.

Senators and Members who choose to travel by scheduled commercial services with an accommodation component will be personally responsible for meeting all travel and related costs (including meals) that are in excess of the cap.<sup>114</sup> The limitation also applies to the spouse or de facto partner of a Senator or Member who has satisfied the qualifying period for a Life Gold Pass and to travel by entitled family members.<sup>115</sup>

Note that the Special Minister of State has the discretion to approve payment of the full cost of the fare for travel on an alternative mode, or modes, of transport where a Senator or Member provides a medical certificate which states that he or she is unable to travel by air. The Special Minister of State may also approve car transport to the embarkation point, and from the point of arrival nearest the destination, where there is no other provision in Remuneration Tribunal Determination 2012/04 which applies to that part of the trip. If

110 Clause 3.1 of Remuneration Tribunal Determination 2012/04.

111 Clause 3.2 of Remuneration Tribunal Determination 2012/04.

112 Clause 3.3 of Remuneration Tribunal Determination 2012/04.

113 Clause 3.6 of Remuneration Tribunal Determination 2012/04.

114 Clause 3.6 of Remuneration Tribunal Determination 2012/04.

115 Section 12 of the *Members of Parliament (Life Gold Pass) Act 2002*.

approved travel necessarily includes an overnight journey, the Senator or Member should have access to private sleeper accommodation, where available.<sup>116</sup>

A Senator or Member may use charter transport in lieu of scheduled commercial services. However, where charter transport is used in lieu, the Senator or Member must pay for any additional cost as between the charter transport and the estimated reimbursement cost of private vehicle allowance, at the highest Australian Public Service rate then current, for the most reasonable and usual route between the departure and destination points.<sup>117</sup>

The Senator or Member's electorate charter entitlement may not be used to meet any costs incurred by using charter transport in lieu of scheduled commercial services.

In addition, the Special Minister of State has the discretion to approve the use of charter transport within Australia at Government expense in special cases. Special charter approval is considered by the Special Minister of State on a case by case basis. Special charter may be approved e.g., where there are no scheduled commercial services, or where the use of scheduled commercial services would result in undue delays.<sup>118</sup> Special charter is discussed further at section 4.6.5.

A Member of the House of Representatives is entitled to the cost of transporting a vehicle on a ferry service that the Member is travelling on within his or her electorate, subject to the requirements above (i.e. the travel must be for parliamentary, electorate or official business).<sup>119</sup> The ferry service may depart from or return to a place outside the electorate. This entitlement is not available to Senators.

#### 4.2.2 Travel to the External Territories

Travel to the external territories at Australian Government expense is only authorised:

- for a Senator for the Northern Territory or the Member for Lingiari travelling to the Cocos (Keeling) Islands and Christmas Island on electorate business;
- for Senators for the Australian Capital Territory and the Member for Canberra travelling to Norfolk Island on electorate business;
- for a Leader of a recognised party of at least five members in the Parliament travelling to the Cocos (Keeling) Islands, Christmas Island and Norfolk Island for functions or duties connected with the office of Leader;
- for a member of a Parliamentary Committee, travelling to the Cocos (Keeling) Islands, Christmas Island and Norfolk Island on committee business, as formally authorised by the committee; and
- in the case of the relevant Shadow Minister with responsibilities for the External Territories, travel to the Cocos (Keeling) Islands, Christmas Island and Norfolk Island for functions or duties connected with the office of Shadow Minister.<sup>120</sup>

#### 4.2.3 Bookings on Scheduled Services

Senators and Members must only use the travel service provider contracted by Ministerial and Parliamentary Services when arranging scheduled commercial services for domestic travel provided under entitlement for themselves, their families and their employees.<sup>121</sup> The

116 Clause 3.6.1 of Remuneration Tribunal Determination 2012/04.

117 Clause 3.3(a) of Remuneration Tribunal Determination 2012/04.

118 Clause 3.4 of Remuneration Tribunal Determination 2012/04.

119 Clause 3.3(b) of Remuneration Tribunal Determination 2012/04.

120 Clause 3.5 of Remuneration Tribunal Determination 2012/04.

121 Procedural Rule No. 2 of 2005 of 24 May 2005.

contracted travel service provider maintains a presence at Parliament House and can arrange all modes of travel on scheduled services, including air, sea, train and coach, as well as providing an accommodation booking service and assistance with insurance and other travel related services.

The contracted travel service provider requires each traveller to complete a traveller profile covering his or her individual preferences, such as seating and special dietary requirements, to ensure appropriate arrangements can be made whenever travel is undertaken. The contracted travel service provider issues each traveller with a personal traveller profile number, which should be used when making bookings.

If a Senator or Member books private travel through the contracted travel service provider, either as part of a trip which includes travel under entitlement, or as a separate trip, the cost of the Senator or Member's private travel should be paid at the time of booking.

### **Efficient and Effective Use of Public Money**

When accessing travel entitlements, Senators and Members should ensure that they will use public money in the most efficient and effective manner.

The entitlements framework for Senators and Members provides considerable flexibility in relation to travel arrangements. This flexibility is provided on the understanding that decisions regarding travel are underpinned by reasonable efforts by Senators and Members to reduce the overall cost to the Australian Government subject to the requirements of the relevant Parliamentary or other official business.

When making travel bookings, the travel service provider offers the 'lowest logical best fare' to Senators and Members, having regard to the itinerary of the traveller. The travel service provider also advises of available flights (including with smaller airlines) to assist Senators and Members in minimising the cost of travel.

Travellers should accept the lowest fare offered and also consider alternative airlines or discounted fares to reduce costs, unless this would adversely impact on the purpose of the travel.

### **Contact**

The contact number for the contracted travel service provider is available to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet.

#### **4.2.4 Airline Loyalty Programs**

Airlines may provide Senators and Members and their spouses with membership of their executive lounges. Such arrangements generally include membership of loyalty programs.

Effective from 1 July 2010, under the whole of Australian Government travel contract, airline loyalty points are no longer accrued for travel at Australian Government expense. However, the accrual of status points will continue.

Airline loyalty points accrued to 30 June 2010 (inclusive) as a result of travel at Australian Government expense should continue to be used to cover the cost of official travel. Airline loyalty points accrued may only be used to offset travel costs for the person who accrued the points.<sup>122</sup> This is consistent with Government policy on airline loyalty points that are accrued as a result of travel at Australian Government expense.

---

122 Clause 12.1 of Remuneration Tribunal Determination 2012/04.

Points may, however, be redeemed for a donation to charity, in accordance with the provisions of the relevant reward program, provided that no financial or taxation benefit accrues to the person who accrued the points.<sup>123</sup>

#### 4.2.5 Airline Promotions

On occasions airlines may offer ‘in-flight’ promotions with prizes such as free travel. As with airline loyalty points, if the expenditure of taxpayers’ funds was seen to result in additional benefits to a Senator or Member, this may attract adverse public criticism. It is therefore recommended that Senators and Members do not participate in such airline or service provider promotions.

#### 4.2.6 Registration of Interests

Ministerial and Parliamentary Services has been advised by the Chamber Departments that the Senate and the House of Representatives have each passed resolutions requiring their members to register certain interests, including:

- any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$300; and
- gifts valued at more than \$750 received from official sources, or at \$300 or more where received from other than official sources, provided that a gift received by a Senator or Member, the Senator or Member’s spouse or partner or dependent children, from family members or personal friends in a purely personal capacity, need not be registered unless the Senator or Member judges that an appearance of conflict of interest may be seen to exist.

‘Official sources’ are defined in the Senate resolution (but not the House resolution) as being an Australian or foreign national, state, provincial or local government; or a person holding an office in such a government.<sup>124</sup>

For further information, including information about the timeframes for declaring interests, contact the appropriate Registrar.

#### 4.2.7 Additional Luggage

When travelling by air to or from Canberra on Parliamentary business, a Senator or Member is entitled to carry, at Australian Government expense, one additional piece of luggage, subject to airline size limits.<sup>125</sup> Otherwise, any additional luggage expenses must be met by the Senator or Member.

#### Contacts

Contact details for the Registrar of Senators’ Interests, Committee of Senators’ Interests, Registrar of Members’ Interests and Committee of Members’ Interest are available to Senators and Members from the Ministerial and Parliamentary Services Help Desks or on the Senators and Members Portal on the Extended Parliamentary Network.

<sup>123</sup> Clause 12.1 of Remuneration Tribunal Determination 2012/04.

<sup>124</sup> House of Representatives Resolution ‘Registration of Members’ interests’ adopted 9 October 1984, as amended, and The Senate Resolutions ‘Registration of Gifts to the Senate and Parliament’ agreed to on 26 August 1997, as amended.

<sup>125</sup> Clause 3.7 of Remuneration Tribunal Determination 2012/04.

## 4.3 Entitlements to Travel by Car

There are four entitlements for Senators and Members in respect of travel by car:

- car transport;
- private vehicle allowance;
- private-plated vehicle; and
- self-drive (charter) vehicles.<sup>126</sup>

The basic conditions for travelling by car within each entitlement are outlined in the relevant sections below. Conditions vary, depending on the purpose of the journey and the route taken. If Senators and Members are planning a journey and are unsure whether the mode of transport they wish to use is within entitlement, it is recommended that Senators and Members discuss the matter with their Entitlements Manager **before** commencing travel.

### 4.3.1 Car Transport

Senators and Members are provided with car transport at Australian Government expense, within the limits described below, when travelling for:

1. parliamentary business;
2. meetings of a parliamentary political party;
3. meetings of the executive or committees of a parliamentary political party;
4. the national conference of the political party to which the Senator or Member belongs;
5. properly constituted meetings of a Government advisory committee or task force (provided that the Senator or Member is a member of the committee or task force);
6. functions representing a Minister or a Presiding Officer on official business as a Minister or Presiding Officer, provided that the Minister or Presiding Officer nominates the function in advance in a written request to the Senator or Member to represent him or her; or
7. visits in the course of Parliamentary Committee business.<sup>127</sup>

#### Limits on the Entitlement

When travelling for the purposes described at items (5) to (7) above, there is no restriction on where car transport is used.

When travelling for all other purposes described above, car transport is provided:

- for direct travel between home, electorate office or place of business, and the nearest airport or railway station, or the nearest airport or railway station that provides a reasonable service for that journey;
- in Canberra and locations within a 30 km radius of Parliament House;
- in and between other capital cities and regional centres, except within the city where a Senator or Member resides or has an electorate office; and
- between the airport and railway station to the place of overnight accommodation, when a Senator or Member is travelling on parliamentary business to or from Canberra and is required to break the journey.<sup>128</sup>

<sup>126</sup> Remuneration Tribunal Determination 2012/04.

<sup>127</sup> Clauses 4.1 and 4.2 of Remuneration Tribunal Determination 2012/04.

<sup>128</sup> Clauses 4.1(a), (b), (c) and clause 4.12 of Remuneration Tribunal Determination 2012/04.

### Personal Use of Car Transport in Canberra

Car transport may be used in Canberra and locations within a 30 km radius of Parliament House for:

- personal emergencies such as dental and medical treatment;
- funerals and other compassionate circumstances; and
- reasonable personal services such as religious services and banking when these are not available at Parliament House.<sup>129</sup>

#### 4.3.2 Car-with-Driver Transport

Car-with-driver transport may be provided by:

##### COMCAR

COMCAR provides a comprehensive service throughout Australia. Depending on vehicle availability, COMCAR may provide Senators and Members with a COMCAR vehicle, private hire car with contracted driver, or taxi.

COMCAR provides a shuttle service that is arranged through the Transport Officers at Parliament House during Parliamentary sitting weeks.

##### Chauffeured hire cars

Private chauffeured hire cars can be booked through COMCAR or directly from a hire car company offering reasonable commercial rates. COMCAR has established a national panel of chauffeur-driven hire cars and executive taxi contractors that meet particular service standards for use in lieu of COMCAR. At the conclusion of travel in a privately owned chauffeured hire car, the passenger must sign and complete the contractor's travel docket, including the locations, time and cost of the trip. Where the booking has not been made through COMCAR, a correctly rendered invoice, providing the same details, may be forwarded to Ministerial and Parliamentary Services for payment.

##### Taxis

Taxis may be booked directly with a taxi company. Payment should generally be made electronically with the Cabcharge card issued by Ministerial and Parliamentary Services, which will record details of the trip. Only in exceptional circumstances should a Cabcharge manual docket be used. If payment is made by means other than the Cabcharge card EFTPOS facility, then at the conclusion of travel, the passenger must sign and complete the driver's docket including the locations, time and cost of the trip or obtain a receipt with the relevant details.

##### Conditions of Car-with-Driver transport

In addition to the general conditions described in section 4.3.1, the following conditions apply to car-with-driver transport:

- Senators and Members are expected to organise their travel arrangements in a reasonable way, so as to travel to and from the airport or railway station nearest their home, electorate office or place of business.
- A Senator or Member who is travelling by car transport between the airport and his or her home may break the journey at his or her electorate office, for parliamentary or electorate purposes only. If the Senator or Member expects the break in the journey to

<sup>129</sup> Clause 4.3 of Remuneration Tribunal Determination 2012/04.



be longer than half an hour, the car must be released immediately and another ordered to complete the journey at a later time.<sup>130</sup>

- A Senator or Member who uses car-with-driver transport to travel on Parliamentary business in Canberra, between their residence and Parliament House, may break the journey. If the Senator or Member expects the break in the journey to be longer than half an hour, the car must be released immediately and another ordered to complete the journey at a later time.<sup>131</sup>

### 4.3.3 Short-Term Self-Drive Hire Cars

Short-term self-drive hire cars may be used when travelling:

- on Parliamentary business and certain party business in and between capital cities and regional centres, except Canberra and within the city in which the Senator or Member resides or has an electorate office;
- on Parliamentary business and certain party business in Canberra, within a 30 km radius of Parliament House subject to certain conditions (as discussed in section 4.3.4 of this handbook);
- on visits in the course of Parliamentary Committee business;<sup>132</sup> or
- to and from functions representing a Minister or a Presiding Officer on official business as a Minister or Presiding Officer, provided that the Minister or Presiding Officer nominates the function in advance in a written request to the Senator or Member to represent him or her.<sup>133</sup>

#### Booking and Payment

Short-term self-drive hire cars can be booked with the travel service provider directly or with a hire car service provider. The travel service provider bills Ministerial and Parliamentary Services directly. A Senator or Member may book a short-term self-drive hire car through another hire-car company, however, unless an arrangement is in place to enable Ministerial and Parliamentary Services to be forwarded an account for payment, the Senator or Member may be required to pay in advance and seek reimbursement. Where a Senator or Member is provided with an electorate charter travel budget, and the purpose of the self-drive car hire is for travel within and for the service of the electorate, an *Electorate Charter Certification* form (Form 37) should be submitted to Ministerial and Parliamentary Services.

#### Insurance Cover When Travelling in Self-Drive Hire Cars

A Senator or Member is responsible for ensuring that he or she is adequately covered for any liability that might arise as a result of property damage or accident or injury to him or herself or to a third party. When hiring a car, an insurance policy suitable for the circumstances of the hire should be purchased. Ministerial and Parliamentary Services pays the cost of this insurance, provided it forms part of the total cost of hiring the vehicle. Payment of an excess charged by an insurer in the case of an accident cannot be met from this entitlement. Senators and Members should be mindful of this limitation in selecting the appropriate insurance cover for a hired vehicle.

130 Clause 4.11 of Remuneration Tribunal Determination 2012/04.

131 Procedural Rule 1998/1 of 19 June 1998.

132 Clauses 4.1(b), (c) and (d) of Remuneration Tribunal Determination 2012/04 and section 3 of Procedural Rule No 5 of 2005 of 24 May 2005.

133 Clause 4.2 of Remuneration Tribunal Determination 2012/04 and section 3 of Procedural Rule No 5 of 2005 of 24 May 2005.

#### 4.3.4 Using Short-term Self-Drive Hire Cars in Canberra

A Senator or Member may hire a short-term self-drive vehicle for travel in Canberra and locations within a 30 km radius of Parliament House subject to the following conditions.<sup>134</sup>

##### Hire Period

A short-term self-drive vehicle **may not** be used during sitting weeks. A short-term self-drive vehicle **may** be used between and including the last business day of a sitting week and the first business day of the next sitting week if:

- the two sitting weeks are adjacent;<sup>135</sup> or
- a sitting week and a week immediately before or after the sitting week, where the Senator or Member had, or will have, Parliamentary Committee business in Canberra; or
- two adjacent weeks where the Senator or Member has Parliamentary Committee business in Canberra.

A ‘sitting week’ means a week that contains at least one business day. ‘Business day’ means a day when either House of Parliament is sitting in Canberra or a day when a Parliamentary Committee to which the Senator or Member belongs is sitting in Canberra.<sup>136</sup>

##### Collection and Return of Vehicle

The vehicle may be collected at any time after midday on the last business day of the week and must be returned before midday on the first business day of the following week.<sup>137</sup> If the vehicle is collected or returned outside the entitled period, a proportional amount will be recovered from the Senator or Member for use outside the period.

##### Type of Vehicle

Senators and Members may hire any vehicle with a rate of hire less than or equal to the rate of hire for the ‘people-mover’ class of vehicle, which means a vehicle that seats between six and eight persons.<sup>138</sup>

##### Use by Others

Other persons may drive the hired vehicle so long as the person or persons concerned are nominated as drivers with the hire car service provider at the time of hire.<sup>139</sup>

##### Use of Car-with-Driver Services while hiring a Short-term Self-drive Vehicle in Canberra

A Senator or Member provided with a short-term self-drive hire vehicle in Canberra may not use COMCAR, the Transport Officers of Parliament House, a commercial car-with-driver service or a taxi during the period of the hire except if it would be appropriate to do so because special circumstances exist. Examples of ‘special circumstances’ are:

- attending a vice-regal, Parliamentary, diplomatic or official function; or
- for security or safety reasons.<sup>140</sup>

<sup>134</sup> Clause 4.1(b) of Remuneration Tribunal Determination 2012/04 and section 4(1) of Procedural Rule No 5 of 2005 of 24 May 2005.

<sup>135</sup> Section 4 of Procedural Rule No 5 of 2005 of 24 May 2005.

<sup>136</sup> Section 2 of Procedural Rule No 5 of 2005 of 24 May 2005.

<sup>137</sup> Section 4(2)(a) of Procedural Rule No 5 of 2005 of 24 May 2005.

<sup>138</sup> Sections 2 and 4(1)(d) of Procedural Rule No 5 of 2005 of 24 May 2005.

<sup>139</sup> Section 4(2)(b) of Procedural Rule No 5 of 2005 of 24 May 2005.

<sup>140</sup> Section 6 of Procedural Rule No 5 of 2005 of 24 May 2005.

### Private Use

A Senator or Member provided with a short-term self-drive vehicle for travel in Canberra on a weekend may also use the vehicle for private purposes. In such cases, the Australian Government meets the cost of the hire and the Senator or Member must meet the fuel costs.<sup>141</sup> Provided all fuel costs are met by the hiring Senator or Member, a vehicle being used for private purposes may be taken further than 30km from Parliament House.

Invoices should be certified to indicate the reason for use, for example:

- used for Parliamentary purposes only; or
- used for Parliamentary and private purposes (for which all fuel costs will be met personally).

---

141 Clause 4.7 of Remuneration Tribunal Determination 2012/04.

## 4.4 Private-Plated Vehicles

### 4.4.1 The Entitlement

A Senator or Member is entitled, at his or her request, to a private-plated, Commonwealth-leased vehicle for Parliamentary, electorate or official business, family travel and private purposes, but not for commercial purposes.<sup>142</sup>

Private-plated vehicles are provided subject to the conditions set out in:

- Remuneration Tribunal Determination 2012/04;
- *Guidelines on Provision of Private-Plated Vehicles for Senators and Members*; and
- *Guidelines on Provision of Non-Standard Vehicles for Senators and Members*.

Vehicles are leased through a whole-of-government fleet provider and serviced, maintained and fuelled at Australian Government expense.

### 4.4.2 Ordering a Vehicle

Ministerial and Parliamentary Services provides Senators and Members with a *Request for Lease Quote (Fleet Management Agreement)* form to be completed when ordering a vehicle. The form is also available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Vehicle orders are placed on behalf of the Senator or Member directly with the manufacturer and may take some months to fill. It is expected that Senators and Members will retain the vehicle for the entire length of the lease term. When determining the term of a lease, Ministerial and Parliamentary Services examines the projected usage of the vehicle (i.e. the number of kilometres (km) likely to be driven), as well as factors such as the warranty provided for the vehicle and the local road and weather conditions. The lease will be reviewed regularly against these projections and may be adjusted to ensure the lease achieves value for money. Lease terms are typically between two and three years.

#### Personal Contribution

Since 15 March 2012, Senators and Members who select a private-plated vehicle are no longer required to make a personal contribution of \$711 per annum.<sup>143</sup>

#### Optional Extras

Requests for optional extras to be added to a vehicle should only be made at the time the vehicle order is placed. Optional extras that can be fitted by the vehicle's dealer, that were overlooked at the time the vehicle was ordered, may only be added until the time of the vehicle's first scheduled service. Senators and Members may, at no additional cost, have car kits fitted to their private-plated vehicles to facilitate the safe use of mobile telephones, combined mobile telephone/personal digital assistants and/or satellite telephones that have been provided under entitlement.<sup>144</sup> See section 4.4.8 for more information on optional extras.

<sup>142</sup> Clauses 6.1 and 6.7 of Remuneration Tribunal Determination 2012/04.

<sup>143</sup> The requirement to make the personal contribution was set out in clause 5.8 of Remuneration Tribunal Determination 2006/18 and clause 6 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*. That determination was revoked by Remuneration Tribunal Determination 2012/04: Members of Parliament—Entitlements, and payment of any personal cost contribution towards the cost of a private-plated vehicle is no longer required.

<sup>144</sup> Clause 5 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

A Senator or Member wishing to add dealer-fitted optional extras after the original order is placed must discuss the matter with the relevant Ministerial and Parliamentary Services State Manager, before booking a fitting with the dealer. This will allow the State Manager to make arrangements with the contracted vehicle supplier and ensure that the fitting dealer is given the required advance notice.<sup>145</sup>

Where a Senator or Member proposes a modification to a vehicle that is considered necessary for work health and safety reasons or on medical grounds, the case will be considered on its merits.

All optional extras included in the cost of the lease must be kept with the vehicle, and returned with the vehicle:

- at the end of the vehicle lease; or
- after the vehicle is written off in an accident; or
- when the Senator or Member ceases to hold office

(whichever occurs first).<sup>146</sup>

### Australian Government Provided Fuel Cards

The fleet provider issues Australian Government funded fuel cards for use with private-plated vehicles. Odometer readings are required when using the fuel cards, to assist with vehicle management and to ensure that fuel bills can be matched to vehicle use.

Where petrol stations do not have provision for electronic recordings of odometer readings, a receipt should be obtained and the reading recorded on the receipt. The receipt should be forwarded to the relevant Ministerial and Parliamentary Services State Manager. **Failure to provide odometer readings will lead to the Senator or Member concerned being asked to certify accounts for payment personally. Repeated failure may lead to the cancellation of the fuel cards.**

The fuel card should be used for payment where possible. If unforeseen circumstances (for example, technical failure) require that fuel costs are paid for privately, reimbursement can be sought for the costs by submitting a *Claim for Reimbursement of Minor Travel Expenses* form (Form 51) to the relevant Ministerial and Parliamentary Services State Manager. Relevant receipts and odometer readings should be attached to the form.

Fuel cards may be used to pay for standard car-washing services connected to a petrol station. Fuel cards must be kept in a secure place when not in use. Fuel cards must not be used for any other vehicle.

Details of fuel payments are provided in each Senator and Member's monthly management report.

#### 4.4.3 Parking

A Senator or Member who uses his or her private-plated vehicle to travel from their home part of the way to Canberra on parliamentary business is entitled to park the vehicle at the connecting airport at government expense, where due economy is served by doing so.<sup>147</sup>

In addition, where services are not available from the airport or railway station nearest to their home, a Senator or Member may choose to use his or her private-plated vehicle to travel to an airport or railway station, instead of exercising his or her entitlement to use car transport

145 Clause 5 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

146 Clause 5.5 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

147 Clause 5.3 of Remuneration Tribunal Determination 2012/04.

for that journey. In these circumstances, the Senator or Member is entitled to park the private-plated vehicle at the connecting airport at Commonwealth expense, where due economy is served by doing so.<sup>148</sup>

Where a Senator or Member parks his or her private-plated vehicle at an airport under one of the entitlements described above, his or her hourly or daily commercial parking costs will be reimbursed on presentation of receipts or vouchers. A copy of the *Claim for Reimbursement of Minor Travel Expenses* form (Form 51) is available from the Ministerial and Parliamentary Services intranet. Claims should be forwarded to Ministerial and Parliamentary Services for processing and payment.

For access to parking at Parliament House, Senators should contact the Office of the Usher of the Black Rod and Members should contact the Office of the Serjeant-at-Arms.

#### 4.4.4 Traffic and Parking Fines and Tolls

Senators and Members are personally responsible for traffic and parking fines and tolls.

In some circumstances, infringement notices in respect of private-plated vehicles are initially issued to the fleet provider. The fleet provider will contact the Senator or Member on whose behalf the vehicle is leased, providing them with a copy of the infringement notice and a statutory declaration form. If the Senator or Member was not the driver of the vehicle at the time of the infringement, the statutory declaration form should be completed and returned to the issuing authority to identify the driver. The Senator or Member is personally responsible for payment of any fine specified on the infringement notice, other than where a statutory declaration has been returned to the issuing authority identifying the driver of the vehicle at the time of the infringement.

#### 4.4.5 Vehicle Condition

All vehicles provided to a Senator or Member must be maintained and returned in good condition. To assist with this, scheduled services must be performed when due, any damage repaired promptly, in consultation with the contracted vehicle supplier and the vehicle's insurer, and any theft or malicious damage involving the vehicle must be reported to police.

Returning an end of lease vehicle in a sound, serviceable condition assists in ensuring that the Commonwealth does not incur additional charges, and achieves the best possible sale price when the vehicle is disposed of. When assessing a vehicle's condition at the end of its lease term, the contracted vehicle supplier takes into account any deterioration in the vehicle's overall condition that is considered fair wear and tear for the distances travelled and the age of the vehicle. Unfair wear and tear is any deterioration judged as unacceptable against industry standards that may require refurbishment prior to sale.

A summary of guidance on industry fair wear and tear standards, reproduced, with permission, from the *Fair Wear and Tear Guide* produced in 2005 by the Australian Fleet Lessors Association (AFLA) is attached to the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members*, available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet and on the [Department of Finance and Deregulation internet site](http://www.finance.gov.au) at [www.finance.gov.au](http://www.finance.gov.au).<sup>149</sup>

148 Clause 5.6 of Remuneration Tribunal Determination 2012/04.

149 Clause 9 of, and the Attachment to, the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

#### 4.4.6 Return of Vehicles

All vehicles provided to a Senator or Member by Ministerial and Parliamentary Services must be returned immediately to Ministerial and Parliamentary Services (or an authorised agent acting on behalf of either Ministerial and Parliamentary Services or the contracted vehicle supplier), when:

- the Senator or Member's entitlement to that vehicle ceases, because they:
  - are no longer a Senator or Member; or
  - no longer hold an office that carries an entitlement to a private-plated vehicle; or
- the lease on the vehicle expires.

A Senator or Member who wishes to purchase a vehicle after its lease has expired, or where its lease is due to expire shortly, should make arrangements directly with the contracted vehicle supplier. A Senator or Member who is negotiating the purchase of a vehicle with the contracted vehicle supplier:

- is personally responsible for all associated costs; and
- must return the vehicle immediately when its lease expires, regardless of the progress of the purchase negotiations.

Where a vehicle that is due for return is not returned immediately, any costs that are incurred by Ministerial and Parliamentary Services because the vehicle was returned late will be recovered from the Senator or Member as a debt due to the Commonwealth.<sup>150</sup>

#### 4.4.7 Standard Vehicles - Specific Conditions

A list of standard vehicles available to Senators and Members has been approved. This list is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

A Senator or Member is expected to request a vehicle from the list of standard vehicles and may choose any vehicle from the list, subject to a price cap determined from time-to-time by the Special Minister of State.<sup>151</sup> When selecting a vehicle, Senators and Members are asked to be mindful of the cost to the taxpayer when choosing a vehicle that meets their operational needs.

#### Optional Extras on Standard Vehicles

Where the cost of optional extras brings the total value of the vehicle above the price cap, the Senator or Member is required to pay the difference by way of a lump sum payment at the time the final contract supplement for the vehicle is issued. Where, due to unforeseen circumstances, an optional extra is added after the time the final contract supplement for the vehicle is issued, but no later than the vehicle's first scheduled service, any additional payment must be made at the time of fitting.<sup>152</sup>

The cost of the following optional extras is not taken into account when determining the total value of the vehicle:

- air conditioning;
- automatic transmission;
- bonnet protectors;

150 Clause 8 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

151 Clause 3 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

152 Clause 5.2 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

- cargo barriers;
- carpet mats;
- reverse parking sensors and/or factory-fitted reverse cameras;
- standard tow pack;
- electronic stability control;
- full size steel spare wheels on vehicles where these are not standard;
- factory-fitted Bluetooth hands-free mobile phone functionality (where this is provided as an optional extra, a separate hands-free mobile phone car kit will not be installed after delivery of the vehicle, but additions such as an external aerial may be added); and
- bull bars, kangaroo ('roo') bars or nudge bars, driving lights or kangaroo repellent devices where Ministerial and Parliamentary Services considers that a Senator or Member will be using the vehicle in circumstances where collision with kangaroos or other wildlife is likely.<sup>153</sup>

#### 4.4.8 Non-Standard Vehicles - Specific Conditions

A Senator or Member may seek approval for the lease of a non-standard vehicle.<sup>154</sup> Factors that will be taken into account in considering applications for a non-standard vehicle are: operational need, work health and safety or environmental concerns.<sup>155</sup> Detailed information about the provision of non-standard vehicles is provided in the *Guidelines on Provision of Non-standard Vehicles for Senators and Members*, available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet and the [Department of Finance and Deregulation website](#) at [www.finance.gov.au](http://www.finance.gov.au).<sup>156</sup>

#### Operational Needs

A case based on operational needs should demonstrate that, for a significant part of the time spent driving, the use of a standard sedan or station wagon would not adequately meet the reasonable requirements of the Senator or Member. Generally, a non-standard vehicle will not be provided solely for family reasons. However, if any Senator or Member considers that he or she has compelling reasons to seek a non-standard vehicle (or modifications to a standard vehicle) to meet their family circumstances, the case will be considered on its merits.<sup>157</sup>

#### Work Health and Safety

If a Senator or Member is seeking provision of a non-standard vehicle on the basis of a continuing medical condition, the request should be accompanied by advice from a medical practitioner supporting the case.<sup>158</sup>

#### Environmental Considerations

A case for provision of a non-standard vehicle on the basis of environmental considerations should be accompanied by documentary evidence demonstrating the non-standard vehicle's environmental superiority. This material should demonstrate that the vehicle:

- is powered by alternative fuel sources (such as electric power) or a hybrid engine (powered by a combination of fuel sources); and
- has an increased fuel efficiency and/or a decrease in emissions as a result.<sup>159</sup>

153 Clause 5.4 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

154 Clause 6.2 of Remuneration Determination 2012/04.

155 Clause 3.1 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

156 Clause 2.2 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

157 Clause 4 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

158 Clause 5 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.



### Requesting a Non-standard Vehicle

An initial request for a non-standard vehicle should be submitted in writing to Ministerial and Parliamentary Services. A formal request for a non-standard vehicle is not required when a Senator or Member intends to replace a non-standard vehicle that is due for replacement with a vehicle of similar type, provided the Senator or Member's circumstances remain unchanged.

When requesting a non-standard vehicle, a Senator or Member should provide justification for the standard and type of vehicle sought, including any special features. A Senator or Member is expected to request the lowest priced vehicle (and model within a range) that could suit his or her needs. A request may be made at the time a Senator is appointed or commences duties (whichever is the later), or a Member is elected. Otherwise, it generally would be expected that a non-standard vehicle would only be provided at the time an existing leased vehicle is due for replacement.

Non-standard vehicles such as sports cars, coupés or high performance vehicles are unlikely to be approved.

The conditions relating to use and maintenance of the non-standard vehicle are the same as for standard vehicles.<sup>160</sup>

### Adjustment to Electorate Charter Entitlement or Electorate Allowance

Where a Senator or Member is provided with a non-standard vehicle, his or her charter transport entitlement or electorate allowance will be reduced by the difference between the lease cost of a non-standard vehicle and the lease cost of a standard vehicle.<sup>161</sup>

Any difference between the lease cost of a non-standard vehicle and the lease cost of a standard vehicle is determined when the final contract supplement for the lease is issued, and remains fixed for the term of the vehicle's lease. Ministerial and Parliamentary Services State Managers are able to provide indicative costs only, prior to the issue of the final contract supplement. The lease cost difference is recalculated each time an approved non-standard vehicle is replaced.<sup>162</sup>

When seeking approval to lease a non-standard vehicle and when an approved non-standard vehicle is replaced, Senators and Members must nominate whether leasing costs are to be met from their charter transport entitlement or electorate allowance. Where the charter transport entitlement is nominated, the full difference between the lease cost of a non-standard vehicle and lease cost of a standard vehicle will be deducted. Where the electorate allowance is nominated, arrangements will be made with the respective Parliamentary departments for the deductions to be made monthly.<sup>163</sup>

#### 4.4.9 Four-wheel Drive Vehicles - Specific Conditions

##### Members Representing Large Electorates (300,000 km<sup>2</sup> or more)

Members representing electorates of 300,000 km<sup>2</sup> or more (Durack, Grey, Kennedy, Lingiari, Maranoa and O'Connor) may choose to have a four-wheel drive vehicle instead of the

159 Clause 6 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

160 Clause 7 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

161 Clause 6.5 of Remuneration Tribunal Determination 2012/04.

162 Clause 8 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

163 Clause 9 of the *Guidelines on Provision of Non-Standard Vehicles for Senators and Members 2009*.

standard sedan or station wagon.<sup>164</sup> The Member's charter transport entitlement and electorate allowance will not be reduced.

In addition, the two Senators for the Northern Territory and Members representing electorates of 300,000 km<sup>2</sup> or more (Durack, Grey, Kennedy, Lingiari, Maranoa and O'Connor) will be provided with a second Commonwealth-leased, private-plated, four-wheel drive vehicle, at his or her request.<sup>165</sup>

This entitlement is in addition to the provision of the Commonwealth-leased, private-plated vehicle in the electorate to which all Senators and Members are entitled, including those who have already obtained approval from the Special Minister of State for a non-standard vehicle in the electorate.

Where a Senator or Member is provided with a second four-wheel drive, the amount of his or her charter transport entitlement or electorate allowance is reduced by the lease cost of the four-wheel drive vehicle.<sup>166</sup> The four-wheel drive vehicle may be used for Parliamentary, electorate or official business, family travel and private purposes but not for commercial purposes.<sup>167</sup>

### Accessing the Entitlement

Senators and Members who are provided with a four-wheel drive vehicle under Remuneration Tribunal Determination 2012/04 are expected to select the lowest priced four-wheel drive vehicle (and model within the range) that will meet their operational requirements. The vehicle is to be made by a manufacturer that has an Australian operation in either component production or vehicle assembly, and qualifies for registration under the *ACIS Administration Act 1999*. Vehicles are ordered through Ministerial and Parliamentary Services State Managers in the same way as other private-plated vehicles.<sup>168</sup>

### Running and Maintenance Costs

The arrangements for running and maintenance costs for the additional four-wheel drive vehicle are the same as for other private-plated vehicles.<sup>169</sup>

### Safety Equipment

A Senator or Member who is entitled to a four-wheel drive vehicle may be provided, on request to their Ministerial and Parliamentary Services State Manager, with a satellite telephone service and/or an emergency position indicating radio beacon (EPIRB) installed in the vehicle for safety reasons. A Senator or Member entitled to an EPIRB may choose to be provided with a hand held personal locator beacon instead.

A Senator or Member provided with a private-plated vehicle, other than a four-wheel drive, may be provided with a satellite telephone service and/or an EPIRB, for work health and safety reasons, subject to approval by the relevant Ministerial and Parliamentary Services State Manager.<sup>170</sup>

164 Clause 6.1(c) of Remuneration Tribunal Determination 2012/04.

165 Clause 6.4 of Remuneration Tribunal Determination 2012/04.

166 Clause 6.6 of Remuneration Tribunal Determination 2012/04.

167 Clause 6.7 of Remuneration Tribunal Determination 2012/04.

168 Clause 3.4 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

169 *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

170 Clauses 3.6 and 3.7 of the *Guidelines on Provision of Private-Plated Vehicles for Senators and Members 2009*.

### Contacts

Contact telephone numbers for the following services are available to Senators, Members and their employees from the Ministerial and Parliamentary Services Help Desks:

- roadside, accident and breakdown services;
- Parliament House parking;
- Whole of Government Fleet Provider;
- Office of the Usher of the Black Rod; and
- Office of the Serjeant-at-Arms.

## 4.5 Private Vehicle Allowance

### 4.5.1 The Entitlement

A Senator or Member who uses his or her privately owned vehicle is entitled to claim private vehicle allowance for travel on parliamentary business:

- between his or her home base and Canberra; and
- part of the way between his or her home base and Canberra.<sup>171</sup>

Private vehicle allowance is paid at current Australian Public Service rates, or the cost of a business class air fare, whichever is the lesser, for the shortest practicable route. Where a business class air fare is not available, the cost of an economy class air fare applies.<sup>172</sup>

Where there is no convenient scheduled air service to connect with a scheduled flight to Canberra, a Senator or Member is entitled to be paid private vehicle allowance at current Australian Public Service rates for the shortest practicable route between their home base and the nearest airport practicable to connect with a Canberra flight.<sup>173</sup>

The following rates of private vehicle allowance are effective from 1 May 2012:

ENGINE CAPACITY OF VEHICLE	RATE – CENTS PER KILOMETRE
Above 2600 cc	76 cents
1601 to 2600 cc	74 cents
1600 cc and under	62 cents

Private vehicle allowance is not payable when a private-plated vehicle is used.<sup>174</sup>

#### Travel by more than one person

When two or more people entitled to private vehicle allowance use one privately owned vehicle, private vehicle allowance is payable to one person only.<sup>175</sup>

The private vehicle allowance paid is shown as a cost against the travel entitlement of the claimant on Senators and Members' monthly management reports.

### 4.5.2 Parking at Airports

A Senator or Member who uses his or her privately owned vehicle to travel from their home part of the way to Canberra on parliamentary business is entitled to park the vehicle at the connecting airport at government expense, where due economy is served by doing so.<sup>176</sup>

A Senator or Member who uses his or her privately owned vehicle to travel to an airport, instead of exercising his or her entitlement to use car transport for that journey, is entitled to

171 Clause 5.1(a) and (b) of Remuneration Tribunal Determination 2012/04.

172 Clause 5.1 of Remuneration Tribunal Determination 2012/04.

173 Clause 5.2 of Remuneration Tribunal Determination 2012/04.

174 Clause 6.8(b) of Remuneration Tribunal Determination 2012/04.

175 Clause 5.4 of Remuneration Tribunal Determination 2012/04.

176 Clause 5.3 of Remuneration Tribunal Determination 2012/04.

park the privately owned vehicle at the connecting airport at Commonwealth expense, where due economy is served by doing so.<sup>177</sup>

For access to parking at Parliament House, Senators should contact the Office of the Usher of the Black Rod and Members should contact the Office of the Serjeant-at-Arms.

#### 4.5.3 Making a Claim

Copies of the *Private Vehicle Allowance* claim form (Form 22) are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. After completion of travel, claims should be forwarded to Ministerial and Parliamentary Services for processing and payment. Payments for private vehicle allowance that exceed 5,000 km in a financial year will be subject to Pay As You Go (PAYG) tax.<sup>178</sup>

Where a Senator or Member parks his or her privately owned vehicle at an airport under one of the entitlements described above, his or her hourly or daily commercial parking costs will be reimbursed on presentation of receipts or vouchers. A copy of the *Claim for Reimbursement of Minor Travel Expenses* form (Form 51) is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Claims should be forwarded to Ministerial and Parliamentary Services for processing and payment.

---

177 Clause 5.6 of Remuneration Tribunal Determination 2012/04.

178 Variation 1 made under section 15-15 of Schedule 1 to the *Taxation Administration Act 1953*.

## 4.6 Charter Entitlements

### 4.6.1 Electorate Charter - the Entitlement

Senators (except Senators from the Australian Capital Territory) are entitled to use charter transport at Australian Government expense within and for the service of their State or Territory. Members representing electorates of 10,000 km<sup>2</sup> or more are entitled to use charter transport within and for the service of their electorate.<sup>179</sup>

The following maximum annual limits for the electorate charter entitlement apply, effective on and from 1 July 2012:<sup>180</sup>

CHAMBER	STATE OR TERRITORY / ELECTORATE	MAXIMUM ANNUAL REIMBURSEMENT
<b>Senators</b>	Northern Territory*	\$65,760
	Queensland, or Western Australia	\$26,490
	New South Wales, Victoria, South Australia or Tasmania	\$14,860
<b>Members</b>	300,000 km <sup>2</sup> or more	\$87,580
	100,000 km <sup>2</sup> to 299,999 km <sup>2</sup>	\$38,190
	25,000 km <sup>2</sup> to 99,999 km <sup>2</sup>	\$21,160
	10,000 km <sup>2</sup> to 24,999 km <sup>2</sup>	\$10,420

Electorate charter entitlement can be used to meet the cost of charter aircraft, self-drive hire cars, taxis or chauffeur-driven hire cars, boats or other means of transport that might be necessary to travel within the electorate. The entitlement includes the hire of an accredited driver, independent of car hire arrangements, to provide relief driving services for a Senator or Member. Family members and personal or electorate employees employed under the *Members of Parliament (Staff) Act 1984* may not provide accredited driver services. Senators and Members are entitled to engage or dismiss the charter transport at a place outside their electorate, provided the charter is used for the service of the electorate and within the electorate.<sup>181</sup>

179 Clauses 7.2 and 7.3 of Remuneration Tribunal Determination 2012/04.

180 Clauses 1.2 and 7.2 of Remuneration Tribunal Determination 2012/04 as amended by clause 2.4 of Remuneration Tribunal Determination 2012/15.

181 Clauses 7.1 and 7.3 of Remuneration Tribunal Determination 2012/04.

The electorate charter entitlement does not extend to using taxis or hire cars (including self-drive hire cars) in the metropolitan areas of capital cities.<sup>182</sup> The electorate charter entitlement may not be transferred to another person. The Senator or Member must travel in the vehicle for which the electorate charter entitlement is claimed.

Where a Senator or Member charters an aircraft within and for the service of the electorate, but the charter is used for only one leg of the journey, a charge may be incurred for repositioning the aircraft either back to its origin or to the destination for pick up. If such a cost is incurred, it will be deducted from the Senator or Member’s electorate charter entitlement.

If a Senator or Member charters an aircraft or vehicle for the purpose of providing service to the electorate he or she may be accompanied at no cost, by:

- his or her spouse;
- his or her staff; and/or
- other Senators or Members.<sup>183</sup>

In addition, provided a more expensive charter aircraft/vehicle is not required, the Senator or Member may be accompanied by other persons. An amount covering costs of travel by the other accompanying passenger(s) will be recovered from the passengers, or their employing organisation.<sup>184</sup>

The amount to be recovered from an accompanying passenger is the scheduled commercial economy class fare equivalent, or the notional ‘pro rata’ cost of the passenger’s travel, if that is less than the scheduled service fare or there is no scheduled commercial service. In calculating the pro rata cost for those passengers the full invoice cost (in so far as it relates to their travel) will be applied.

Passengers are to be informed of, and agree to, any cost implications at the time they are invited to accompany the Senator or Member on charter transport. The Senator or Member will be responsible for the cost of accompanying passengers where the Senator or Member fails to obtain consent to the acceptance of costs by each accompanying passenger.

A Senator or Member may certify that one of the following conditions applies and cost recovery will not be pursued.<sup>185</sup>

CONDITION	DISCUSSION
<p>The accompanying passenger’s presence is relevant to the purpose of the travel undertaken under the electorate charter entitlement (which is within and for the service of the electorate).</p>	<p>This condition would be satisfied if the passenger’s travel can be seen to have a reasonable connection with the purposes of the Senator or Member’s travel. However, mere attendance at the same function would not, in itself, satisfy the condition.</p>

<sup>182</sup> Clause 7.1 of Remuneration Tribunal Determination 2012/04.

<sup>183</sup> Clause 7.5 of Remuneration Tribunal Determination 2012/04.

<sup>184</sup> Clauses 7.7 and 7.8 of Remuneration Tribunal Determination 2012/04.

<sup>185</sup> Clause 7.9 of Remuneration Tribunal Determination 2012/04.

CONDITION	DISCUSSION
For compassionate reasons.	The reasons would need to be related to a sufficiently serious situation of another person or persons, in order to be described as compassionate.
For public interest reasons.	It is the interests of the public as a whole, rather than the interests of a particular individual or individuals, which would need to be advanced to satisfy this condition.
To enable the Senator or Member to be accompanied by his or her dependent child or dependent children under 25 years of age.	This condition does not provide an exemption from cost-recovery for persons other than the dependent child or dependent children of the Senator or Member.

The decision as to whether one of the conditions applies is a matter for the judgement of the Senator or Member and must pass the test of public defensibility.

Senators and Members receive monthly management reports to help them monitor expenditure against this entitlement.

Funds administered through Ministerial and Parliamentary Services are paid to suppliers on the basis of invoices certified by the Senator or Member. Invoices are payable only to the limit of the electorate charter entitlement. Any expenditure on charter services beyond the quantum of the electorate charter entitlement is the personal responsibility of the Senator or Member concerned. If an overpayment occurs it will be recovered from the Senator or Member as a debt due to the Commonwealth.

#### 4.6.2 Electorate Charter - Certification

A Senator or Member must complete an *Electorate Charter Certification* form (Form 37) on each occasion when he or she accesses their electorate charter entitlement.<sup>186</sup> Copies of Form 37 and Procedural Rule No. 4 of 2005 are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

When submitting Form 37, a Senator or Member must provide relevant invoices and certify the following:

- that the charter was provided;
- that the charter was used for the service of the electorate and within the electorate;
- the legs actually travelled by the Senator or Member;
- the names of all accompanying passengers; and
- where cost recovery is required, the addresses of the accompanying passengers concerned and the legs travelled so that Ministerial and Parliamentary Services may undertake recovery action.

<sup>186</sup> Clause 3 of Procedural Rule No 4 of 2005 of 24 May 2005.



### 4.6.3 Carry Forward of Electorate Charter Entitlement

A Senator or Member may carry forward, from one financial year to the next, up to 20 per cent of the unused electorate charter entitlement of the previous year.<sup>187</sup> For the convenience of Senators and Members, any unused amount (up to the 20 per cent limit) is automatically carried over to the following financial year.

### 4.6.4 Charter in Lieu of Scheduled Commercial Services

Charter transport used in lieu of scheduled commercial services is not charged against the Senator or Member's electorate charter entitlement. However, where charter transport is used in lieu of scheduled commercial services, the Senator or Member must pay for any additional cost as between the charter transport and the estimated reimbursement cost of private vehicle allowance at the highest Australian Public Service rate then current for the most reasonable and usual route between the departure and destination points.<sup>188</sup>

### 4.6.5 Special Charter

The Special Minister of State may approve the use of charter transport within Australia in special cases, e.g., where there are no scheduled commercial services or where the use of scheduled commercial services would result in undue delays.<sup>189</sup> A Senator or Member wishing to use charter transport in such circumstances should obtain the approval of the Special Minister of State, before travel is undertaken.

This entitlement does not extend to the use of charter transport for purposes which are covered by the entitlement provided to a Senator or Member for charter within and for the service of their electorate.<sup>190</sup>

For each occasion that a Senator or Member is accompanied by a passenger on a special charter service, the Senator or Member is required to submit route and passenger details to Ministerial and Parliamentary Services, using the *Special Charter Certification* form (Form 122). Where a passenger has an existing travel entitlement, the relevant entitlement will be debited. If a passenger does not have an existing entitlement, an invoice for cost recovery will be issued. The amount to be recovered from an accompanying passenger is the lesser of motor vehicle allowance which would have been payable for the most practical and reasonable route for the journey, or the notional 'pro rata' cost of the passenger's travel. In calculating the pro rata cost for those passengers the full invoice cost (in so far as it relates to their travel) will be applied. Form 122 is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Passengers are to be informed of, and agree to, any cost implications at the time they are invited to accompany the Senator or Member on charter transport. The Senator or Member will be responsible for the cost of accompanying passengers where the Senator or Member fails to obtain consent to the acceptance of costs by each accompanying passenger.

187 Clause 7.4 of Remuneration Tribunal Determination 2012/04.

188 Clause 3.3 of Remuneration Tribunal Determination 2012/04.

189 Clause 3.4 of Remuneration Tribunal Determination 2012/04.

190 Clause 3.4 of Remuneration Tribunal Determination 2012/04.

#### 4.6.6 Booking Charter Transport

The travel service provider can make bookings for charter transport, including car hire. Alternatively, arrangements can be made directly with a charter transport provider. If making arrangements directly, the account should be sent by the charter transport provider to the Senator or Member's electorate office and attached to the relevant charter certification form (Form 37 or Form 122). These forms are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

When cars are booked directly with a charter transport provider, the normal advertised daily hire rates apply. Vehicles are provided on a daily hire basis including fixed kilometres or unlimited kilometres, with or without fuel. Where a fuel card is provided as part of the hire, a per kilometre rate will be charged whether the car is returned full of petrol or not.

Senators and Members may be required to pay the account with the charter transport company and seek reimbursement from Ministerial and Parliamentary Services. Ministerial and Parliamentary Services will pay the account on provision of the invoice and entitlement form (e.g., Form 37 or Form 122).

#### Long-term Hire of Vehicles

Vehicles may be hired under the electorate charter entitlement on a long-term basis from private firms, provided the arrangement is for hire only, with no residual equity in the vehicle accruing to the hirer.

#### Fuel Costs

The cost of fuel used in hire cars can be charged against the relevant charter entitlement. Receipts for fuel purchases should be forwarded to Ministerial and Parliamentary Services for reimbursement.

#### 4.6.7 COMCAR

Senators and Members may use COMCAR for journeys against their electorate charter entitlement. All costs relating to the hire will be charged against the Senator or Member's electorate charter entitlement.

#### 4.6.8 Insurance Cover when Travelling in Chartered Transport

When accessing any entitlement to charter transport, a Senator or Member is responsible for ensuring the arrangement with the charter operator includes adequate coverage for any liability which might arise as a result of property damage, or accident or injury to the Senator or Member or to a third party.

## 4.7 Special Purpose Aircraft

### 4.7.1 The Entitlement

Senators and Members are entitled to the use of special purpose aircraft, as approved by the Minister for Defence, for travel in Australia for purposes related to Parliamentary or electorate business.<sup>191</sup>

The Minister for Defence has issued the *Guidelines for the use of Special Purpose Aircraft* (the Guidelines). A copy of the Guidelines is at **Appendix A**.

Under the Guidelines, the Minister for Defence will only approve travel where he or she is satisfied that travel by special purpose aircraft is warranted by special circumstances such as there is a need for the Senator or Member to travel and no suitable alternative means of transport is available.<sup>192</sup>

Senators and Members may also be approved to travel on special purpose aircraft where an aircraft has already been approved for a particular journey for a Minister or Opposition Office-Holder.<sup>193</sup>

Requests for special purpose aircraft should be made to the VIP Operations Cell on the specified form at **Appendix A**.

Following travel on special purpose aircraft, the Department of Defence sends the list of all passengers to Ministerial and Parliamentary Services.<sup>194</sup> Ministerial and Parliamentary Services identifies travel that would otherwise be met from a capped entitlement and debits the appropriate budget accordingly. The Department of Defence recovers costs for travel beyond the limits of capped budgets or for travel that is otherwise outside entitlement.

The Department of Defence tables the *Schedule of Special Purpose Flights* in Parliament each June and December.<sup>195</sup>

#### Contacts

The contact telephone number for the Office of the Minister for Defence is available to Senators, Members and their employees from the Ministerial and Parliamentary Services Help Desks or on the Senators and Members Portal on the Extended Parliamentary Network.

191 Section 4 of, and item 8(c) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

192 Clause 2(b)(j) of the *Guidelines for the use of Special Purpose Aircraft*.

193 Clause 8 of the *Guidelines for the use of Special Purpose Aircraft*.

194 Clause 25 of the *Guidelines for the use of Special Purpose Aircraft*.

195 Clause 25 of the *Guidelines for the use of Special Purpose Aircraft*.

## 4.8 Travelling Allowance

### 4.8.1 The Entitlement

Senators and Members are entitled to travelling allowance in accordance with Remuneration Tribunal Determination 2012/19.

Travelling allowance is paid by Ministerial and Parliamentary Services and the rates of travelling allowance are reviewed periodically by the Remuneration Tribunal.

Where a claim for travelling allowance is made under Remuneration Tribunal Determination 2012/19, Senators and Members are not entitled to receive reimbursement of travelling expenses for the same overnight stay from any other source of entitlement.<sup>196</sup>

### 4.8.2 Relevant Definitions and Provisions

For the purpose of travelling allowance, the following definitions apply:

**Home Base** means the Senator or Member's principal place of residence. The Senator or Member's home base must be nominated to the Special Minister of State.

**Parliamentary Committee** includes committees concerned with public affairs and committees concerned with the domestic affairs of Parliament.

**Vice-regal function** means a function hosted by the Governor-General (or Administrator on his/her behalf), or a function hosted by a State Governor (or Administrator on his/her behalf).<sup>197</sup>

A reference to a meeting of a parliamentary political party, of its executive, or one of its committees, and the national conference of a political party, refers only to meetings or conferences which are properly constituted, having been convened by an office-holder of the parliamentary political party or by a person designated by the party as a person who may nominate the venue for such meetings.<sup>198</sup>

### 4.8.3 When Travelling Allowance is Payable

Travelling allowance is payable to a Senator or Member for each overnight stay in a place other than his or her home base when the stay occurs primarily because of:

sittings of the House of Parliament or direct travel to or from such sittings; or meetings of, or the formal business of, Parliamentary Committees of which he or she is a member or direct travel to or from such meetings; or attendance at functions representing a Minister or a Presiding Officer on official business as a Minister or Presiding Officer, or direct travel to or from such functions, provided the Minister or Presiding Officer nominates the function in advance in a written request to the Senator or Member to represent him or her. (Evidence of approval must accompany the travelling allowance claim); or meetings in Canberra of his or her parliamentary political party, of its executive, or of its committees, or direct travel to or from such meetings; or meetings of his or her Parliamentary political party executive outside Canberra or direct travel to or from such meetings; or

<sup>196</sup> Clause 3.2 of Remuneration Tribunal Determination 2012/19

<sup>197</sup> Clauses 1.4.7, 1.4.10, 1.4.14 and 1.5.2 of Remuneration Tribunal Determination 2011/16.

<sup>198</sup> Clause 1.5.2 of Remuneration Tribunal Determination 2012/19

meetings, other than in Canberra, of a Parliamentary political party or of its executive, or of its committees, attendance at the national and state conferences of a political party, of which he or she is a member, and meetings outside the electorate on electorate business up to a maximum of 10 overnight stays per annum in total, and direct travel to or from such meetings or conferences; or  
attendance at official government, Parliamentary or vice-regal functions; or  
meetings of a non-statutory body which a Senator or Member has been nominated to attend by resolution of either House, where the Senator or Member performs duties principally as a representative or alternate representative of the Parliament; or  
attendance at properly constituted meetings of a Government advisory committee or taskforce provided that the Senator or Member is a member of the committee or taskforce.<sup>199</sup>

Depending on the purpose of travel, claims for travelling allowance require evidence prior to processing, such as confirmation of attendance at meetings or functions. Ministerial and Parliamentary Services will endeavour to obtain the required evidence from Hansard, information from committee secretaries, etc. To assist with expediting payment, Senators and Members who are claiming travelling allowance for committee business should mark their *Travel Declaration* form (Form 4) with the name of the committee relevant to the claim. There may be occasions where evidence is unable to be confirmed by Ministerial and Parliamentary Services. In these cases, the Senator or Member may be asked to provide further information.

An overnight stay is recorded as the day that the overnight stay commences.

Travelling allowance is not payable to a Senator or Member for an overnight stay within the electoral division of the House of Representatives which contains the home base of the Senator or Member; except that:

- a Senator, or a Member whose home base is in an electorate that is over 100,000 km<sup>2</sup>, may claim travelling allowance within their electorate for travel described in clauses 3.12(b), (c) and (i) of Remuneration Tribunal Determination 2012/19;
- a Senator, or a Member whose electorate is 10,000 km<sup>2</sup> or more in area, may be entitled to travelling allowance in accordance with clause 3.15 of Remuneration Tribunal Determination 2012/19 in certain circumstances (see section 4.8.4);
- a Senator or Member from the Australian Capital Territory, or a Member representing an electorate adjacent to the Australian Capital Territory and whose principal place of residence is within a 30 km radius of Parliament House will be paid a daily expense allowance (see section 4.8.10);
- certain Senators and Members who visit specified external territories on electorate business may claim travelling allowance (see section 4.8.6).<sup>200</sup>

#### 4.8.4 Travel Within Home State, Territory or Electorate

A Member whose electorate is 10,000km<sup>2</sup> or more in area, or a Senator, who:

- travels in his or her electorate on Parliamentary or electorate business; and
- stays overnight in a place other than his or her home base; and
- makes a claim identifying the places and nights of absence;

is entitled to travelling allowance for each overnight stay, subject to the limits set out in the table below.<sup>201</sup>

<sup>199</sup> Clause 3.12 of Remuneration Tribunal Determination 2012/19.

<sup>200</sup> Clauses 3.14, 3.15, 3.16, 3.17 and 3.18 and Tables 2A and 3A of Remuneration Tribunal Determination 2012/19.

STATE/TERRITORY/ELECTORATE	OVERNIGHT STAYS PER ANNUM
<b>Senators</b>	
Northern Territory	66
Senators, other than those representing the Northern Territory	30
<b>Members</b>	
Electorate of 1,000,000 km <sup>2</sup> and over	90
Electorate of 500,000 to 999,999 km <sup>2</sup>	50
Electorate of 100,000 to 499,999 km <sup>2</sup>	35
Electorate of 20,000 to 99,999 km <sup>2</sup>	25
Electorate of 10,000 to 19,999 km <sup>2</sup>	16

A Member representing an electorate of 300,000 km<sup>2</sup> or more is entitled to travelling allowance for up to 30 overnight transit stops at the nearest major transport centre, if they are not able to access their electorate through direct flights from within their electorate.<sup>202</sup>

#### 4.8.5 Small Electorates that include Distant Areas

A Member representing an electorate less than 10,000km<sup>2</sup> in area, whose electorate includes islands, other than external territories, or separate regional areas located outside the boundary of, and which are at least 100km from, the main body of his or her electorate, may access up to a maximum of six overnight stays per annum, for electorate business on those islands or in the separate regional areas.<sup>203</sup>

On the basis of the Australian Electoral Commission Federal electoral boundaries map, the only electorates that currently meet these conditions are:

- the electorate of Sydney, which includes Lord Howe Island; and
- the electorate of Fraser, which includes the Jervis Bay Territory.

In addition, the Member for Bowman may access up to a maximum of six overnight stays per annum for electorate business on North Stradbroke Island.<sup>204</sup>

201 Clause 3.15 and Tables 2A and 3A of Remuneration Tribunal Determination 2012/19.

202 Clause 3.15.1 and Tables 2A and 3A of Remuneration Tribunal Determination 2012/19.

203 Clause 3.15.2 and Table 2A of Remuneration Tribunal Determination 2012/19.

204 Clause 3.15.3 and Table 2A of Part 2 of Remuneration Tribunal Determination 2012/19.

#### 4.8.6 External Territories

For the purposes of Remuneration Tribunal Determinations 2012/04 and 2012/19, Australia's external territories are:

- Christmas Island;
- Cocos (Keeling) Islands; and
- Norfolk Island.<sup>205</sup>

The entitlement to travel to these territories at Australian Government expense is limited.

A Senator or Member travelling on committee business, who visits an external territory will be paid travelling allowance provided that, prior to embarking on the visit, he or she submits to the Special Minister of State a statement in writing setting out fully:

- that the purpose or purposes of the journey was for Parliamentary Committee business as formally authorised by the Parliamentary Committee; and
- the period of the visit and proposed itinerary.<sup>206</sup>

#### Certain Senators and Members who Represent External Territories

The Member for Lingiari and Senators for the Northern Territory who visit the Cocos (Keeling) Islands and/or Christmas Island for electorate business will be paid additional travelling allowance up to a maximum of 18 overnight stays per year.<sup>207</sup>

The Member for Canberra and Senators for the Australian Capital Territory who visit Norfolk Island for electorate business will be paid additional travelling allowance up to a maximum of 11 overnight stays per year.<sup>208</sup>

These limits may be extended where prevailing airline schedules prevent the Senator or Member from completing his or her journey within the maximum number of overnight stays.<sup>209</sup>

The Member for Lingiari or a Senator for the Northern Territory who is required to break his or her journey when travelling to or from the Cocos (Keeling) Islands or Christmas Island on electorate business may be paid Travelling Allowance for that overnight stay.<sup>210</sup>

#### 4.8.7 Travel between Western Australia or the Northern Territory and Canberra

A Senator or Member travelling between Western Australia or the Northern Territory and Canberra on Parliamentary business who is required to break a journey may be paid travelling allowance for any overnight stays required at the location of the break.<sup>211</sup>

205 See, for example, clause 3.5 of Remuneration Tribunal Determination 2012/04 and clauses 3.17 - 3.19 of Remuneration Tribunal Determination 2012/19.

206 Clause 3.20 of Remuneration Tribunal Determination 2012/19.

207 Clause 3.17(a) of Remuneration Tribunal Determination 2012/19.

208 Clause 3.17(b) of Remuneration Tribunal Determination 2012/19.

209 Clause 3.17 of Remuneration Tribunal Determination 2012/19.

210 Clause 3.17, and Table 2A of Part 2, of Remuneration Tribunal Determination 2012/19.

211 Clause 3.13, and Table 2A of Part 2, of Remuneration Tribunal Determination 2012/19.

#### 4.8.8 Rates of Travelling Allowance

Travelling allowance is paid on the basis of an overnight stay.<sup>212</sup> There is no entitlement for part-day travel.

A Senator or Member may claim travelling allowance for the preceding night at the location of their destination when the scheduled or actual arrival time at their destination is 6:00 am or earlier.<sup>213</sup>

A Senator or Member whose scheduled or actual arrival time at their destination is after 6.00 am will not be eligible for payment of travelling allowance for the preceding night.<sup>214</sup>

#### Locations other than Canberra

For overnight stays in locations other than Canberra, there are two applicable rates: a 'commercial' rate and a lower, 'non-commercial' rate.<sup>215</sup> Both rates are set out in the table at the end of this section. In order to be paid the commercial rate, a receipt for accommodation must be produced or a certification made that a receipt can be produced (and will be produced upon request).

If a receipt for the commercial accommodation, or other satisfactory validation of the expense, is not produced within 60 days of it being requested, two-thirds of any travelling allowance paid in respect of the un-receipted accommodation must be repaid.<sup>216</sup>

#### Canberra

A flat rate is payable for overnight stays in Canberra, whether a Senator or Member stays in commercial or non-commercial accommodation. The rate for Canberra is payable subject to documentary evidence of arrival in and departure from Canberra being produced upon request.<sup>217</sup> If such evidence is not produced within 60 days of it being requested, any travelling allowance paid in respect of the undocumented period must be repaid. Ministerial and Parliamentary Services will conduct a sample check of Senators and Members' Canberra travelling allowance claims on a regular basis. For audit purposes, documentary evidence of arrival and departure may be requested at any time within five years of the lodgement of a claim for travelling allowance. The Special Minister of State has issued *Guidelines on Canberra Travelling Allowance Arrangements for Senators and Members 2011*, which set out the forms of documentary evidence that will be accepted which are discussed below.<sup>218</sup>

A copy of the guidelines is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet and on the [Department of Finance and Deregulation internet site](#) at [www.finance.gov.au](http://www.finance.gov.au).

#### Canberra Travel by Scheduled Commercial Services

Senators and Members who travel to and from Canberra by commercial transport booked through the contracted travel service provider will not be requested to supply documentary evidence of their arrival and departure times in Canberra.<sup>219</sup>

212 Clause 2.1 of Remuneration Tribunal Determination 2012/19.

213 Section 6(3) of Procedural Rule No 1 of 2005 of 11 July 2005.

214 Section 6(4) of Procedural Rule No 1 of 2005 of 11 July 2005.

215 Clauses 2.1, 3.5 and Table 2A of Remuneration Tribunal Determination 2012/19.

216 Clauses 3.5 and 3.6 of Remuneration Tribunal Determination 2012/19.

217 Clause 3.4 of Remuneration Tribunal Determination 2012/19.

218 *Guidelines on Canberra Travelling Allowance Arrangements for Senators and Members 2011*.

219 *Guidelines on Canberra Travelling Allowance Arrangements for Senators and Members 2011*.



## Canberra Travel by other than Scheduled Commercial Services

### *Parliament House Log*

Senators and Members who travel to or from Canberra on other than a scheduled service (for example, by car) should validate their times of arrival in and departure from Canberra by signing a register (the *Canberra Location Validation Register*) held at the Senate, House of Representatives and Ministerial Wing entrances to Parliament House. The register is open 24 hours a day. A Senator or Member will not be requested to supply documentary evidence if their arrival in/or departure from Canberra is recorded in the *Canberra Location Validation Register*.<sup>220</sup>

### *Parliamentary Records of Attendance at Proceedings and Committee Meetings*

These records are sufficient documentary evidence of a Senator or Member's overnight presence in Canberra, provided there is a record of attendance on the day immediately before and after the overnight stay.<sup>221</sup>

### *Other Documentary Evidence*

Other documentary evidence of travel to and from Canberra that will validate a Senator or Member's claim include:

- a receipt for an overnight stay in commercial accommodation which clearly identifies the Senator or Member's name, location of the commercial accommodation and date of the overnight stay;
- a copy of a receipt or credit card transaction, for goods or services purchased in Canberra on the day of arrival or departure (for example, petrol), which clearly identifies the Senator or Member's name, location of the vendor and the date of the transaction; if a name is not printed on the document, a Senator or Member's signature on the document will be taken as certification that the purchase was made by him or her); and
- a signed statement by an individual attesting to having met the Senator or Member in Canberra on the day of arrival or departure (an email that is sent from an address that clearly identifies the individual will also be sufficient).<sup>222</sup>

220 *Guidelines on Canberra Travelling Allowance Arrangements for Senators and Members 2011.*

221 *Guidelines on Canberra Travelling Allowance Arrangements for Senators and Members 2011.*

222 *Guidelines on Canberra Travelling Allowance Arrangements for Senators and Members 2011.*

Rates effective on and from 26 August 2012.<sup>223</sup>

### Capital Cities

Capital City	Capital city rate		Outside radius from	
	Commercial <sup>A</sup>	Non-commercial	GPO	Major Airport
<b>Canberra<sup>B</sup></b>	\$260 for locations within a 30 km radius of Parliament House <sup>224</sup>			
<b>Adelaide</b>	\$329	\$110	10 km	5 km
<b>Brisbane</b>	\$376	\$126	10 km	5 km
<b>Darwin</b>	\$407	\$136	5 km	5 km
<b>Hobart</b>	\$319	\$107	5 km	5 km
<b>Melbourne</b>	\$371	\$124	10 km	5 km
<b>Perth</b>	\$382	\$128	10 km	5 km
<b>Sydney</b>	\$372	\$124	10 km	5 km
<b>Country centres not specified<sup>C</sup></b>	\$251	\$84		

### Country Centres

State	Country centre	Commercial rate	Non-commercial rate
<b>New South Wales</b>	Armidale	\$276	\$92
	Bathurst	\$276	\$92
	Bourke	\$308	\$103
	Broken Hill	\$276	\$92
	Coffs Harbour	\$276	\$92
	Cooma	\$276	\$92

223 Clauses 1.2, 1.4, 2.1 and Table 2A of Remuneration Tribunal Determination 2012/19.

224 Clause 1.4.3 of Remuneration Tribunal Determination 2012/19

PART FOUR: TRAVEL

State	Country centre	Commercial rate	Non-commercial rate
<b>New South Wales</b>	Dubbo	\$276	\$92
	Gosford	\$276	\$92
	Goulburn	\$276	\$92
	Maitland	\$276	\$92
	Mudgee	\$276	\$92
	Muswellbrook	\$276	\$92
	Newcastle	\$286	\$96
	Orange	\$276	\$92
	Port Macquarie	\$276	\$92
	Tamworth	\$276	\$92
	Tumut	\$276	\$92
	Wagga Wagga	\$277	\$92
Wollongong	\$279	\$93	
<b>Northern Territory</b>	Alice Springs	\$293	\$98
	Jabiru	\$335	\$112
	Katherine	\$277	\$92
	Tennant Creek	\$276	\$92
	Yulara	\$387	\$129
<b>Queensland</b>	Bundaberg	\$276	\$92
	Cairns	\$283	\$95
	Chinchilla	\$276	\$92
	Dalby	\$276	\$92
	Emerald	\$284	\$85

State	Country centre	Commercial rate	Non-commercial rate
<b>Queensland</b>	Gladstone	\$330	\$110
	Gold Coast	\$292	\$98
	Hervey Bay	\$276	\$92
	Horn Island	\$312	\$104
	Innisfail	\$276	\$92
	Kingaroy	\$276	\$92
	Mackay	\$284	\$95
	Mount Isa	\$303	\$101
	Rockhampton	\$276	\$92
	Roma	\$276	\$92
	Thursday Island	\$323	\$108
	Toowoomba	\$276	\$92
	Townsville	\$276	\$92
	Weipa	\$281	\$94
<b>South Australia</b>	Bordertown	\$276	\$92
	Ceduna	\$276	\$92
	Kadina	\$276	\$92
	Mount Gambier	\$276	\$92
	Naracoorte	\$276	\$92
	Port Augusta	\$276	\$92
	Port Lincoln	\$276	\$92
	Port Pirie	\$283	\$95
	Renmark	\$276	\$92

PART FOUR: TRAVEL

State	Country centre	Commercial rate	Non-commercial rate
<b>South Australia</b>	Whyalla	\$288	\$96
	Wilpena Pound	\$310	\$104
<b>Tasmania</b>	Burnie	\$278	\$93
	Devonport	\$276	\$92
	Launceston	\$276	\$92
<b>Victoria</b>	Ararat	\$276	\$92
	Bairnsdale	\$276	\$92
	Ballarat	\$276	\$92
	Bendigo	\$276	\$92
	Bright	\$279	\$93
	Castlemaine	\$276	\$92
	Echuca	\$266	\$89
	Geelong	\$276	\$92
	Hamilton	\$276	\$92
	Horsham	\$276	\$92
	Mildura	\$276	\$92
	Portland	\$276	\$92
	Seymour	\$276	\$92
	Swan Hill	\$276	\$92
	Warrnambool	\$276	\$92
Wonthaggi	\$276	\$92	
<b>Western Australia</b>	Albany	\$276	\$92
	Broome	\$353	\$118

State	Country centre	Commercial rate	Non-commercial rate
<b>Western Australia</b>	Bunbury	\$298	\$100
	Carnarvon	\$294	\$98
	Dampier	\$318	\$106
	Derby	\$325	\$109
	Esperance	\$276	\$92
	Exmouth	\$398	\$133
	Geraldton	\$278	\$93
	Halls Creek	\$308	\$103
	Kalgoorlie	\$302	\$101
	Karratha	\$490	\$164
	Kununurra	\$345	\$115
	Newman	\$338	\$113
	Port Hedland	\$402	\$134
<b>External Territories</b>	Christmas Island	\$293	\$98
	Cocos (Keeling) Islands	\$276	\$92
	Norfolk Island	\$333	\$111

Notes:

- A. In order to be paid the commercial rate, a receipt for the accommodation must be produced or a certification made that a receipt can be produced. A rate of one-third of the commercial rate is payable where accommodation is provided in private, non-commercial accommodation, such as the home of a family member or friend.<sup>225</sup>
- B. This rate is payable subject to documentary evidence of arrival in or departure from Canberra (in accordance with Guidelines on Canberra Travelling Allowance)

<sup>225</sup> Clause 3.5 of Remuneration Tribunal Determination 2012/19.

Arrangements for Senators and Members 2011) being produced on request.<sup>226</sup> If evidence is not provided within 60 days of it being requested, any travelling allowance paid in respect of the undocumented period must be repaid.<sup>227</sup>

C. This means locations:

- outside a ten km radius from the GPO in Sydney, Melbourne, Brisbane, Perth or Adelaide or five km from the major airport servicing the city;
- outside a five km radius from the GPO in Darwin and Hobart or five km from the major airport servicing the city; and
- for which a country centre rate has not been specified.<sup>228</sup>

#### 4.8.9 Claiming Travelling Allowance

When claiming travelling allowance, a Senator or Member is required to complete a *Travel Declaration* form (Form 4, available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet).

##### Completing a Travel Declaration form

The Travel Declaration form has been divided into two sections. The left-hand side provides travel details and the right-hand side provides information regarding the travelling allowance claim. For convenience, most columns on the form have a menu box from which one of the options must be selected.

The Travel Declaration form reflects the requirements of the relevant Remuneration Tribunal determinations. Accountable administration of the determinations requires that any claim can be fully supported. This includes verification of travel that has resulted in an overnight stay.

Declarations of travel and claims for travelling allowance must be completed in full and be personally signed (no stamped signatures) by the Senator or Member as a true and accurate record.

Claims can only be submitted after travel is completed.

A Senator or Member may see advantage in submitting travelling allowance claims as soon as practicable after each trip to minimise the possibility that essential supporting documents may be mislaid, or that the claim will not be paid because it was not submitted within 60 days of travel being completed.

If travelling allowance at commercial rates is claimed, a Senator or Member is required to produce receipts for commercial accommodation, or certify on the form that receipts can be produced (and will be produced upon request).<sup>229</sup> For audit purposes, receipts may be requested at any time within five years of the lodgement of the relevant Travel Declaration form. Therefore, it is advisable for a Senator or Member to retain accounting records, receipts and related documentation for five years. A receipt produced, or retained, for the purposes of supporting travelling allowance payments should be a tax invoice with Australian Business Number (ABN) and inclusive of Goods and Services Tax (GST). For example, confirmation statements from booking agents are not acceptable.

It is preferred that the Travel Declaration form is faxed to Ministerial and Parliamentary Services. The facsimile transmission confirmation sheet should be checked to ensure that transmission was successful, and retained with the Senator or Member's records until

<sup>226</sup> Clause 3.4 of Remuneration Tribunal Determination 2012/19.

<sup>227</sup> Clause 3.4 of Remuneration Tribunal Determination 2012/19

<sup>228</sup> Clause 1.4 of Remuneration Tribunal Determination 2012/19.

<sup>229</sup> Clause 3.6 of Remuneration Tribunal Determination 2012/19.

payment has been made. It is not necessary to include a cover sheet for the Travel Declaration form when it is faxed. This should ensure that details from the first page of the form appear on the facsimile transmission confirmation sheet, and will provide proof of lodgement, should the faxed copy of the form be misplaced.

Senators and Members may also consider attaching original receipts for commercial accommodation (other than in Canberra) to a Travel Declaration form and submitting the documents by post or hand-delivery, to reduce the requirement to retain documentation for lengthy periods and minimise the need for additional documentation to be sought after the event. Before submitting documents to Ministerial and Parliamentary Services, it is recommended that the entire document be photocopied, and the copy retained as a record.

It is recommended that a handwritten record of the following details be made on the photocopied document:

- the date the document was lodged;
- the method of lodgement (that is, by post or hand delivery); and
- the name of the person who lodged the document.

Each month Ministerial and Parliamentary Services undertakes a random check of travelling allowance payments where receipts were not attached to the relevant Travel Declaration form. Senators and Members who have received those payments will be asked to provide the relevant receipts. If a receipt for the commercial accommodation (or other satisfactory validation of the expense) is not produced within 60 days of it being requested, any travelling allowance paid in respect of the un-receipted accommodation must be repaid.

A set of maps is available which show the approximate boundaries of the areas in which 'capital city' rates may be claimed. These are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. If there is doubt as to the appropriate zone applying to the location of an overnight stay, contact Ministerial and Parliamentary Services for assistance.

A claim for travelling allowance must be submitted within 60 days from the date the travel is completed. If a Senator or Member is unable to submit a claim within 60 days from the date that the travel is completed, he or she may write to the Special Minister of State, within 60 days from the date the travel is completed, explaining the circumstances and the Special Minister of State, or his or her nominee, may exercise his or her discretion to approve an extension of time in which to submit a claim. If a Senator or Member is unable to submit a claim before the 60 day period has elapsed, and where the Special Minister of State, or his or her nominee, has not approved an extension of time to claim, payment of the claim will not be made.<sup>230</sup>

Payment is made direct to a nominated bank, building society or credit union account.

#### 4.8.10 Daily Expense Allowance: Australian Capital Territory and Adjoining Electorates

A Senator or Member from the Australian Capital Territory, or a member representing an electorate adjacent to the Australian Capital Territory and whose principal place of residence is within a 30 kilometre radius of Parliament House is eligible to be paid a daily expense allowance of \$81 for each day that he or she attends in Canberra:

- sittings of his or her House of Parliament; or

<sup>230</sup> Clause 3.1 of Remuneration Tribunal Determination 2012/19.



- meetings of his or her parliamentary political party, of its executive or of one of its committees; or
- meetings of a Parliamentary Committee of which he or she is a member; or
- in respect of official business as a Minister or as an office-holder.

If a Senator or Member is unable to submit a claim for daily expense allowance within 60 days from the date that the attendance in Canberra occurred, he or she may write to the Special Minister of State, within 60 days of the attendance, explaining the circumstances and requesting that the Special Minister of State, or his or her nominee, exercise his or her discretion to approve an extension of the period. Where a claim is submitted after the 60 day period has elapsed, and where the Special Minister of State or his or her nominee has not approved an extension of time to claim, payment of the claim will not be made.<sup>231</sup>

Daily expense allowance can be claimed using the *Travel Declaration* form (Form 4) available on the Ministerial and Parliamentary Services intranet. The daily expense allowance is subject to PAYG taxation, which is withheld by Ministerial and Parliamentary Services and appears on the Senator or Member's payment summary provided by the relevant Chamber Department.

---

231 Clause 3.16 of Remuneration Tribunal Determination 2012/19.

## 4.9 Family Reunion Travel within Australia

In limited circumstances, a Senator or Member is entitled to ‘family reunion travel’ to enable his or her spouse or nominee, dependent child(ren) and designated person(s) to accompany or join the Senator or Member on travel within Australia, at Commonwealth expense, on parliamentary, electorate or official business.<sup>232</sup> For this purpose, ‘accompany’ means to travel with a Senator or Member to the final destination of a trip he or she is undertaking. ‘Join’ means to travel to meet a Senator or Member for a period of at least three hours.<sup>233</sup>

The family reunion travel entitlement is provided to allow Senators and Members to balance their work and family responsibilities and to reconcile the need for them to be away from home for long periods with their family obligations. The entitlement is not intended to provide a general travel entitlement for a Senator or Member’s spouse or nominee, dependent children or designated persons.

The entitlement has two components:

- an entitlement to Canberra and intra-state family travel within a budget (see section 4.9.3); and
- an entitlement to a total of 3 business class return interstate trips each year, by a combination of family members nominated by the Senator or Member (see section 4.9.3). Interstate trips may be converted to intra-state trips, or trips to Canberra, on a trip-for-trip basis.<sup>234</sup>

### 4.9.1 Mode of travel

Family reunion travel entitlement is limited to travel for non-commercial purposes by:

- scheduled commercial services by any mode of transport, by the most direct route to the intended destination for the mode of transport used without voluntary stopovers; and
- special purpose (Defence) aircraft the use of which has been approved by the Minister for Defence before the particular travel.<sup>235</sup>

#### Scheduled Commercial Services

‘Scheduled commercial services’ means scheduled commercial or commuter air services, rail services, motor coaches and other vehicles operating as regular carriers.<sup>236</sup>

Canberra and intrastate family reunion travel by scheduled commercial services may be taken at the class of travel selected by the Senator or Member, provided that the cost of that travel is within the limits of the entitlement. Interstate family reunion travel may be taken at any class up to and including business class.<sup>237</sup>

#### Special Purpose Aircraft

The spouse, nominee, designated person or dependent child(ren) of a Senator or Member may be approved by the Minister of Defence to travel on special purpose aircraft, providing their inclusion does not result in a need to upgrade the aircraft. The dependent child(ren) of a Senator or Member may be approved to travel on special purpose aircraft when, in the

232 Clause 3.8 of Remuneration Tribunal Determination 2012/04.

233 Clause 1.4 of Remuneration Tribunal Determination 2012/04.

234 Clauses 3.11-3.15 of Remuneration Tribunal Determination 2012/04.

235 Clause 3.9 of Remuneration Tribunal Determination 2012/04.

236 Clause 3.3 of Remuneration Tribunal Determination 2012/04.

237 Clauses 3.11-3.15 of Remuneration Tribunal Determination 2012/04.

judgement of the Minister for Defence, travel is necessary to fulfil parental care requirements.<sup>238</sup>

### Attribution of Costs

Travel on special purpose aircraft by a spouse, nominee, designated person and/or dependent child(ren) will count against the family reunion travel entitlement. The cost is shown in the Senator or Member's monthly management report as the equivalent of a business class commercial airfare for the journey.

Further information about travel on special purpose aircraft is available at **Appendix A**.

## 4.9.2 Entitled Persons

### Spouse

The 'spouse' of a Senator or Member includes a de facto partner of the Senator or Member within the meaning of the *Acts Interpretation Act 1901*.<sup>239</sup>

### Nominee

A 'nominee' is the person that a Senator or Member nominates to receive travel entitlements. A nominee receives travel entitlements in place of the Senator or Member's spouse (if he or she has one). A nomination is subject to the approval of the Special Minister of State. A Senator or Member may only have one nominee at any time.<sup>240</sup> It is envisaged that a settled arrangement should apply. It is expected therefore that a person nominated for travel privileges will remain the nominee for at least six months.

### Dependent Children

A 'dependent child' is:

- a person under the age of 16 who:
  - is in the custody, care and control of the Senator or Member, or is a person to whom the Senator or Member has access; or
  - where no other person has the custody, care and control of the person - is wholly or substantially in the care and control of the Senator or Member; or
- a person who is aged at least 16 but is under 25 and is wholly or substantially dependent on the Senator or Member; and
- is not a person who is otherwise receiving the entitlements of a nominee.<sup>241</sup>

### Designated Persons

A 'designated person' is a person or persons (not being a dependent child, spouse or nominee or a member of the staff of the Senator or Member) nominated by the Senator or Member who:

- is substantially dependent on the Senator or Member; or
- has significant caring responsibilities for:
  - a person substantially dependent on the Senator or Member; or
  - the Senator or Member's spouse, nominee, or dependent child; or

238 Clause 8 of the *Guidelines for the Use of Special Purpose Aircraft*.

239 Clause 1.4 of Remuneration Tribunal Determination 2012/04 and section 3 of the *Parliamentary Entitlements Act 1990*. See also section 2D of the *Acts Interpretation Act 1901*

240 Clause 1.4 of Remuneration Tribunal Determination 2012/04.

241 Clause 1.4 of Remuneration Tribunal Determination 2012/04.

- is any other member of the Senator or Member's family.<sup>242</sup>

A Senator or Member is able to nominate more than one person as a designated person at any given time. However, if no spouse or dependent children exist, and no nominee has been nominated, then no entitlement is available to be used by a designated person.

### Nomination of Entitled Persons

On Commencement, a Senator or Member is asked to complete and return to Ministerial and Parliamentary Services a *Family Reunion Travel Nomination of Entitlees* form (Form 5) to provide details of all eligible family members and designated persons. Senators and Members are responsible for advising Ministerial and Parliamentary Services of any changes to their nominations. A copy of the form is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

#### 4.9.3 The Entitlement

##### Canberra/Intra-state Family Reunion Travel Budget

Each Senator and Member is provided with a budget for family members to accompany or join them on travel to Canberra and to locations within their home state or territory. The annual budget is calculated as the combined value of:

- nine business class return trips to Canberra from the spouse or nominee's principal place of residence; and
- three business class return trips to Canberra from the principal place of residence for each dependent child.

OR

For Senators and Members, whose principal place of residence is within 150km of Canberra by road, the combined value of:

- nine business class return trips between Canberra and Sydney for the spouse or nominee; and
- three business class return trips between Canberra and Sydney for each dependent child.<sup>243</sup>

Ministerial and Parliamentary Services calculates the value of the Canberra/intra-state family reunion travel budget for each Senator and Member on 1 July each year for expenditure during that financial year, and advises each Senator and Member of the value of their budget. Calculation of the Canberra/intra-state family reunion travel budget is dependent on the return of Form 5 to Ministerial and Parliamentary Services.

When calculating the Canberra/intra-state family reunion travel budget, where a business class fare is not available, the cost of travel is limited to the value of an economy class fare for the most reasonable and usual route between the departure and destination points.<sup>244</sup>

##### Canberra/Intra-state Travel Entitlement

A Senator or Member's spouse, nominee, dependent child(ren) or designated person(s) may travel at the class of travel selected by the Senator or Member between the following locations:

- to Canberra;

<sup>242</sup> Clause 1.4 of Remuneration Tribunal Determination 2012/04.

<sup>243</sup> Clause 3.11 of Remuneration Tribunal Determination 2012/04.

<sup>244</sup> Clause 3.12 of Remuneration Tribunal Determination 2012/04.

- from Canberra to the Senator or Member's electorate or their own principal place of residence;
- on intra-state trips within the Senator or Member's home state or territory (except when the family member would be travelling to join the Senator or Member at the principal place of residence after they have been to another destination for private purposes); or
- for a spouse or nominee only, from the spouse or nominee's principal place of residence to the Senator or Member's electorate.<sup>245</sup>

### Representational Travel

Where a Senator or Member has an entitlement to travel and is prevented by illness, parliamentary or family reasons from attending one of the functions set out below, then the Senator or Member may be represented by his or her spouse or nominee, at:

- a funeral;
- a function where the spouse or nominee accepts an award or honour on behalf of the Senator or Member;
- a function within the electorate to which the Senator or Member has been invited; or
- any other function approved by the Special Minister of State.

The cost of representational travel is deducted from the family reunion travel budget.<sup>246</sup>

A Senator or Member seeking to access the representational travel entitlement must write to Ministerial and Parliamentary Services providing details of the function at which they will be represented. If the approval of the Special Minister of State is sought, it is recommended that this be obtained prior to travel being undertaken.

### Interstate Travel Entitlement

A Senator and Member (including a Senator or Member for the Australian Capital Territory) is entitled to be accompanied or joined on a total of three business class return interstate trips each year. The Senator or Member may choose which combination of a spouse or nominee, dependent child or designated person may access this entitlement. If the Senator or Member would prefer, these trips may be converted to trips to Canberra or intra-state trips instead, the basis of the conversion being one trip for one trip.<sup>247</sup>

### Administration of Family Reunion Travel Entitlements

#### Pro Rata Entitlement

When a Senator or Member is appointed or elected during the course of a financial year, he or she is entitled to a pro rata amount of the annual family reunion travel entitlement.<sup>248</sup>

Ministerial and Parliamentary Services advises newly-elected Senators or Members of their pro rata entitlement.

#### Carry Forward of Entitlements

Family reunion travel entitlements cannot be carried forward from one financial year to the next. However, a trip commenced in one financial year and completed in the next will be regarded as having been part of the entitlement for the financial year in which the journey was commenced.<sup>249</sup>

245 Clause 3.13 of Remuneration Tribunal Determination 2012/04.

246 Clause 3.18 of Remuneration Tribunal Determination 2012/04.

247 Clauses 3.14, 3.15 and 3.17 of Remuneration Tribunal Determination 2012/04.

248 Clause 1.5 of Remuneration Tribunal Determination 2012/04.

249 Clauses 3.16 and 3.17 of Remuneration Tribunal Determination 2012/04.

Note that a spouse, nominee or dependent child who is also an employee of the Senator or Member may travel using **either** the family reunion travel entitlement **or** their entitlement to travel as an employee.<sup>250</sup> For example, if the spouse, nominee, or dependent child of a Senator or Member is an employee and they elect to travel under the family reunion travel entitlement to Canberra, then they may not claim travelling allowance for that same travel.

### Other Travel Entitlements available to Entitled Persons

A Senator or Member's spouse or nominee has an unlimited entitlement to attend official Government, parliamentary, or vice-regal functions to which the spouse or nominee has been invited (for example, the opening of the Parliament).<sup>251</sup>

In addition, from 1 July 2012 the spouse of a sitting Senator or Member who has satisfied the qualifying periods specified for the issue of a Life Gold Pass is entitled to a maximum of 10 domestic return trips to Canberra per year, so long as each trip is for the purpose of accompanying or joining the Senator or Member.<sup>252</sup>

This travel entitlement is in addition to the family reunion travel entitlement and is not transferable.

## 4.9.4 Stopovers

### 4.9.4.1 Family Members with an Entitlement to a Stopover of One Night

Where the spouse, nominee, dependent child or designated person, in relation to a Senator or Member from:

- Western Australia;
- the Northern Territory; or
- Queensland at least 1,100kms flight distance from Brisbane;

travels to or from Canberra, the journey may be broken by one stopover of one night in a capital city, provided the journey to or from Canberra is completed.<sup>253</sup>

If a spouse, nominee, dependent child(ren) or designated person with an entitlement to a one night stopover makes a stopover of more than one night, but is **accompanying** the Senator or Member:

- the interstate trip entitlement will be debited for the relevant journey:
  - between the origin of the journey and the stopover location if travelling to Canberra; or
  - between the stopover location and the destination of the journey if travelling from Canberra; and
- the Canberra/intrastate family reunion travel budget will be debited for the journey between the stopover location and Canberra.

If a spouse, nominee, dependent child(ren) or designated person with an entitlement to a one night stopover makes a stopover of more than one night, but is **not accompanying** the Senator or Member, the Senator or Member will be personally responsible for meeting the costs of the fare for the relevant journey:

- between the origin of the journey and the stopover location if travelling to Canberra; or

250 Clauses 3.8, 3.11, 3.13 and 3.14 of Remuneration Tribunal Determination 2012/04.

251 Clause 3.19 of Remuneration Tribunal Determination 2012/04.

252 Section 12 of the *Members of Parliament (Life Gold Pass) Act 2002*.

253 Clause 3.10 of Remuneration Tribunal Determination 2012/04.

- between the stopover and the destination of the journey if travelling from Canberra; and Ministerial and Parliamentary Services will recover from the Senator or Member the cost of any sector fares that are outside entitlement.<sup>254</sup>

#### 4.9.4.2 Family Members with no Entitlement to a Stopover

##### Travelling to join the Senator or Member

Where, en route to or from joining a Senator or Member, the spouse, nominee, dependent child(ren) or designated person of a Senator or Member, who does not have an entitlement to a stopover of one night, as outlined above in section 4.9.4.1, makes a stopover by breaking their journey at an intermediate destination, the Senator or Member will be personally responsible for meeting the costs of the fare for the relevant journey:

- between the origin of the journey and the stopover location; or
- between the stopover location and the destination of the journey; and
- Ministerial and Parliamentary Services will recover from the Senator or Member the cost of any sector fares that are outside entitlement.

##### Family Members Accompanying a Senator or Member

Any spouse, nominee, dependent child(ren) or designated person may undertake an interstate or intra-state journey **accompanying** the Senator or Member that incorporates a number of destinations in the itinerary.<sup>255</sup> For administrative purposes, the following conditions apply:

- a 'destination' in this context is considered to be a location specified on an itinerary where the journey is intentionally broken for a purpose and is a visit or a 'stay' (as opposed to a location that is only passed through in transit);
- the Canberra/intra-state family reunion travel budget is debited for each leg of an intrastate journey;
- the interstate trip entitlement is debited for each additional leg of an interstate journey that is caused by intentionally breaking that journey at a destination; and
- if the relevant entitlement has been exhausted for the particular financial year, Ministerial and Parliamentary Services will recover from the Senator or Member the cost of any sector fares in excess of the entitlement.

#### 4.9.5 General provisions

##### Bookings on Scheduled Commercial Services

Senators and Members must only use the travel service provider contracted by Ministerial and Parliamentary Services when arranging scheduled commercial services for domestic travel provided under entitlement for family members.<sup>256</sup> See also section 4.2.3.

##### Airline Loyalty Programs

Effective from 1 July 2010, travel on most airlines at Commonwealth expense will not provide the opportunity to accrue points as part of an airline loyalty program. However, the accrual of status points will continue.

Senators and Members should continue to ensure that points accrued prior to 1 July 2010 as a result of travel at Australian Government expense by their spouse or nominee, dependent

<sup>254</sup> Clauses 3.10, 3.11 and 3.14 of Remuneration Tribunal Determination 2012/04.

<sup>255</sup> Clause 3.8 of Remuneration Tribunal Determination 2012/04.

<sup>256</sup> Procedural Rule No 2 of 2005 of 24 May 2005.

child(ren) or designated person are used to offset the costs of travel which would otherwise be at public expense.

Where a spouse or nominee, dependent child(ren) or designated person travels within entitlement using airline loyalty points that have been accrued at Australian Government expense, the travel is counted against the relevant entitlement.<sup>257</sup>

### Airline Promotions

On occasions airlines may offer in-flight promotions with prizes such as free travel. If the expenditure of taxpayers' funds was seen to result in additional benefits to a Senator or Member's spouse or nominee, dependent child(ren) or designated person, this may attract negative public criticism. The family members of Senators and Members should therefore not participate in such airline or service provider promotions.

#### 4.9.6 Car Transport

Care should be exercised in interpreting and accessing this entitlement as it is complex. You may wish to contact your Entitlements Manager to discuss.

#### Car-with-Driver transport - Accompanying the Senator or Member

##### Spouse or Nominee

A Senator or Member who has an entitlement to travel using car-with-driver transport may be accompanied by his or her spouse or nominee.<sup>258</sup>

##### Other Persons

A Senator or Member may be accompanied by another person or persons as long as the passenger's travel is:

- relevant to the purpose of the travel;
- for compassionate reasons;
- for public interest reasons; and/or
- to enable a Senator or Member to be accompanied by a dependent child or dependent children.<sup>259</sup>

#### Car-with-Driver transport - Unaccompanied travel

##### Spouse or Nominee

A spouse or nominee who is travelling under the family reunion travel entitlement unaccompanied by a Senator or Member may use car-with-driver transport:

- in certain circumstances, between home, electorate office or place of business and the airport or railway station;<sup>260</sup>
- between the airport or railway station in Canberra and the Canberra destination;
- between the airport and the capital city being visited on an interstate or an intrastate visit;
- in certain circumstances, between the airport and the capital city where a one night stopover is made;<sup>261</sup> and
- between Parliament House and place of accommodation in Canberra or Queanbeyan.<sup>262</sup>

257 Clauses 12.1 and 12.2 of Remuneration Tribunal Determination 2012/04.

258 Clause 4.4 of Remuneration Tribunal Determination 2012/04.

259 Clause 4.5 of Remuneration Tribunal Determination 2012/04.

260 See clauses 4.1 and 4.10 of Remuneration Tribunal Determination 2012/04.

261 See also clause 3.10 of Remuneration Tribunal Determination 2012/04.

262 Clause 4.14 of Remuneration Tribunal Determination 2012/04.



When a spouse or nominee has travelled to Canberra under the additional travel entitlement for the purpose of attending an official government, parliamentary or vice regal function, he or she is entitled to car transport in Canberra at Government expense to attend that function and other functions with the approval of the Special Minister of State.<sup>263</sup>

Where the approval of the Special Minister of State is required to use car transport under this entitlement, his or her approval should be sought in advance.

### **Dependent Child(ren) and Designated Persons**

The dependent child(ren) and designated person(s) of a Senator or Member may use taxis or hire cars to and from any station or terminal when travelling under the family reunion travel entitlement provided that if the dependent child(ren) or designated person is under the age of 16, they must be accompanied by a person over the age of 18.<sup>264</sup>

There is no entitlement for the accompanying adult to be provided with car transport at Australian Government expense to return home from the station or terminal.

The dependent child(ren) and designated person(s) of a Senator or Member do not have an entitlement to unaccompanied travel in a COMCAR.

### **Private-Plated Vehicle**

It is the Senator or Member's responsibility to ensure that persons who drive the vehicle have an appropriate licence and do not use the vehicle for commercial purposes.

When a private-plated vehicle is used:

- under Remuneration Determination 2012/04 for travel to which a Senator or Member (or eligible family member, nominee or designated person) is otherwise entitled by the provisions of that Determination, the other entitlements do not apply; and
- no private vehicle allowance is payable.<sup>265</sup>

### **Private Vehicle Allowance**

A Senator or Member's spouse, nominee, dependent child or designated person, when travelling by private motor vehicle to or from Canberra in accordance with the family reunion travel entitlement is entitled to payment of private vehicle allowance at current Australian Public Service rates for the shortest practicable route, or the cost of the business class air fare, whichever is the lesser. Where a business class air fare is not available, the cost of an economy class air fare applies.<sup>266</sup>

When two or more people with travel entitlements travel in one privately-owned vehicle, private vehicle allowance is payable only to one person. Private vehicle allowance is not payable when a private-plated vehicle is used.<sup>267</sup>

The allowance is payable subject to the limits of the Canberra/intra-state family reunion travel budget, at the same rate that is paid to Senators and Members (see section 4.5). Note that the rates per kilometre vary according to the engine capacity of the vehicle.<sup>268</sup>

263 Clause 4.15 of Remuneration Tribunal Determination 2012/04. See also clause 3.19 of that Determination.

264 Clause 4.16 of Remuneration Tribunal Determination 2012/04. See also clauses 3.13 and 3.14 of that Determination.

265 Clause 6.8 of Remuneration Tribunal Determination 2012/04.

266 Clause 5.1(c) of Remuneration Tribunal Determination 2012/04. See also clauses 3.13 and 3.14 of that Determination.

267 Clauses 5.4 and 6.8(b) of Remuneration Tribunal Determination 2012/04.

268 Clause 5.1 of Remuneration Tribunal Determination 2012/04.

Copies of the *Private Vehicle Allowance* form (Form 22) are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Completed forms should be sent to Ministerial and Parliamentary Services for payment.

#### 4.9.7 Electorate Charter Entitlement

A Senator or Member who travels using his or her electorate charter entitlement may be accompanied by his or her spouse, a member (or members) of his or her staff and/or another Senator or Member (or Senators or Members) at Commonwealth expense.<sup>269</sup> In addition, a Senator or Member may be accompanied by another person or persons provided that a more expensive charter aircraft/vehicle would not be required.<sup>270</sup>

Where a Senator or Member is accompanied by another person or other persons (other than those specified above), cost recovery for the fare equivalent will be obtained from any other passengers (or their employing organisation).<sup>271</sup>

Where cost recovery is sought for a family member who has an entitlement to travel within the family reunion travel entitlement, the fare equivalent will be deducted from:

- the Canberra/intra-state family reunion travel budget; or
- the family reunion travel interstate trip entitlement;
- whichever is relevant.

However, cost recovery will not be sought if the Senator or Member certifies that the passenger's travel was:

- relevant to the purposes of the travel, or
- for compassionate reasons, or
- for public interest reasons, and/or
- to enable a Senator or Member to be accompanied by a dependent child or dependent children under 25.<sup>272</sup>

In summary, where a spouse or dependent child(ren) accompanies the Senator or Member on electorate charter transport, the value of their travel is not counted against the family reunion travel entitlement. Whether cost recovery will be sought for other family members is dependent on whether it can be demonstrated that one of the conditions set out above applies.

The spouse and dependent child(ren) of a Senator or Member have no entitlement to electorate charter transport unless they are accompanying the Senator or Member. The only exception is that, where a person accompanies a Senator or Member in accordance with the electorate charter transport entitlement, he or she may travel unaccompanied on charter positioning and repositioning legs where this does not incur any additional cost.<sup>273</sup>

269 Clause 7.5 of Remuneration Tribunal Determination 2012/04.

270 Clause 7.7 of Remuneration Tribunal Determination 2012/04.

271 Clause 7.8 of Remuneration Tribunal Determination 2012/04.

272 Clause 7.9 of Remuneration Tribunal Determination 2012/04.

273 Clauses 7.5 and 7.6 of Remuneration Tribunal Determination 2012/04.

#### 4.9.8 Summary of Spouse/Nominee Travel Provisions

The travel provisions for spouses and nominees are summarised for ease of reference in the following table. It is, however, recommended that Senators and Members read the relevant sections of this handbook, and the relevant Remuneration Tribunal determinations in full.

TYPE OF TRANSPORT	KEY FEATURES	PURPOSE
<p><b>Scheduled commercial services (for example, air travel)</b></p>	<p>Travel at the class selected by the Senator or Member;</p> <ul style="list-style-type: none"> <li>• travel must be to accompany or join the Senator or Member;</li> <li>• entitlement limited to the cost of the most direct route to the intended destination. For modes of transport other than scheduled commercial air services, the cost of travel is capped at the cost of a business class airfare (or economy airfare where a business class airfare is not published for the destination point) for the most reasonable and usual route between departure and destination points; and</li> <li>• entitlement to representational travel.</li> </ul>	<p>Entitled to travel within the limits of the Canberra / intra-state family travel budget:</p> <ul style="list-style-type: none"> <li>• to Canberra;</li> <li>• from Canberra to the Senator or Member’s electorate or principal place residence;</li> <li>• on intra-state trips within the Senator or Member’s home state or territory; or</li> <li>• from the spouse or nominee’s principal place of residence to the Senator or Member’s electorate;</li> </ul> <p>Also entitled to:</p> <ul style="list-style-type: none"> <li>• up to three interstate trips per annum—these three trips are provided to the Senator or Member, who may choose which combination of their spouse/nominee, dependent child(ren) or designated person may access them;</li> <li>• travel to attend official Government, Parliamentary, or vice-regal functions as an invitee.</li> </ul> <p>Unused entitlement cannot be carried forward.</p>

TYPE OF TRANSPORT	KEY FEATURES	PURPOSE
		<p>If the Senator or Member is prevented from attending one of the following occasions, the spouse or nominee may (using one of the above entitlements).</p>
<p><b>Scheduled commercial services (for example, air travel)</b></p>		<p>For travel to:</p> <ul style="list-style-type: none"> <li>• attend a funeral;</li> <li>• attend a function within the electorate; or</li> <li>• accept an honour/award.</li> </ul> <p>Additional travel for a spouse (or de facto partner):</p> <ul style="list-style-type: none"> <li>• a maximum of 10 domestic return trips to Canberra to accompany or join a sitting Senator or Member where the Senator/Member has satisfied the qualifying period for a Life Gold Pass.</li> </ul>

TYPE OF TRANSPORT	KEY FEATURES	PURPOSE
<b>COMCAR, hire car, taxi</b>	<p>In Canberra: bookings through:</p> <ul style="list-style-type: none"> <li>• COMCAR or transport offices at Parliament House; or</li> <li>• directly with taxi or hire car company.</li> </ul> <p>Elsewhere: bookings through:</p> <ul style="list-style-type: none"> <li>• COMCAR; or</li> <li>• directly with taxi or hire car company.</li> </ul>	<p>When travelling unaccompanied within entitlement on scheduled commercial transport:</p> <ul style="list-style-type: none"> <li>• between home, electorate office or place of business and the nearest airport or railway station;</li> <li>• between Canberra airport and Canberra destination;</li> <li>• between Parliament House and place of accommodation in Canberra;</li> <li>• in Canberra for attending official Government, Parliamentary or vice-regal functions;</li> <li>• in Canberra for attending other functions as approved by the Special Minister of State.</li> </ul>
<b>COMCAR, hire car, taxi</b>		<ul style="list-style-type: none"> <li>• between airport and capital city on an intra-state or interstate visit;</li> <li>• between airport and capital city where stopover is made.</li> </ul>
<b>Private-plated vehicle</b>	May be nominated by the Senator or Member to drive private-plated vehicle.	Non-commercial use only.

TYPE OF TRANSPORT	KEY FEATURES	PURPOSE
<b>Private vehicle allowance</b>	<ul style="list-style-type: none"> <li>• Payable at set rates per kilometre depending on engine capacity of vehicle; and</li> <li>• the value of allowance claimed is counted against the family reunion travel entitlement.</li> </ul>	When travelling within entitlement for travel to or from Canberra only.
<b>Travel as a MOP(S) employee</b>	<p>A spouse or nominee who is also a member of staff may travel using either the family reunion travel entitlement or the entitlement under the <i>Members of Parliament (Staff) Act 1984</i>.</p> <p>For example, if the spouse/nominee of a Senator or Member is a staff member and they elect to travel under their family reunion travel entitlement to Canberra, then they may not claim travelling allowance for that same travel.</p>	
<b>Charter transport</b>	May accompany the Senator or Member on electorate charter transport.	Subject to approval by Minister for Defence.
<b>Special purpose aircraft (as approved for use by the Minister for Defence)</b>	Travel on special purpose aircraft counts against the family reunion travel entitlement.	Subject to approval by Minister for Defence.

#### 4.9.9 Summary of Dependent Children Travel Provisions

The travel provisions for dependent children are summarised for ease of reference in the following table. It is, however, recommended that Senators and Members read the relevant sections of this handbook, and the relevant Remuneration Tribunal determinations in full.

TYPE OF TRANSPORT	KEY FEATURES	PURPOSE
<p><b>Scheduled commercial services</b></p>	<ul style="list-style-type: none"> <li>• Travel must be to accompany or join the Senator or Member;</li> <li>• travel is at class selected by the Senator or Member; and</li> <li>• the entitlement is limited to the cost of the most direct route to the intended destination for the mode of transport used.</li> </ul>	<p>Entitled to travel within the limits of the Canberra / intra-state family travel budget:</p> <ul style="list-style-type: none"> <li>• to Canberra;</li> <li>• from Canberra to the Senator or Member's electorate or principal place residence; and</li> <li>• on intra-state trips within the Senator or Member's home state or territory.</li> </ul> <p>Unused entitlement cannot be carried forward.</p> <p>A dependent child may also access up to three interstate trips per annum – these three trips are provided to the Senator or Member, who may choose which combination of their spouse/nominee, dependent child or designated person may access them.</p>
<p><b>COMCAR, hire car, taxi</b></p>	<ul style="list-style-type: none"> <li>• Travel must be to accompany or join the Senator or Member; and</li> <li>• if under 16, must be accompanied by a person over 18;</li> <li>• no entitlement to unaccompanied travel by COMCAR.</li> </ul>	<p>May be used to travel to and from a terminal or station for the purpose of travelling within entitlement on scheduled commercial transport.</p>

TYPE OF TRANSPORT	KEY FEATURES	PURPOSE
<b>Private vehicle allowance</b>	<ul style="list-style-type: none"> <li>• Payable at set rates per kilometre depending on engine capacity of vehicle; and</li> <li>• the value of allowance claimed is counted against the family reunion travel entitlement.</li> </ul>	<ul style="list-style-type: none"> <li>• May accompany parent travelling within entitlement between home and Canberra; and</li> <li>• may drive separately from parent and claim private vehicle allowance for travel between home and Canberra.</li> </ul>
<b>Travel as a MOP(S) employee</b>	<p>A dependent child who is also a member of staff may travel using either the family reunion travel entitlement OR the MOP(S) <i>Member of Parliament (Staff) Act 1984</i> staff entitlement. For example, if the dependent child of a Senator or Member is a staff member and they elect to travel under their family reunion travel entitlement to Canberra, then he or she may not claim travelling allowance for that same travel.</p>	
<b>Charter transport</b>	<p>May accompany the Senator or Member on electorate charter transport, provided a more expensive charter aircraft/vehicle is not required.</p>	<p>The value of the travel is not counted against the family reunion travel entitlement.</p>
<b>Special purpose aircraft (i.e. an aircraft approved for use by the Minister for Defence)</b>	<p>Travel on special purpose aircraft counts against family reunion travel entitlement.</p>	<p>Subject to the judgement of the Minister for Defence that travel is necessary to fulfil requirements of parental care.</p>



## 4.10 Overseas Study Travel

### 4.10.1 The Entitlement

From 15 March 2012 there will be no further accrual of entitlement to financial assistance for overseas travel as provided for by Remuneration Tribunal Determination 2006/18: Members of Parliament - Entitlements.<sup>274</sup> However, Senators and Members who accrued an entitlement prior to 15 March 2012 are entitled to financial assistance for travel outside the Commonwealth of Australia after completing three years of service in the Parliament to undertake studies and investigations of matters related to his or her duties and responsibilities as a member of the Parliament.<sup>275</sup>

Prior to 15 March 2012, the initial entitlement to overseas study travel accrued on completion of three years of service in the Parliament. Such service was deemed to have commenced from the date on which a Senator or Member was first entitled to receive salary and allowances. Periods of broken service may be counted towards qualification for the entitlement provided that the re-election occurred within six years of leaving the Parliament.<sup>276</sup> A further entitlement accrued to a Senator or Member once only in the life of each subsequent Parliament.<sup>277</sup>

While there will be no further accrual of entitlement to financial assistance for overseas travel, any Senator or Member who has accrued an entitlement under clause 9.1 of Remuneration Tribunal Determination 2006/18 retains access to the entitlement which had accrued as at 15 March 2012.<sup>278</sup>

This accrued entitlement is only payable in accordance with the provisions that existed in Remuneration Tribunal Determination 2006/18 immediately prior to 15 March 2012, which are outlined in this handbook.<sup>279</sup>

#### Carry Forward of the Entitlement

A Senator or Member's entitlement, or part thereof, which has not been used during the life of the 43rd Parliament, may be carried forward for use during the life of the 44th Parliament, but may not be carried forward thereafter.<sup>280</sup> The maximum amount that may be carried forward is one-half of the cost of a scheduled commercial round the world first class airfare (home base - London - home base via Eastern Hemisphere Route and Atlantic-Pacific Route).<sup>281</sup>

Each month, costs relating to the use of overseas study travel for Senators and Members are reported in their monthly management report. Senators and Members are encouraged to check the detail provided in the relevant monthly management report, to ensure that all expenditure incurred for overseas study travel has been in accordance with Remuneration Tribunal Determination 2006/18.

<sup>274</sup> Clause 10.1 of Remuneration Tribunal Determination 2012/04.

<sup>275</sup> Clause 9.1 of Remuneration Tribunal Determination 2006/18.

<sup>276</sup> Clause 9.1(a) of Remuneration Tribunal Determination 2006/18.

<sup>277</sup> Clause 9.1(b) of Remuneration Tribunal Determination 2006/18.

<sup>278</sup> Clause 10.2 of Remuneration Tribunal Determination 2012/04.

<sup>279</sup> Clause 10.2 of Remuneration Tribunal Determination 2012/04.

<sup>280</sup> Clause 9.1 (e) of Remuneration Tribunal Determination 2006/18 and Clause 10.4 of Remuneration Tribunal Determination 2012/04.

<sup>281</sup> Clauses 10.1 and 10.4 of Remuneration Tribunal Determination 2012/04 and Clause 9.1(e) of Remuneration Tribunal Determination 2006/18.

### Value of Entitlement

Each entitlement is equivalent to the value of a scheduled commercial round the world first class airfare (home base - London - home base via Eastern Hemisphere Route and Atlantic-Pacific Route), and may be used for more than one overseas study journey.

The value of the entitlement is calculated as the cost of the above airfare on 1 July of the year that the entitlement is first used.<sup>282</sup>

The entitlement of a Senator or Member or his or her spouse or nominee to travel within Australia may not be used to offset the cost of overseas study travel.<sup>283</sup> For example, if a Member who lives in Perth is undertaking a study tour to New Zealand with the international departure from Sydney, the cost of the airfare from Perth to Sydney is charged against the overseas study travel entitlement. If, however, the Member had Parliamentary business in Sydney prior to departure, the cost of the airfare from Perth to Sydney would be a charge against the domestic travel entitlement.

### Costs which may be met from the Entitlement

The overseas study travel entitlement may be used to meet the cost of:

- fares for the Senator or Member, including charter and hire transport charges, but not the cost of ship cruises;
- fares of a spouse accompanying or joining the Senator or Member on an overseas study journey;
- accommodation and subsistence costs actually incurred by the Senator or Member or spouse;
- departure tax, health and baggage insurance, inoculations, and passport and visa fees for the Senator or Member and for an accompanying spouse or nominee; and
- the following costs for the Senator or Member only:
  - conference and/or seminar fees;
  - mobile phone hire;
  - interpreter and translation services;
  - internet connection fees/internet cafes;
  - faxing of documents back to Australia; and
  - expenses for study items posted/couriered back to Australia.

Only the fares, accommodation and subsistence costs of a spouse who accompanies or joins a Senator or Member may be met from the entitlement. All other costs are the responsibility of the spouse or the Senator or Member.<sup>284</sup>

Senators and Members must lodge a claim for reimbursement of expenses within 90 days from the date the travel is completed. Where a claim is expected to be submitted outside of the 90-day period, Senators and Members must write to the Special Minister of State within the 90-day period seeking an extension of time.<sup>285</sup>

Ministerial and Parliamentary Services endeavours to process all reimbursement claims within 10 business days of receipt. Ministerial and Parliamentary Services will contact Senators and Members where reimbursement claims cannot be processed within this timeframe.

282 Clause 9.1(c) of Remuneration Tribunal Determination 2006/18.

283 Clause 9.8 of Remuneration Tribunal Determination 2006/18.

284 Clause 9.1(d) of Remuneration Tribunal Determination 2006/18.

285 Clause 9.6 of Remuneration Tribunal Determination 2006/18.

Where a claim for reimbursement of expenses is made, a Senator or Member is not entitled to claim or receive reimbursement from any other source for the same benefit.<sup>286</sup>

### Accommodation and Subsistence Costs

Senators and Members are entitled to accommodation and subsistence costs actually incurred by themselves or their spouse.<sup>287</sup> Accommodation may be booked through the travel service provider or alternatively costs may be reimbursed after travel has been completed.

Reimbursement will be made only against itemised accounts supported by receipts. Receipts should be retained wherever possible; however, where a receipt is not available and the expense is greater than AUD50, then a Statutory Declaration including an itemised list of un-receipted expenses is required as certification for that expense. A certification listing all individual items being claimed should be sent to Ministerial and Parliamentary Services together with all available receipts, within 90 days from the date the travel is completed, or as approved by the Special Minister of State within the 90-day period. The *Claim for Reimbursement of Overseas Study Travel Expenses* form (Form 75) is available for this purpose. The certification must be for individual items and not for an estimated daily rate of expenditure.

‘Subsistence’ has generally been taken to mean those items that are required for day to day living such as meals, laundry, bottled water, newspapers, local telephone calls, snacks, necessary medical and pharmaceutical items and monetary exchange transaction fees, but not including such things as camera film or processing costs, entertainment costs and alcoholic beverages. These examples are not exhaustive but are given as a guide to the types of expenses that can be claimed. The Entitlements Management Branch Help Desk can assist with these matters. Such costs may also be met for a spouse who is accompanying the Senator or Member, even when the fares of the spouse have not been met from the entitlement.<sup>288</sup>

#### 4.10.2 How to Access the Entitlement

In order to access the overseas study travel entitlement, prior to departure on the overseas journey, the Senator or Member must send a statement in writing to the Special Minister of State specifying:

- the purpose or purposes of the journey;
- the period of the visit and a detailed proposed itinerary; and
- whether or not the Senator or Member will be accompanied or joined by their spouse or nominee.<sup>289</sup>

In exceptional circumstances, and with the approval of the Special Minister of State, the statement may be submitted as soon as is practicable after commencing an overseas journey.<sup>290</sup>

Note that copies of the statements may be obtained from the Special Minister of State upon request by any Senator or Member. The statements may be tabled in the Parliament at the discretion of the Special Minister of State.<sup>291</sup>

286 Clause 9.6 of Remuneration Tribunal Determination 2006/18.

287 Clause 9.1(d)(iii) of Remuneration Tribunal Determination 2006/18.

288 Clause 9.1(d)(iii) of Remuneration Tribunal Determination 2006/18.

289 Clause 9.2 of Remuneration Tribunal Determination 2006/18.

290 Clause 9.3 of Remuneration Tribunal Determination 2006/18.

291 Clause 9.5 of Remuneration Tribunal Determination 2006/18.

A pro forma to assist in preparing this statement (*Pro Forma A – Pre-Visit Letter*) is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet).

### Approval to be Accompanied by a Nominee

A nominee may accompany or join a Senator or Member on an overseas study journey at the discretion of the Special Minister of State, and access the entitlements that would otherwise be available to a spouse of the Senator or Member.<sup>292</sup>

Senators and Members who intend to be accompanied on an overseas study travel journey by their nominee should make this clear in their pre-departure statement. Where a Senator or Member proposes to be accompanied on an overseas study journey by their nominee, written statements should be submitted to the office of the Special Minister of State at least 14 days prior to departure, allowing adequate time for requests for nominee travel to be considered.

Senators and Members should be aware that if overseas study travel by their nominee is undertaken without the approval of the Special Minister of State, the individual Senator or Member will be required to personally meet any expenses incurred by the nominee.

#### 4.10.3 Bookings

Overseas study travel bookings may be made through the travel service provider. Once bookings have been made by the Senator or Member, and a statement submitted to the Special Minister of State, Ministerial and Parliamentary Services will issue a warrant to the travel service provider to cover the cost of fares and any accommodation which has been booked.

Where a Senator or Member makes a booking through a travel service provider other than the contracted travel service provider, Ministerial and Parliamentary Services will reimburse travel expenses on completion of the travel as part of the reconciliation process.

However, Ministerial and Parliamentary Services strongly recommends that Senators and Members use the services arranged by the contracted travel service provider, which are tailored to meet their specific requirements and do not result in Senators and Members incurring out of pocket expenses.

#### 4.10.4 Combined Overseas Study and Delegation Travel

Overseas study travel may be used in conjunction with overseas travel as a member of a Parliamentary delegation. The requirements set by the Remuneration Tribunal for access to the overseas study travel entitlement (see sections 4.10.2 and 4.10.7 of this handbook) apply to the overseas study component of combined overseas study and delegation travel.

The cost of airfares, when combining overseas study and delegation travel, may be met from either the overseas study or delegation travel entitlements, depending on the order of destinations in the itinerary.

Where the overseas study travel entitlement is accessed immediately prior to or after the official delegation itinerary, the costs of airfares separate to the official delegation itinerary is met from the overseas study travel entitlement. For example:

- if undertaking study travel in Paris prior to joining a delegation in London, the cost of travel from Australia to Paris and Paris to London would be met from the overseas study travel entitlement. Fares from London (travel after joining the delegation) would be met

<sup>292</sup> Clause 9.13 of Remuneration Tribunal Determination 2006/18.

from the notional fare set by the International and Community Relations Office, in accordance with the delegation itinerary;

- if undertaking study travel in Paris after the conclusion of a delegation in London, the cost of travel from London to Paris and from Paris to Australia would be met from the overseas study travel entitlement. However, should the traveller return to London prior to departing for Australia, the cost of fares between Paris and London would be met from the overseas study travel entitlement, while the cost of fares from London to Australia would be met from the notional fare set by the International and Community Relations Office; or
- if during the official itinerary, the overseas study travel entitlement is accessed, the cost of airfares to and from destinations separate to the official itinerary is met from the overseas study travel entitlement.

Note that prior approval from the relevant Presiding Officer is required for any proposed absences during the official delegation. The International and Community Relations Office coordinates the approval process.

#### 4.10.5 Assistance from the Department of Foreign Affairs and Trade

The Department of Foreign Affairs and Trade is able to provide assistance with overseas travel, such as providing program suggestions and country specific travel advice. Overseas missions are not authorised to pay any accounts for overseas study travel.

The Ministerial, Cabinet and Parliamentary Services Section in the Department of Foreign Affairs and Trade can coordinate arrangements, including arranging appointments, itineraries and liaison with Australian missions overseas. Contact details for the Ministerial, Cabinet and Parliamentary Services Section are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Note that the extent to which overseas posts are able to assist varies from country to country, however, overseas posts will endeavour to assist to the best of their ability, within the scope of available resources.

The above information was prepared in conjunction with the Department of Foreign Affairs and Trade, which is responsible for providing assistance for planning official overseas visits.

#### 4.10.6 Overseas Study Travel Reports

Senators and Members are required, within 30 days of returning from the overseas journey, to report in writing to the Special Minister of State on the overseas study travel, including:

- confirmation of the purpose or purposes of the journey and the itinerary, including any changes to the purpose or purposes of the journey and the itinerary;
- key meetings and the main findings or outcomes; and
- conclusions drawn relating to the relevance of the tour to the Senator or Member's Parliamentary responsibilities.<sup>293</sup>

A Senator or Member who fails to submit an overseas study travel report within 30 days is not permitted to draw on the entitlement for overseas study purposes until such time as the report is provided to the Special Minister of State.<sup>294</sup>

For overseas study travel occurring from 1 July 2011, Senators and Members are asked to submit overseas study travel reports to the Special Minister of State using a standard

<sup>293</sup> Clause 9.2(b) of Remuneration Tribunal Determination 2006/18.

<sup>294</sup> Clause 9.4 of Remuneration Tribunal Determination 2006/18.

template. The template, along with supporting information and guidance notes on completing the template (Overseas Study Travel Report – Template and Guidelines) is available on the Ministerial and Parliamentary Services intranet.

Overseas study travel reports are tabled every six months at the same time as travel costs for Parliamentarians. From June 2009, overseas study travel reports have been published on the Department of Finance and Deregulation internet site at <http://www.finance.gov.au> following tabling in the Parliament. Reports should be written bearing in mind that they will be made available to the public.

This means that particular care should be taken in relation to any sensitive issues, such as:

- commercially sensitive information;
- potentially defamatory comments;
- matters related to personal privacy;
- issues relating to domestic or international security or defence; and/or
- matters that should otherwise not be made public.

The reports are consolidated in a single volume. If a Senator or Member has accessed the entitlement but not submitted an overseas study travel report at the time of preparation of the six monthly consolidated report, a page with the name of the Senator or Member and dates of travel will appear in the document with the annotation: ‘No report received at time of preparation of this document for tabling’. Reports subsequently received will be included in a future tabling.

Senators and Members are asked to limit their overseas study travel reports to five pages in length, which is the number of pages per report that will be published in the consolidated tabled report. As attachments to reports are often bulky and include a wide range of reference material such as copies of legislation, itineraries and reports prepared by other entities, they are not included in the tabled report but will be available on written request to the Special Minister of State.

The responsibility for accuracy, completeness and presentation of a report rests with the individual Senator or Member. The Department of Finance and Deregulation will not make editorial changes to reports submitted and will make arrangements for tabling five pages of a report in the form that it is received.

Any Senator or Member may, on request to the Special Minister of State, obtain a complete copy of a report on another Senator’s or Member’s overseas study travel.<sup>295</sup>

#### 4.10.7 Election Provisions

No overseas travel is to be commenced following the dissolution of Parliament, other than by a Senator who is not required to be re-elected at the consequent election. This is the case where a Senator’s term is not due to expire on 30 June following the election.<sup>296</sup>

A Senator who does not seek re-election but whose term does not expire for a period beyond the date of an election following the dissolution of Parliament may not commence overseas travel following that dissolution. This is the case where a Senator’s term is due to expire on 30 June following the election, but the Senator is not seeking re-election.<sup>297</sup>

<sup>295</sup> Clause 9.4 of Remuneration Tribunal Determination 2006/18.

<sup>296</sup> Clause 9.10 of Remuneration Tribunal Determination 2006/18.

<sup>297</sup> Clause 9.11 of Remuneration Tribunal Determination 2006/18.

A Senator or Member may commence overseas travel from the date of the declaration of a poll re-electing the Senator or Member to the Parliament.<sup>298</sup> However, the Special Minister of State has a discretion (to be exercised only in special circumstances) to allow overseas travel to be commenced by a Senator or Member from the date of the poll and prior to the declaration of the poll.<sup>299</sup>

---

298 Clause 9.12 of Remuneration Tribunal Determination 2006/18.

299 Clause 9.12 of Remuneration Tribunal Determination 2006/18.

## 4.11 Overseas Delegation Travel

### 4.11.1 The Entitlement

A Senator or Member who travels overseas as a member of an official Parliamentary delegation (other than an Inter-Parliamentary Union or Commonwealth Parliamentary Association delegation), within a program approved for each calendar year by the Prime Minister is entitled to certain costs related to that travel.<sup>300</sup> The Presiding Officers determine the membership of a delegation. Senators and Members participating in delegations represent the Australian Parliament. The International and Community Relations Office in Parliament House is responsible for coordinating administrative arrangements in connection with official outgoing Parliamentary delegations.

Delegations may be:

- bilateral delegations—fact finding delegations and regular exchange visits between countries. These constitute the majority of delegations and are funded by Ministerial and Parliamentary Services; or
- conferences of the Commonwealth Parliamentary Association (CPA) and Inter-Parliamentary Union (IPU).

Travel costs incurred by delegations to attend these conferences are not covered by the *Parliamentary Entitlements Act 1990*.<sup>301</sup> Funding arrangements are made by the Department of the House of Representatives and the Department of the Senate respectively. Senators and Members seeking information about the administration of CPA and IPU delegations should contact the International and Community Relations Office.

Each month, costs relating to the use of allowances and advances paid to each Senator and Member for overseas delegation travel are reported in his or her monthly management report. Senators and Members are encouraged to check the detail provided in each monthly management report as it is received to ensure that all expenditure related to delegation travel has been accessed within entitlement.

### 4.11.2 The Entitlement of a Delegate on a Bilateral Delegation

#### Airfares

A delegate is entitled to the cost of travel at the highest available class, including charter travel for the delegation, in accordance with the official itinerary.<sup>302</sup>

Ministerial and Parliamentary Services provides the contracted travel services provider with an authorisation for each delegate to the value of the delegation notional airfare set by the International and Community Relations Office.

Delegates may downgrade their class of travel:

- to offset the cost of the fare of an accompanying spouse; and/or
- to enable travel to be extended in accordance with a revised itinerary approved by the Special Minister of State for purposes related to Parliamentary or electorate business.<sup>303</sup>

300 Section 4 of, and item 9(1) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

301 Section 4 of, and item 9(1) of Part 1 of Schedule 1 to the *Parliamentary Entitlements Act 1990*.

302 Section 4 of, and item 9(1)(a) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

303 Section 4 of, and item 9(2) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.



Note that for this purpose, the ‘spouse’ of a Senator or Member includes a de facto partner of the Senator or Member within the meaning of the *Acts Interpretation Act 1901*.<sup>304</sup>

### Accommodation, meal and incidental expenses

Delegations may be fully or partially funded by the countries visited:

- on a fully-hosted visit, the host government meets the costs of accommodation and meals for delegates. In these circumstances, the delegate is paid an allowance to cover incidental expenses only; or
- on a partially-hosted visit, only some of the costs (usually accommodation) are met by the host government. In such cases, the delegate is paid an allowance to cover incidental expenses and may also be paid an allowance to cover meals not met by the host government and which are unable to be taken in the place of accommodation or paid for by the Australian post.

Where the country being visited does not contribute to the costs of the visit, Ministerial and Parliamentary Services meets accommodation, meal and incidental expenses.<sup>305</sup>

The incidentals allowance covers personal expenses not otherwise met by Ministerial and Parliamentary Services including currency exchange fees, personal telephone call costs and postage, newspapers and magazines, refreshments outside of meal times such as tea and coffee, all alcoholic beverages, all mini-bar items, all in-house entertainment and other personal services (such as massages, facials etc), all sightseeing costs (such as entry fees and tour operator costs) and tips and gratuities associated with incidental expenses.

The general practice, when a delegation visits a location where there are Australian posts, is for those posts (on behalf of Ministerial and Parliamentary Services) to pay accounts for accommodation (at single room rate only) and meals taken in the hotel(s) where the delegation was staying.

Where there is no Australian post in the country visited, an advance may be paid to the delegate to enable him or her to meet the costs of accommodation (at single room rate only) and an allowance to meet the costs of meals and incidentals.

Where a meal allowance has not been paid, reimbursement for meal expenses (excluding refreshments outside of meal times and any alcohol) may be claimed by submitting receipts and itemising expenses on the *Certification of Official Travel* form.

The incidentals and meals allowances are based on the rates payable to an employee in the Senior Executive Service in the Department of Foreign Affairs and Trade. All allowances and advances are based on the official itinerary and are calculated using the exchange rates available on the day of calculation.

### Equipment Allowance

Delegates are entitled to payment of an equipment and clothing allowance based on the rates payable to a Senior Executive Service employee in the Department of Foreign Affairs and Trade,<sup>306</sup> once every three years. The allowance may be used to purchase luggage, appropriate clothing or other items that are required for the visit.

304 Section 3 of the *Parliamentary Entitlements Act 1990*.

305 Sections 3 and 4 of, and item 9(1)(a) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

306 Section 4 of, and item 9(1)(b) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

### Certification of travel

Ministerial and Parliamentary Services provides each delegate with a *Certification of Official Travel* form to record itinerary changes and attach invoices and receipts for reimbursement.

If there have been any variations to the original itinerary or if a claim for reimbursement is being made, a delegate should return their certification forms to Ministerial and Parliamentary Services **within 28 days** of the conclusion of the visit.

### Extended Delegation Travel and Travel by an Accompanying Spouse

Where a Senator or Member elects to downgrade their class of travel in order to extend their travel, the revised itinerary must be provided to the Special Minister of State prior to departure overseas and with the following documents attached:

- the original delegation itinerary; and
- a written statement providing:
  - the purpose or purposes of the extended travel; and
  - whether or not the Senator or Member will be accompanied or joined by their spouse.

Delegates wishing to extend travel should make their own arrangements.

A Senator or Member will only be entitled to costs up to the limit of the delegation notional fare set by the International and Community Relations Office. Should delegates incur expenses above the limit of the delegation notional fare, these costs would be outside entitlement, and therefore be the personal responsibility of the delegate. For example, if the actual cost of the Senator or Member's reduced class airfare and their spouse's airfare exceeds the delegation notional fare, the Senator or Member must meet the additional costs.

Note that as the cost of the reduced class airfares are not charged to Ministerial and Parliamentary Services until after the flights are taken, Ministerial and Parliamentary Services is unable to advise Senators and Members on the costs available for extended travel i.e., the remaining balance of the delegation notional fare.

Ministerial and Parliamentary Services will only meet the costs of accommodation, meals, incidentals and other expenses for the delegate (but not for the spouse) on a reimbursement basis.

These costs will only be met by Ministerial and Parliamentary Services up to the limit of the notional fare.

#### 4.11.3 Passports

The *Handbook on Official Parliamentary Delegations* issued by the International and Community Relations Office provides advice for Senators and Members regarding the issue of diplomatic and official passports. Ministerial and Parliamentary Services meets the cost of the passport and an additional or temporary passport for the Senator or Member if required due to restrictions specifically associated with the destination.

Spouses accompanying a delegate are entitled to the same type of passport.

**However, it should be noted that the cost of the passport for a spouse is the responsibility of the Senator or Member.**

#### 4.11.4 Insurance

Ministerial and Parliamentary Services arranges for the insurance of a delegate's essential personal effects, providing a cover of up to \$5,000. It should be noted that cash and travellers cheques, as well as any items (for example, equipment, jewellery, gifts, souvenirs, clothing, etc) purchased overseas are not covered by this insurance. In this regard, a delegate may wish to arrange for separate private insurance to ensure adequate coverage of all items.

Baggage and personal effects of an accompanying spouse are not covered by this insurance. Any travel insurance required by an accompanying spouse is the personal responsibility of the Senator or Member.

#### 4.11.5 Hospitality and Transport

Each delegation is entitled to limited funding for the costs of official reciprocal hospitality. Ministerial and Parliamentary Services sends funds to overseas posts to meet the costs of reciprocal hospitality as advised by the International and Community Relations Office. Ministerial and Parliamentary Services also meets the cost of any ground or other in-country official transport for delegates.

A Senator or Member is not entitled to the costs of hospitality and in-country transport for an accompanying spouse.

##### **Additional hospitality funds**

The cost of official hospitality available to a parliamentary delegation is limited to \$2,500 when the delegation is led by a Senator or Member and \$5,000 when the delegation is led by a Presiding Officer. Additional funds may be approved by the Special Minister of State on written request.

#### 4.11.6 Health

The *Handbook on Official Parliamentary Delegations Travel* issued by the International and Community Relations Office provides advice for Senators and Members regarding health while overseas. It is advisable for all delegates to contact the International and Community Relations Office for advice on any requirements, including inoculations or vaccinations that should be obtained prior to travel. Ministerial and Parliamentary Services reimburses such costs for delegates only.<sup>307</sup>

Personal prescriptions may be difficult to obtain in some countries and wherever possible it is advisable to carry all medications required during an overseas trip. Note that a delegate may be entitled to reimbursement for costs of medical supplies essential for the overseas travel.<sup>308</sup> It is important to check that the medications are not considered illicit drugs in the countries to be visited. It may be advisable to carry a letter from your doctor explaining why the medication is being carried.

Further information is available on the [Smart Traveller website](http://www.smarttraveller.gov.au) at [www.smarttraveller.gov.au](http://www.smarttraveller.gov.au).

<sup>307</sup> Section 4 of, and item 9(1)(d)(i) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990* provides that delegates are entitled to the cost of vaccinations essential for overseas travel.

<sup>308</sup> Section 4 of, and item 9(1)(d)(i) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990* provides that delegates are entitled to the cost of vaccinations essential for overseas travel.

### Emergency Medical Attention

A delegate is entitled to the cost of insurance for medical and hospital treatment for the member during the period covered by the official itinerary.<sup>309</sup>

Ministerial and Parliamentary Services will also reimburse the costs of any medical (including emergency dental) and/or hospital services received overseas by the delegate during the period covered by the official itinerary, if the cost is not covered by insurance,<sup>310</sup> on presentation of the relevant invoices and/or receipts.

Any medical and/or hospital expenses incurred by an accompanying spouse during the overseas travel are not met by the Australian Government.

The International and Community Relations Office provides each delegate with a card from International SOS which provides 24 hour emergency contact information.

#### 4.11.7 Commonwealth Parliamentary Association (CPA) and Inter-Parliamentary Union (IPU) Conferences

Arrangements for attendance at these conferences are a matter for the International and Community Relations Office and the Chamber Departments, and is outside the scope of this handbook. A Senator or Member selected to participate in one of these conferences should contact the International and Community Relations Office on the number provided to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet.

#### 4.11.8 Combining a CPA or IPU Conference with Other Delegation Travel

Sometimes the International and Community Relations Office arranges a bilateral visit to coincide with a CPA or IPU conference. In these cases, the International and Community Relations Office liaises closely with Ministerial and Parliamentary Services to ensure there is a single booking to meet the combined itinerary. The International and Community Relations Office administers advances of allowances in respect of the non-bilateral aspects of the visit and Ministerial and Parliamentary Services administers the bilateral aspects of the visit.

A Senator or Member is able to undertake overseas study travel before or after a delegation visit. However, if a Senator or Member chooses to downgrade the class of delegation travel in order to be accompanied by his or her spouse, the overseas study travel entitlement may not be accessed purely to upgrade fares.

The above information was prepared in conjunction with the International and Community Relations Office, which is responsible for coordinating administrative arrangements of official outgoing Parliamentary delegations.

309 Section 4 of, and item 9(1)(d)(ii) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

310 Section 4 of, and item 9(1)(d)(iii) of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

## 4.12 Travel After Retirement

Following a Senator or Member's retirement from the Parliament, he or she may travel within Australia, at Australian Government expense, under one of the following entitlements:

- Life Gold Pass travel, in accordance with the *Members of Parliament (Life Gold Pass) Act 2002* (the Life Gold Pass Act) (see section 4.12.1 below); or
- severance travel—for retirement before 15 March 2012 (see section 4.12.2 below); or
- post-retirement travel - for retirement on or after 15 March 2012 (see section 4.12.3 below).<sup>311</sup>

Eligibility for the type of travel is based on the date that a Senator or Member entered the Parliament, length of service in the Parliament, and when the Senator or Member retired from the Parliament.

### Booking Travel under the Entitlement

Ministerial and Parliamentary Services has contracted a travel service provider to arrange official travel services for all former Senators and Members accessing an entitlement to travel after retirement. Bookings must be made through the travel service provider, who maintains a presence at Parliament House and can arrange all modes of travel on scheduled commercial services.

The travel service provider requires each traveller to complete a traveller profile covering his or her individual preferences, such as seating and special dietary requirements, to ensure appropriate arrangements can be made whenever travel is undertaken. The travel service provider issues each traveller with a personal traveller profile number, which should always be used when making bookings.

Payment for travel is made by Ministerial and Parliamentary Services on the basis of electronic tickets issued. In some circumstances, electronic tickets are issued and a charge made even though the travel is not taken. In the event that travel plans are to be cancelled, it is particularly important that the booking(s) are cancelled with the travel service provider as soon as possible so that credits can be obtained.

If bookings are not cancelled, the value of the travel is a cost to the Commonwealth and may be recorded as trips against the travel entitlement. Cancellation charges incurred as a result of cancelling the booking(s) will also be a cost to the Commonwealth and may be recorded as trips against the travel entitlement.

### 4.12.1 Life Gold Pass

#### The Entitlement

The Life Gold Pass scheme is now closed to new Senators and Members entering the Parliament (and former members who have not already qualified for a Life Gold Pass who re-enter the Parliament) on or after 6 March 2012.

From 1 July 2012, the Life Gold Pass Act provides that:

- a former member who is the holder of a Life Gold Pass (a Life Gold Pass Holder) who has never held office as Prime Minister is entitled to a maximum of 10 domestic return trips per year;<sup>312</sup>

311 See Remuneration Tribunal Determination 2012/04 and Remuneration Tribunal Determination 2006/18.

312 Item 1 of subsection 11(2) of the *Members of Parliament (Life Gold Pass) Act 2002*.

- the spouse of a Life Gold Pass Holder is entitled to a maximum of 10 domestic return trips per year, so long as each trip is for the purpose of accompanying or joining the former member;<sup>313</sup> and
- the spouse of a sitting Senator or Member (who has satisfied the relevant qualifying period for the issue of a Life Gold Pass and who has never held office as Prime Minister) is entitled to a maximum of 10 domestic return trips to Canberra per year, so long as each trip is for the purpose of accompanying or joining the Senator or Member.<sup>314</sup>

A ‘domestic return trip’ means a return trip that is:

- wholly within Australia; and
- not for a commercial purpose; and
- on a scheduled transport service or on a combination of scheduled transport services.<sup>315</sup>

The trip must begin and end at the same place.<sup>316</sup>

Travel ‘wholly within Australia’ does not include travel to an external Territory.<sup>317</sup>

A ‘commercial purpose’ means a purpose relating to the derivation of financial gain or reward, whether as a board member, an office-holder, an employee, a self-employed person or otherwise.<sup>318</sup>

A ‘scheduled transport service’ means a scheduled air, rail, bus, tram, ferry or vehicular service.<sup>319</sup>

Note that unused entitlements under the Life Gold Pass Act in relation to a particular year cannot be carried forward to a later year.<sup>320</sup>

### Class of Travel and Stop-overs

The entitlement to travel by a scheduled transport service or a combination of scheduled transport services is at the cost of a business class airfare (or an economy class airfare where a business class airfare is not published for the destination point) for the most reasonable and usual route between the departure and destination points.<sup>321</sup>

If the cost of travel by a Life Gold Pass Holder or their spouse is less than the cost of a business class airfare, any savings cannot be offset against the cost of other fares (for example, fares for another person or for unaccompanied travel by the Life Gold Pass holder’s spouse) or services (for example, meals or accommodation).<sup>322</sup>

Life Gold Pass Holders who choose to travel by scheduled transport services with an accommodation component (such as *The Ghan*, *The Indian-Pacific*, *The Overlander* or *The Spirit of Tasmania*) will be personally responsible for meeting any travel and related costs

313 Item 2 of subsection 11(2) of the *Members of Parliament (Life Gold Pass) Act 2002*. See also definition of ‘spouse’ and ‘de facto partner’ in section 4 of that Act.

314 Item 3 of subsection 12(2) of the *Members of Parliament (Life Gold Pass) Act 2002*.

315 Section 4 of the *Members of Parliament (Life Gold Pass) Act 2002*.

316 Section 7 of the *Members of Parliament (Life Gold Pass) Act 2002*.

317 Section 7 of the *Members of Parliament (Life Gold Pass) Act 2002* defines when a return trip is wholly within Australia. Section 2B of the *Acts Interpretation Act 1901* defines ‘external territory’ as ‘a Territory other than an internal Territory, where an Act makes provision for the government of the Territory as a Territory’. See also section 4 of the *Members of Parliament (Life Gold Pass) Act 2002*, where ‘Australia’ is defined to exclude an external Territory.

318 Section 4 of the *Members of Parliament (Life Gold Pass) Act 2002*.

319 Section 4 of the *Members of Parliament (Life Gold Pass) Act 2002*.

320 Section 28 of the *Members of Parliament (Life Gold Pass) Act 2002*.

321 Section 26 of the *Members of Parliament (Life Gold Pass) Act 2002*.

322 Section 26 of the *Members of Parliament (Life Gold Pass) Act 2002*.

(including meals) that are in excess of the cap detailed above. The limitation also applies to the spouse of a Life Gold Pass Holder. Life Gold Pass Holders are requested to pay any difference in fares direct to the travel service provider at the time of booking the travel.

A trip is a return journey from one location to another and back to the starting place.<sup>323</sup> If a Life Gold Pass Holder makes a stopover at an intermediate location the trips will be counted as follows:

- if less than 24 hours then it does not affect the trip count;
- if more than 24 hours then it counts as an additional 0.5 (a half) domestic return trip; and
- if more than 24 hours but an ‘exceptional circumstance’ exists within the meaning of the *Members of Parliament (Life Gold Pass) Regulations 2002*, then it does not affect the trip count. Exceptional circumstances include an injury or illness supported by a medical certificate and a delay or cancellation of transport services supported through a statutory declaration which prevent the person from travelling within the 24 hour period.<sup>324</sup>

### Eligibility and Qualifying Periods for Life Gold Pass Holders

For those Senators and Members who entered the Parliament prior to 6 March 2012, the relevant qualifying period outlined in the following table must be served before next leaving the Parliament in order to be eligible for a Life Gold Pass:<sup>325</sup>

OFFICE	QUALIFYING PERIOD
Prime Minister	One year
Ministers President of the Senate Speaker of the House of Representatives Leader of the Opposition	Six years
Parliamentary Secretaries Senators and Members	20 years or the life of seven Parliaments

Note that the life of six Parliaments plus a further period of three years’ service, none of which is part of the life of those six Parliaments, is treated as the equivalent of the ‘life of seven Parliaments’.<sup>326</sup>

Periods of broken service (including all periods when severance travel has been used) may be accumulated to qualify for a Life Gold Pass.<sup>327</sup> Senators and Members who were members of the Parliament on 6 March 2012 must complete the relevant qualifying period prior to next leaving the Parliament in order to be eligible for a Life Gold Pass. If a Senator or Member leaves the Parliament before completing the qualifying period and re-enters at a later date, he or she will not be eligible to accrue an entitlement to a Life Gold Pass.

323 Section 7 of the *Members of Parliament (Life Gold Pass) Act 2002*.

324 Part 7 of the *Members of Parliament (Life Gold Pass) Act 2002* and Part 2 of the *Members of Parliament (Life Gold Pass) Regulations 2002*.

325 Clauses 8.1 and 8.2 of Remuneration Tribunal Determination 2012/04.

326 Clause 7.2(iv) of Remuneration Tribunal Determination 2006/18.

327 Clause 7.2(iii) of Remuneration Tribunal Determination 2006/18.

Where a Senator or Member, who entered Parliament before 6 March 2012, changes house (for example, a Senator who is elected to a seat in the House of Representatives), that person's service is deemed to be continuous so long as the change occurs within three months of ceasing to be a member of the other chamber.<sup>328</sup>

A Life Gold Pass is not issued to a qualifying Senator or Member until he or she retires from the Parliament.<sup>329</sup>

### Service as an Office-Holder

A person who has served as Prime Minister for less than one year, or a Minister, Presiding Officer or Leader of the Opposition who has held office for less than six years, will have that period trebled in determining eligibility for a Life Gold Pass by way of 20 years' service as a Senator or Member.<sup>330</sup>

### Verification and Certification of Travel

Copies of travel details that have been charged against the Life Gold Pass entitlement will be forwarded to the Life Gold Pass Holder at six-monthly intervals for examination. The Life Gold Pass Holder is requested to:

- verify that the travel undertaken was a correct charge against the entitlement; and
- certify that the travel was undertaken for non-commercial purposes.

### Tabling of Travel Expenditure

Expenditure by Life Gold Pass Holders and their spouses (including de facto partners) is publicly disclosed on a six-monthly basis as a separate statement tabled in conjunction with the report on Parliamentarians' travel entitlements. All Life Gold Pass expenditure statements are published on [the Department of Finance and Deregulation internet site](http://www.finance.gov.au) at [www.finance.gov.au](http://www.finance.gov.au) following tabling in the Parliament. Life Gold Pass Holders are given the opportunity to check their details before tabling.

### Fringe Benefits Tax

Ministerial and Parliamentary Services is required to provide former Parliamentarians with a payment summary which shows the grossed-up value of fringe benefits provided by Ministerial and Parliamentary Services in the previous Fringe Benefits Tax year. This covers transport costs for the Life Gold Pass Holder and spouse/de facto partner. Before issuing the payment summary, Ministerial and Parliamentary Services will provide details by category for review by the Life Gold Pass Holder.

### Entitlement of a Surviving Spouse or De Facto Partner

A surviving spouse or de facto partner of a Life Gold Pass Holder, or of a Senator or Member who dies in office and who, at the time of death, qualified for a Life Gold Pass, is entitled to travel at Australian Government expense at the same class as a sitting Senator or Member for a period of two years from the death of the Life Gold Pass Holder.

The entitlement is for a maximum of 10 domestic return trips in the first 12 month period and a maximum of five domestic return trips in the second 12 month period.

328 Subsections 4A(4) and 4A(5) of the *Members of Parliament (Life Gold Pass) Act 2002*.

329 Clause 8.3 of Remuneration Tribunal Determination 2012/04.

330 Clause 8.2(b) of Remuneration Tribunal Determination 2012/04.



The Life Gold Pass Act makes separate provision for a surviving spouse or de facto partner of a Life Gold Pass Holder who retired from the Parliament before 1 June 1976 and who died before the commencement of the Life Gold Pass Act.<sup>331</sup>

### Costs outside Entitlement

Costs which are not within entitlement include:

- costs in excess of the business class airfare (or economy class airfare, if a business class airfare is not published for the destination point) for the most reasonable and usual route between the departure and destination points;
- transport by COMCAR, hire car or taxi to/from airport/railway station;
- parking costs of private vehicles at airports;
- the transport of vehicles by scheduled services; and
- any other costs not directly related to travel by scheduled services (for example, accommodation, meals or lounge membership costs).

### 4.12.2 Severance Travel

#### The Entitlement

A former Senator or Member who retired from the Parliament before 15 March 2012 without qualifying for a Life Gold Pass is, from the date of retirement from the Parliament, eligible to travel at Australian Government expense for non-commercial purposes within Australia (but excluding the external territories), for the period shown in the table below, depending on the Senator or Member's length of service in the Parliament.<sup>332</sup> The entitlement has the following limitations:

- a former Senator or Member may undertake up to 25 return trips per year on scheduled commercial/commuter air services, mainline rail services, motor coach or other vehicles operating as regular carriers (unless the severance traveller only served in one Parliament in which case he or she may only undertake a maximum of 12 return trips in the first six months after retirement);<sup>333</sup>
- the former Senator or Member may not travel by car;
- the former Senator or Member must certify in writing that the travel is being used for non-commercial purposes;<sup>334</sup>
- the entitlement is restricted to travel within Australia;
- there is no entitlement to travel to the external territories—Cocos (Keeling) Islands, Norfolk Island and Christmas Island;<sup>335</sup> and
- the entitlement cannot be used by any person other than the former Senator or Member.<sup>336</sup>

Periods of broken service are accumulated. However, where a former Senator or Member has used their entitlement, and is later re-elected to the Parliament, any future travel is reduced by the amount already used.<sup>337</sup>

331 Items 3, 4 and 5 of subsection 11(2) of *Members of Parliament (Life Gold Pass) Act 2002*.

332 Clause 8.1 of Remuneration Tribunal Determination 2006/18 and clause 9.5 of Remuneration Tribunal Determination 2012/04.

333 Clauses 8.1 and 8.2 of Remuneration Tribunal Determination 2006/18.

334 Clause 8.5 of Remuneration Tribunal Determination 2006/18

335 Clause 8.1 8.2 and 8.5 of Remuneration Tribunal Determination 2006/18.

336 Clause 8.4 of Remuneration Tribunal Determination 2006/18.

337 Clause 8.1 of Remuneration Tribunal Determination 2006/18.

Severance travel entitlements are not transferable. Where tickets are issued for travel, credits are not to be obtained and used for any other purpose.

### Class of Travel

Severance travel is at the class of travel determined by the Remuneration Tribunal for a sitting Senator or Member.<sup>338</sup> This is currently the cost of a business class airfare (or an economy class airfare where a business class airfare is not published for the destination point) for the most reasonable and usual route, between the departure and destination points.<sup>339</sup>

Severance travellers who choose to travel by scheduled commercial services with an accommodation component (such as *The Ghan*, *The Indian-Pacific*, *The Overlander* or *The Spirit of Tasmania*) will be personally responsible for meeting any travel and related costs (including meals) that are in excess of the cap set out above. Severance travellers are requested to pay any difference in fares direct to the travel service provider at the time of booking the travel.

### Qualifying Periods of Severance Travel for former Senators and Members who retired from the Parliament on or before 15 March 2012

QUALIFYING PERIODS	PERIOD OF SEVERANCE TRAVEL
Service in 1 Parliament	6 months
Service in 2 Parliaments	1 year
Service in 3 Parliaments	2 years
Service in 4 Parliaments	3 years
Service in 5 Parliaments	4 years
Service in 6 Parliaments	5 years

338 Clause 8.3 of Remuneration Tribunal Determination 2006/18.

339 Clause 2.6 of Remuneration Tribunal Determination 2006/18.

### 4.12.3 Post-Retirement Travel

#### The Entitlement

A former Senator or Member who retires from the Parliament after 15 March 2012 without qualifying for a Life Gold Pass is entitled to travel at Australian Government expense for a maximum of five return trips within the first six months after his or her retirement from the Parliament.<sup>340</sup> The entitlement has the following limitations:

- the entitlement is restricted to travel between the former Senator's or Member's home base and either Canberra or a location or locations where the Senator or Member had a publicly funded electorate office;<sup>341</sup> and
- the entitlement cannot be used by any person other than the former Senator or Member.<sup>342</sup>

Post-retirement travel entitlements are not transferable.<sup>343</sup> Where tickets are issued for travel, credits are not to be obtained and used for any other purpose.

#### Class of Travel

Post-retirement travel is at the class of travel determined by the Remuneration Tribunal for a sitting Senator or Member. This is currently the cost of a business class airfare (or an economy class airfare where a business class airfare is not published for the destination point) for the most reasonable and usual route, between the departure and destination points.<sup>344</sup>

Remuneration Tribunal Determination 2012/04: Members of Parliament—Entitlements is silent as to the mode of transport that former Senators and Members may use to undertake post-retirement travel. Former Senators and Members who are eligible for post-retirement travel may, therefore, undertake post-retirement travel by any mode of transport, including car travel.

Post-retirement travellers who choose to travel by scheduled commercial services with an accommodation component (such as *The Ghan*, *The Indian-Pacific*, *The Overlander* or *The Spirit of Tasmania*) will be personally responsible for meeting any travel and related costs (including meals) that are in excess of the cap set out above. Post-retirement travellers are requested to pay any difference in fares direct to the travel service provider at the time of booking the travel.

---

340 Clause 9.1 of Remuneration Tribunal Determination 2012/04.

341 Clause 9.2 of Remuneration Tribunal Determination 2012/04.

342 Clause 9.4 of Remuneration Tribunal Determination 2012/04.

343 Clause 9.4 of Remuneration Tribunal Determination 2012/04.

344 Clauses 3.6 and 9.3 of Remuneration Tribunal Determination 2012/04.

**PART FIVE:**

# **STAFF MATTERS**

**STAFF MATTER**



## 5.1 Electorate Employees

### 5.1.1 The Entitlement

Senators and Members are provided with four full-time Electorate Officer positions to help them carry out their Parliamentary and electorate responsibilities, but not responsibilities relating to party business. Members with a second electorate office provided at Commonwealth expense are provided with a fifth full-time Electorate Officer position.<sup>345</sup>

### 5.1.2 *Members of Parliament (Staff) Act 1984*

Electorate employees are employed under Part IV of the *Members of Parliament (Staff) Act 1984*, and are responsible to the employing Senator or Member.<sup>346</sup>

Electorate employees are covered by the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* (the Enterprise Agreement) which sets out the employees' terms and conditions of employment. The Enterprise Agreement and relevant guidelines and policies are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. The site also contains details of other determinations, made pursuant to the *Members of Parliament (Staff) Act 1984*, that form part of the employment framework.

The employment of all staff employed under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act employees) is also subject to the following Acts:

- *Fair Work Act 2009*;
- *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*;
- *Long Service Leave (Commonwealth Employees) Act 1976*;
- *Maternity Leave (Commonwealth Employees) Act 1973*;
- *Safety, Rehabilitation and Compensation Act 1988*.
- *Superannuation Act 1976*;
- *Superannuation Act 1990*;
- *Superannuation Act 2005*;
- *Superannuation Productivity Benefit Act 1988*;
- *Superannuation Benefits (Supervisory Mechanisms) Act 1990*;
- *Superannuation Guarantee (Administration) Act 1992*; and
- *Work Health and Safety Act 2011*;

### 5.1.3 Responsibilities

The **employing Senator or Member** is responsible for:

- selecting employees and making a written employment agreement with each employee;
- ensuring that, consistent with good employment practice, completed employment agreements and associated documentation are submitted without delay to Ministerial and Parliamentary Services;
- allocating duties to individual employees;
- allocating electorate staff allowance (ESA) to electorate positions, in consultation with employees;

<sup>345</sup> Clauses 3 and 4 of Determination 2007/Part IV/1 ('Determination Regarding the Employment of Electorate Officers') made by the then Special Minister of State under the *Members of Parliament (Staff) Act 1984* on 15 January 2007.

<sup>346</sup> Clause 2 of Determination 2007/Part IV/1.

- informing Ministerial and Parliamentary Services as soon as practicable after ESA allocations or changes to ESA allocations are made, as some changes must be notified within certain timeframes and/or only take effect from the date Ministerial and Parliamentary Services receives written notice of the change;
- approving certain employee training, travel and leave, in accordance with the Enterprise Agreement;
- ensuring good employment practices (for example: work health and safety, freedom from discrimination and harassment, contingency plans for dealing with constituents) are followed (see section 5.8 of this handbook);
- consulting with employees about any major changes in the workplace in accordance with clause 9 of the Enterprise Agreement;
- resolving issues which may arise in relation to workplace practices; and
- terminating the employment of employees.

**Ministerial and Parliamentary Services** is responsible for:

- arranging payment of salary, electorate staff allowance, travelling and other allowances;
- placing job advertisements (see section 5.1.6 of this handbook);
- providing a safe workplace for employees consistent with Commonwealth standards for work health and safety;
- providing certain training for employees, including ‘Know Your Entitlements’ and ‘Office Management’ information sessions;
- maintaining personnel and other records associated with employment;
- providing advice to Senators and Members on workplace practices and employment matters (including performance management and termination); and
- providing advice to electorate employees on employment and entitlement matters.

**Electorate employees** are responsible for:

- their own performance and conduct in the workplace (see sections 5.7 and 5.8);
- undertaking duties assigned by the Senator or Member;
- treating all constituents and other persons, legitimately entering the workplace, with respect and courtesy;
- using facilities and benefits provided to the Senator or Member in accordance with entitlements (that is, not for private or commercial purposes); and
- complying with all relevant Commonwealth/State/Territory legislation in the workplace.

#### 5.1.4 Authorisations

A Senator or Member may, in writing, authorise another person to exercise certain powers under the *Members of Parliament (Staff) Act 1984* on his or her behalf.<sup>347</sup> This can be done by completing the *Authorisation to Exercise Powers under the Members of Parliament (Staff) Act 1984* form (Form 7), available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Valid authorisations under the *Members of Parliament (Staff) Act 1984* include powers such as employing other employees and approving leave or travel for other employees.

Authorisations are to be made prospectively, that is, in advance of the authorised person exercising the relevant powers.

---

<sup>347</sup> Section 32 of the *Members of Parliament (Staff) Act 1984*.

A person so authorised cannot exercise those powers on his or her own behalf or authorise another person to exercise those powers. A Senator or Member remains **personally responsible and accountable** for the exercise of those powers.

### 5.1.5 Staff Structure

#### Number of Staff

Each Senator or Member may engage employees in four full-time Electorate Officer positions. In addition, Members who have a second electorate office at Commonwealth expense may engage employees in an additional full-time Electorate Officer position.<sup>348</sup>

More than one employee may be employed in a position provided that the total ordinary hours worked per week by the employees sharing a position does not exceed 37 hours and 30 minutes. Information on the relief staff budget is provided at section 5.5.<sup>349</sup>

#### Office Structure

There are three levels of Electorate Officer: Electorate Officer A, Electorate Officer B and Electorate Officer C. Electorate Officer C is the highest level.<sup>350</sup>

Typically, Senators and Members choose either of the two following combinations, although it is also open to a Senator or Member to substitute a position at a lower classification for any Electorate Officer B or C position:

2 x Electorate Officer A positions;

1 x Electorate Officer B position; and

1 x Electorate Officer C position

**OR**

1 x Electorate Officer A position; and

3 x Electorate Officer B positions

Electorate Officer positions are to be located in a Senator or Member's electorate office, except for a maximum of one full-time Electorate Officer position which may be located in Canberra.<sup>351</sup>

Where a Member has a second electorate office at Commonwealth expense, the additional Electorate Officer position is at the Electorate Officer B level. The five positions allocated to these Members may be located in either of their electorate offices subject to a minimum of

348 Clauses 3 and 4 of Determination 2007/Part IV/1.

349 Paragraph 6 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Part-time Work*.

350 Attachment C to the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

351 Clauses 3 and 4 of Determination 2007/Part IV/1.

one full-time position and a maximum of two full-time positions which must be located in the second electorate office.

The Special Minister of State may approve employment arrangements in alternative locations in special circumstances.<sup>352</sup>

### 5.1.6 Recruitment Options for Vacant Electorate Officer Positions

Ministerial and Parliamentary Services will organise the placement and meet the cost of advertisements for ongoing Electorate Officer vacancies in newspapers and online recruitment websites. Alternatively, Senators and Members may choose to outsource the recruitment of electorate officers to a private recruitment agency.

#### Guidelines for Recruitment Advertisements

Senators and Members may place a total of up to three advertisements in newspapers (excluding political newspapers) and online recruitment sites, once only for each vacant Electorate Officer position.

The maximum size of a print advertisement is 13cm by three columns (as a guide, a maximum word count of approximately 180 words is recommended to stay within the size limit). An advertisement template for Electorate Officer vacancies is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Ministerial and Parliamentary Services will arrange placement and payment of the advertisement(s).

Ministerial and Parliamentary Services is not able to pay for newspaper advertisements that are organised directly by the Senator or Member.

A maximum of two of the three advertisements may be placed in the following papers:

- *The Australian;*
- *The Weekend Australian;*
- *The Daily Telegraph;*
- *The Age;*
- *The Sydney Morning Herald;*
- *The Australian Financial Review;*
- *The Courier Mail;*
- *The Canberra Times;*
- *The Adelaide Advertiser;*
- *The Hobart Mercury;*
- *The West Australian; and*
- *The NT News.*

The draft typed text for inclusion in the newspaper advertisement must be provided to Ministerial and Parliamentary Services, by email, at least five working days before the proposed date of publication. Ministerial and Parliamentary Services is unable to guarantee placement of advertisements that do not meet this deadline.

Requests should include:

- the typed text of the advertisement;
- the names of the newspapers/online recruitment websites in which the advertisement is to appear;

---

<sup>352</sup> Clause 5 of Determination 2007/Part IV/1.



- the date the advertisement is to appear; and
- advice as to whether there is a preference for classified or display advertisements.

Senators and Members may wish to consider using an online recruitment advertising site(s) as part of the recruitment advertising mix. These sites are cost effective, offer national exposure, and have a generous word limit. The advertisements generally run continuously for 28 days (or less time if applications close before the end of this period).

A Senator or Member who chooses to use an online recruitment advertising site(s) may arrange the advertisement themselves. Invoices from the provider should be endorsed by the Senator or Member and sent to Ministerial and Parliamentary Services for payment.

### Guidelines for Use of Private Employment Agencies

Senators and Members may use employment agencies to assist in the selection of Electorate Officers as an alternative to advertising vacant positions up to a limit of \$7,000 per vacancy.

Senators and Members should ensure that any employment agency used is appropriately licensed or registered according to the requirements of the relevant State or Territory. In States and Territories where licensing or registration is not required, Senators and Members are encouraged to satisfy themselves as to the capability of an agency to provide a quality service before selecting an agency.

Fees charged by agencies vary considerably depending on the level of service required, the nature of the vacancy and the nature of the local job market. Senators and Members will need to be satisfied about the agreed level of service and cost before engaging a particular agency.

Invoices from the provider of employment agency services should be endorsed by the Senator or Member and sent to Ministerial and Parliamentary Services for payment directly to the provider. Ministerial and Parliamentary Services will not be liable for any costs exceeding the upper limit of \$7,000. If the cost is greater than \$7,000, the additional amount is payable by the Senator or Member directly to the provider.

### 5.1.7 Recruitment Options for Vacant Personal Employee Positions

For those Senators and Members who have the authority to employ personal employees, the above *Guidelines for Recruitment Advertisements and Guidelines for Use of Private Employment Agencies* apply to the advertising of personal staff vacancies, with the following exceptions:

- employment agencies may be used to assist in the selection of personal staff as an alternative to advertising vacant positions, up to a limit of \$10,000 per vacancy for a personal staff member;
- a total of up to four advertisements may be placed in any newspapers (excluding political newspapers) and online recruitment sites, once only for each vacant personal staff position; and
- newspaper advertisements should be similar to the Personal Staff Advertisement template that is provided on the Ministerial and Parliamentary Services intranet.

The maximum size of a print advertisement for personal employees is:

- 20cm x 3 columns for senior staff.  
As a guide, a maximum word count of approximately 285 words is recommended to stay within the size limit;
- 16cm x 3 columns for personal employee classifications of Adviser/Media Adviser.

As a guide, a maximum word count of approximately 215 words is recommended to stay within the size limit; and

- 13cm x 3 columns for personal employee classifications up to and including Assistant Adviser.

As a guide, a maximum word count of approximately 180 words is recommended to stay within the size limit.

### 5.1.8 Employment Agreement

Senators and Members employ their electorate employees on behalf of the Commonwealth.<sup>353</sup> Electorate employees may be employed on an ongoing basis, a non-ongoing basis for a period of not more than 12 months, or a casual contract for no more than four weeks if required to work from time to time on an occasional, non-systematic or irregular basis.<sup>354</sup> A written employment agreement between the Senator or Member and the employee is required and should be completed prior to commencement.<sup>355</sup> Employment agreements, together with other commencement documentation, are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Senators and Members are required to complete a new employment agreement:

- when a new employee (including an employee engaged under the relief staff budget) is employed;
- for each engagement of a non-ongoing employee (including multiple short-term engagements of the same employee where there is a break in employment);
- for each engagement of a casual employee that is not covered by a previous employment agreement;
- when the Senator or Member:
  - becomes a relevant office-holder under section 3 of the *Members of Parliament (Staff) Act 1984*, thus engaging electorate employees under Part III of the *Members of Parliament (Staff) Act 1984* rather than Part IV; or
  - ceases to be a relevant office-holder, and must engage electorate employees under Part IV of the *Members of Parliament (Staff) Act 1984* rather than Part III; or
- when the employee is subject to a termination of employment under the terms of the *Members of Parliament (Staff) Act 1984* and the Senator or Member wishes to re-employ that employee.

A Senator or Member may only enter into an employment agreement with an employee in accordance with arrangements approved, and any conditions determined, by the Prime Minister.<sup>356</sup>

Employees are paid by Ministerial and Parliamentary Services. Salary payments cannot be processed until Ministerial and Parliamentary Services receives the completed and signed employment agreement and accompanying documentation.

To ensure employees receive timely payment of their salary and access to entitlements, Senators and Members should enter into an agreement of employment in writing prior to, or immediately upon, commencement of employment and promptly submit these documents to Ministerial and Parliamentary Services. The same practice should apply to variations to

353 Subsection 20(1) of the *Members of Parliament (Staff) Act 1984*.

354 Clauses 13, 15, 16 and 17 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012-2015*.

355 Subsection 20(1) of the *Members of Parliament (Staff) Act 1984*.

356 Subsection 20(2) of the *Members of Parliament (Staff) Act 1984*.

existing employment agreements. For the protection and benefit of Senators and Members and their employees, it is essential that the employment relationship is formed in writing under the *Members of Parliament (Staff) Act 1984*, and is clear and unequivocal from the outset.

It is preferred that completed, signed and scanned employment agreements, together with all relevant supporting documentation, are submitted to Ministerial and Parliamentary Services by email. Alternatively, completed and signed original employment agreements can be provided by mail. Where documents are emailed, Senators and Members are required to retain all original employment agreements and supporting documentation until either an audit is conducted or the employing Senator or Member leaves Parliament, whichever occurs sooner.

### **Risks of not submitting employment documentation**

Delays in the submission of employment documentation carry grave risks for employees, the employing Senator or Member and the Commonwealth. The longer the delay in submitting employment documentation, the greater the risk to which each party is exposed. These risks are outlined below, to assist Senators and Members and office managers to formulate appropriate risk reduction strategies that are suitable for the circumstances of their office. New and prospective MOP(S) Act employees should be advised of these risks at the earliest opportunity, to reduce the potential for disappointment or legal action connected with the consequences of their employment agreements being delayed.

### **Risks to employees**

Without a written employment agreement, employees are not employed under the MOP(S) Act, and until their completed employment agreements are submitted to Ministerial and Parliamentary Services, they will not be able to:

- be paid salary and allowances;
- accrue and access superannuation benefits;
- accrue and/or take leave;
- travel under entitlement;
- attend training;
- access work health and safety (WHS) services; and/or
- be issued with a Parliament House security pass.

Even small variations to employment arrangements that are not submitted to Ministerial and Parliamentary Services promptly can have significant consequences for an employee seeking to manage his or her financial commitments. This is particularly so where an employee's hours of work are reduced, resulting in an overpayment to the employee, which will be recovered as a debt due to the Commonwealth. Also, through no fault of their own, an employee could face an additional tax burden, should an employment agreement covering work performed in one financial year not be lodged with Ministerial and Parliamentary Services until the next financial year.

### **Risks to the employing Senator or Member**

Where an employing Senator or Member purports to employ a person as a MOP(S) Act employee, but does not do so under an agreement in writing, the person is not validly employed by the Senator or Member on behalf of the Commonwealth.

A person invalidly employed in this way may be entitled to seek a remedy from the Senator or Member who purported to employ them, on the basis that the person has provided the Senator or Member with services which the Senator or Member has requested and accepted.

A person in this situation:

- may not be covered by Commonwealth workplace relations legislation, but by the relevant State or Territory legislation, and there could be considerable confusion as to what industrial instrument(s) would apply; and
- may be disadvantaged in his or her remuneration, WHS and workers' compensation coverage, superannuation, and long service and maternity leave entitlements.

In addition, there are lesser risks attached to the late submission of employment agreements that compromise the efficient administration of the employing Senator or Member's office. For example, employment against the relief staff budget, and expenditure from that budget, will be more difficult to track if employment forms are not submitted promptly. This could leave a Senator or Member liable for costs related to services performed but not covered by the relief staff budget.

### Risks to the Commonwealth

As Senators and Members employ MOP(S) Act staff on behalf of the Commonwealth, the Commonwealth is exposed to legal and financial risks if a Senator or Member adopts or allows poor administrative and management practices within their office, including late submission of employment agreements. Such risks include responsibility for work health and safety matters and the risk of financial loss from overpayments to employees if those overpayments are unable to be recovered as a debt due to the Commonwealth.

### Employees Not Employed Under the *Members of Parliament (Staff) Act 1984*

If a Senator or Member personally employs a person, the employee's terms and conditions of employment are not governed by arrangements under the *Members of Parliament (Staff) Act 1984* and the employee is not covered by the Enterprise Agreement.

If an employee is employed personally by the Senator or Member, the Senator or Member as the employer, is responsible for:

- the employee's remuneration, superannuation and taxation arrangements; and
- other employment matters including, but not limited to, long service leave, maternity leave, workers' compensation and work health and safety.

In this situation, State or Territory legislation and relevant industrial instruments may apply rather than Commonwealth legislation.

### Probationary Employment

A Senator or Member is strongly advised to appoint each ongoing employee on probation and to advise the employee accordingly, subject to the following conditions:

- the probationary arrangement, including the possibility of an extension to the probationary period, should be discussed and agreed before employment commences, preferably when the offer of employment is being discussed;
- the standard probationary period is three months, which may be extended by a maximum of two months (that is, five months in total); and
- before the end of the probationary period, the Senator or Member, or a person they have authorised, must advise the employee and Ministerial and Parliamentary Services if:
  - the probationary period will be extended (for a maximum of two months), subject to the Senator or Member providing written notice to the employee before the expiration of the initial probationary period; or
  - the probationary period will not be extended and the employment will cease.

Otherwise, the probationary period will not be extended and the employment will be confirmed.

Non-ongoing employees may be engaged with a maximum probation period of three months at the discretion of the employing Senator or Member.<sup>357</sup>

It is highly desirable that the Senator or Member, or authorised person, take care to review the performance of an employee before the completion of the initial or extended probationary period. If employment is not going to be confirmed, the employee must be carefully counselled and given adequate notice. Further information may be obtained from the relevant Ministerial and Parliamentary Services Entitlements Manager.

An employee who is transferred or promoted from another office (or other Commonwealth employment) without a break in employment, and has completed a probationary period, cannot generally be subject to a further period of probation.

### National Police History Checks

It is strongly recommended that Senators and Members require all new ongoing employees to undertake a National Police History Check. The employing Senator or Member must indicate on the employment agreement if the employee is required to undertake a National Police History Check.

Employees who are required to undertake a National Police History Check must complete the *CrimTrac National Police Checking Service (NPCS) Application/Consent* form (Form 78) as part of the employment process. This form is included in the employment agreement packs available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. Form 78 must be completed in full and returned to Ministerial and Parliamentary Services with the completed original employment agreement.

Results of the National Police History Check are not retained by the Department of Finance and Deregulation and are only forwarded to the employing Senator or Member by their Ministerial and Parliamentary Services Entitlements Manager if an adverse result is returned. Entitlements Managers will be available to provide further guidance if adverse findings are reported, or where employees fail to undertake a National Police History Check or provide consent for the results to be disclosed.

There may be implications in relation to continued employment if an employee who is required to undertake a National Police History Check fails to do so, or if the National Police History Check reveals an adverse result that was not previously disclosed to the employing Senator or Member. A Senator or Member who is considering action in relation to a person's employment, including because of any adverse National Police History Check result, should contact their Ministerial and Parliamentary Services Entitlements Manager.

### 5.1.9 Hours of Duty

#### Ordinary Hours of Duty

The ordinary hours of duty for a full-time employee are 37 hours and 30 minutes per week (7 hours and 30 minutes per day). These hours will generally be worked between the hours of 8.00am and 6.00pm, Monday to Friday.

Employees may agree with their employing Senator or Member that some of their ordinary hours of duty be worked outside the span of 8.00am to 6.00pm, Monday to Friday.<sup>358</sup>

<sup>357</sup> Clause 14 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>358</sup> Clause 37 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

Additional hours of work, over and above the ordinary hours of duty are recognised through the payment of electorate staff allowance (see section 5.3 of this handbook) or time off in lieu (see section 5.3.1).<sup>359</sup>

This allows a degree of flexibility about when an employee works their ordinary hours of duty during the week. For example, if an electorate employee is required to work a number of hours over the weekend, this could be agreed to be part of the employee's ordinary hours of duty for that week. This means that the employee might not be required to work on another day that they would normally work within that week.

### **Hours of Duty for Part-time Employees**

A part-time employee is an employee whose ordinary hours of duty are less than the ordinary hours for full-time employees (i.e., an employee who regularly works less than 37 hours and 30 minutes per week). Part-time hours will be as agreed with the employing Senator or Member and specified in the employment agreement. Where more than one employee is employed against a full-time position, the total ordinary hours worked against the position must not exceed 37 hours and 30 minutes per week.<sup>360</sup>

---

359 Clause 38 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

360 Clause 37 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and paragraph 6 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Part time Work*.

## 5.2 Salary Matters

### 5.2.1 Salary

The salaries of Electorate Officer positions are determined by the Enterprise Agreement as follows:<sup>361</sup>

CLASSIFICATION		SALARY EFFECTIVE FROM 19 JUNE 2012	SALARY EFFECTIVE FROM 19 JUNE 2013	SALARY EFFECTIVE FROM 19 JUNE 2014		
Electorate Officer C	4	\$76,548	\$78,844	\$81,209		
	3	\$72,881	\$75,067	\$77,319		
Electorate Officer B	2	5	\$69,216	\$71,292	\$73,431	
	1	4	\$67,956	\$69,995	\$72,095	
		3	\$64,085	\$66,008	\$67,988	
		2	8	\$60,827	\$62,652	\$64,532
		1	7	\$59,284	\$61,063	\$62,895
Electorate Officer A		6	\$57,455	\$59,179	\$60,954	
		5	\$54,236	\$55,863	\$57,539	
		4	\$51,553	\$53,100	\$54,693	
		3	\$48,968	\$50,437	\$51,950	
		2	\$46,508	\$47,903	\$49,340	
		1	\$45,260	\$46,618	\$48,017	

361 Attachment C to the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

## 5.2.2 Salary on Commencement

### Ongoing Employees

The employing Senator or Member may appoint ongoing electorate employees at any salary point within the classification to which the appointment or engagement is made (e.g. Electorate Officer A, Electorate Officer B or Electorate Officer C) based on the demonstrated and relevant skills and experience of the employee.<sup>362</sup>

### Non-ongoing Employees

The employing Senator or Member may engage new non-ongoing electorate employees at any salary point within the classification to which the appointment is made (e.g. Electorate Officer A, Electorate Officer B or Electorate Officer C) based on the demonstrated and relevant skills and experience of the employee.<sup>363</sup>

A new non-ongoing electorate employee is an employee who was not employed at that classification on the business day immediately preceding the commencement date of the engagement.<sup>364</sup>

Each period of engagement of a non-ongoing employee is separate and may not be for a period of more than 12 months.<sup>365</sup>

### Casual Employees

Casual employees may be engaged against an established position and/or the relief staff budget to work such hours as are required from time to time by the employing Senator or Member. These hours are on an occasional, non-systematic or irregular basis and the maximum period for an employment agreement for casual employees is four weeks.

The employing Senator or Member may engage casual employees at the Electorate Officer A, B or C classification, depending on the work to be undertaken. The salary setting rules for casual employees on engagement are the same as for non-ongoing employees.

Casual employees are paid for every hour worked at an hourly rate and receive an additional 20 per cent loading in lieu of access to paid leave and other entitlements (except long service leave).<sup>366</sup>

### Part-time Employees

Part-time employees receive salary, allowances and certain other entitlements on a pro rata basis for the number of hours they work when compared to full-time weekly hours.<sup>367</sup>

Part-time ongoing and non-ongoing employees also receive payment for the hours that they would have worked on a public holiday (for those holidays falling on a day the employee would normally work).<sup>368</sup>

## 5.2.3 Salary Progression

All eligible ongoing and non-ongoing electorate employees, including part-time employees, are entitled to advance to the next salary point as at 1 July of each year provided that the

<sup>362</sup> Clause 23 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>363</sup> Clause 23 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>364</sup> Clause 23.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>365</sup> Clause 16 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>366</sup> Clause 17 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*.

<sup>367</sup> Clause 37.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>368</sup> Clause 57 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.



performance of the employee has not been reported in writing to Ministerial and Parliamentary Services as being unsatisfactory by the employing Member prior to the salary advancement.<sup>369</sup>

#### 5.2.4 Temporary Performance Progression (Higher Duties Allowance)

The employing Senator or Member may temporarily progress an ongoing employee to a vacant position at a higher classification within the agreed structure of the office for a defined period. For example, temporary performance progression may be used to cover the absence of an employee on maternity or long service leave.

Temporary progression must be for a minimum period of two weeks.<sup>370</sup> A start and an end date for the temporary performance progression must be specified in writing by the employing Senator or Member.

Where there is a requirement for the temporary progression to continue beyond the specified end date, the Senator or Member must provide further written advice specifying the new end date.<sup>371</sup>

The higher duties allowance paid is the salary that would apply if the employee was promoted to the higher classification, less the employee's existing salary.<sup>372</sup>

#### 5.2.5 Competency Assessment

An employee who reaches the top of the salary range of an Electorate Officer A or B position, and who has at least 12 months' continuous service at that salary level, may be moved to the next classification of Electorate Officer through a competency assessment process.<sup>373</sup> This, however, cannot result in there being more than one Electorate Officer C in a four-position electorate office.<sup>374</sup>

A Senator or Member with employees at the top of the Electorate Officer A or B salary range should seek advice from Ministerial and Parliamentary Services where competency assessment is considered warranted.

It should be noted that the advancement under competency assessment applies to the individual employee only and the position remains at the original classification.<sup>375</sup>

Competency assessment forms for Electorate Officer A to B (Form 68) and B to C (Form 69) are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

#### 5.2.6 Superannuation

Employees are entitled to superannuation in accordance with the relevant Commonwealth legislation, where expressly provided in the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.<sup>376</sup>

<sup>369</sup> Clause 23.6 and 23.7 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>370</sup> Clause 25.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>371</sup> Paragraph 13 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Salary Setting and Progression*.

<sup>372</sup> Clause 25.5 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>373</sup> Clause 23.5 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>374</sup> Paragraph 15 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Salary Setting and Progression*.

<sup>375</sup> Paragraph 16 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Salary Setting and Progression*.

Certain employees may be eligible to maintain membership of, or rejoin, the Commonwealth Superannuation Scheme (CSS) or the Public Sector Superannuation Scheme (PSS). An employee who is not a member of the CSS or the PSS may generally elect to join the Public Sector Superannuation accumulation plan (PSSap) or to have an employer superannuation contribution paid into another approved fund under the superannuation choice arrangements.

Contributions to the PSSap, and other approved funds under the superannuation choice arrangements, will be made in respect of the ordinary times earnings of the employee, at the minimum rate applying to the PSSap (currently 15.4 per cent).<sup>377</sup>

Further information on employee superannuation is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

376 Clause 28.1 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

377 Clause 28 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*. See also the *Superannuation Act 1975*, the *Superannuation Act 1990*, the *Superannuation Act 2005*, and the *Superannuation Guarantee (Administration) Act 1992*.

### 5.3 Electorate Staff Allowance

The Enterprise Agreement provides for payment of electorate staff allowance (ESA) to ongoing and non-ongoing electorate employees in recognition of reasonable additional hours of work and travel outside of business hours.<sup>378</sup> ESA is *not* to be allocated on the basis of an employee's duties, additional responsibilities, skill level, qualifications, length of employment or salary level in previous employment. ESA is also *not* to be allocated as additional salary, a performance bonus, or retention payment. ESA is allocated to established Electorate Officer positions, not to individual electorate employees.

In order to ensure that the expectations of Senators and Members are clear to their employees, and employees' ability to work additional hours and undertake travel is known to the Senator or Member, it is most important that Senators and Members consult with employees on the allocation, and any re-allocation, of ESA. This consultation process should be repeated at any time when the expectations of the employing Senator or Member about additional hours of work or travel change, or the allocation of ESA changes, to ensure that these expectations remain transparent. Employees who receive ESA will be required to work the agreed reasonable additional hours that best suit the operating requirements of the workplace taking into account the personal needs of the employee.<sup>379</sup>

ESA is payable to ongoing and non-ongoing employees employed against an established position. ESA is paid on a pro rata basis for part-time employees. ESA is not payable to a casual employee.<sup>380</sup> ESA is not paid in respect of employment against the relief staff budget, other than where the employment is due to a vacant position but paid against the relief staff budget.<sup>381</sup>

Senators and Members have the flexibility to allocate one of seven levels of ESA to each established position in their office.<sup>382</sup>

The allocation of ESA to the Electorate Officer positions of a Senator or Member may not exceed the following caps, meaning that the total points of ESA allocated may not exceed 16 in an office with four positions and 18 in an office with five positions:<sup>383</sup>

	SENATOR OR MEMBER WITH FOUR ALLOCATED POSITIONS	MEMBER WITH FIVE ALLOCATED POSITIONS (2ND OFFICIAL ELECTORATE OFFICE)
From 19 June 2012	\$57,280	\$64,440
From 19 June 2013	\$58,999	\$66,374
From 19 June 2014	\$60,768	\$68,364

378 Clause 40 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

379 Clause 40.9 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*. See also section 62 of the *Fair Work Act 2009* which deals with maximum ordinary hours of work.

380 Clause 40.15 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

381 Clause 40.14 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

382 Clause 40.2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

383 Clause 40.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

Senators and Members may choose not to allocate ESA to a position where there is no expectation of the employee(s) who occupies (occupies) that position working significant additional hours or where the employee(s) is/are unable to work significant additional hours.<sup>384</sup> An employee may elect not to receive the ESA allocated to the position occupied if the employee is unable or does not expect to work significant additional hours.<sup>385</sup> Where an ongoing or non-ongoing electorate employee does not receive ESA and is required to work reasonable additional hours, they may accrue time off in lieu with the agreement of the Senator or Member (see section 5.3.1).<sup>386</sup>

ESA provides consistency and transparency to employees regarding their remuneration, and flexibility to Senators and Members regarding their office management, and, as such, is a settled arrangement that should not require frequent changes. Therefore, Senators and Members may allocate or reallocate the level of ESA for each position:

- upon taking up office;
- upon becoming, or ceasing to be, a Minister or Parliamentary Secretary;
- at the commencement of each financial year;
- in the event of an office restructure involving a change in the classification of electorate officer positions;
- where an employee commences or ceases a temporary transfer or period of approved leave of three months or longer; or
- in special circumstances with the agreement of the Special Minister of State.<sup>387</sup>

Senators and Members may also increase or decrease the level of ESA allocated to a position that is vacant or, subject to the overall ESA cap, use unallocated ESA to increase the level of ESA allocated to any position at any time.<sup>388</sup>

Senators and Members are not obliged to allocate the total amount of ESA available to the positions in their office but when allocating ESA it should be remembered that the amount allocated cannot be varied unless one of the circumstances listed above occurs.

Senators and Members are required to complete the appropriate *ESA allocation* form (Form 119, available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet). The form should also be signed by the employee to acknowledge the level of ESA allocated to the position. The employee may also indicate on the form that he or she elects not to receive ESA.<sup>389</sup> There are various deadlines that apply to the submission of advice about the allocation (and re-allocation) of ESA to Ministerial and Parliamentary Services. The date of effect for any change in ESA rate may be affected by the date the advice is received by Ministerial and Parliamentary Services.<sup>390</sup>

### 5.3.1 Time off in lieu

Where an ongoing or non-ongoing electorate employee does not receive ESA and is required to work reasonable additional hours, they may accrue time off in lieu (TOIL) with the

384 Clause 40.10 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

385 Clause 40.11 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

386 Clauses 40.12 and 41 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

387 Clause 40.6 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

388 Clauses 40.7 and 40.8 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

389 Paragraphs 11 and 15 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Electorate Staff Allowance*.

390 For further information, see the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Electorate Staff Allowance*.

agreement of the Senator or Member. This matter should be discussed by the Senator or Member with the employee prior to requesting that they work additional hours. The accrual of TOIL should take into account the nature of the occasion and the level of inconvenience to the employee when the additional hours were worked.

Accrued TOIL may be taken at a time agreed by the Senator or Member and the employee.<sup>391</sup>

---

391 Clause 41 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

## 5.4 Leave and Public Holidays

### 5.4.1 Leave - General Provisions

Ongoing and non-ongoing employees are entitled to leave for a number of circumstances with the approval of the employing Senator or Member. The following types of leave may be taken:

- annual leave;
- personal leave;
- unpaid carer's leave;
- compassionate leave;
- community service leave;
- miscellaneous leave;
- workplace relations training leave;
- long service leave;
- maternity leave;
- adoption leave;
- supporting partner leave;
- unpaid parental leave; and
- leave without pay.<sup>392</sup>

Further detail on all of these types of leave may be found in the Enterprise Agreement and Guidelines. Information on certain aspects of leave that may impact on the management of employees by Senators and Members are described below.

Applications for leave must be submitted to the Senator, Member or authorised person for approval as soon as practicable, and immediately forwarded to Ministerial and Parliamentary Services.<sup>393</sup> Copies of the *Application for Leave* form (Form 29) and *Application for Long Service Leave* form (Form 30) are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Ministerial and Parliamentary Services can provide details of leave balances and accrual rates.

### 5.4.2 Direction to Use Annual Leave

The purpose of annual leave is to enable employees to have sufficient breaks from the workplace to enable them to perform effectively. It is therefore desirable that employees are able, and encouraged, to take annual leave each year.

Where an employee's annual leave credits total 80 days or more as at 31 January or 31 July of any year, the employing Senator or Member may direct the employee to take a period of annual leave of up to one quarter of the amount of annual leave credited to the employee. The employee must be given at least one month's notice of the requirement to commence annual leave and the leave may not be required to commence within one week of a date on which the employee has previously requested to be absent from work on annual leave where that request was denied by the employing Senator or Member.<sup>394</sup>

392 Clauses 43-56 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

393 Clause 43 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

394 Clause 44.6 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

### 5.4.3 Excess (Canberra) Travel Leave

Excess (Canberra) travel leave is to compensate employees, whose work base is located in a remote and/or rural location as listed in the Enterprise Agreement or approved by the Special Minister of State, and who are required to travel from their work base to Canberra on a Sunday or a day which is a public holiday in their work base, for a Parliamentary sitting the following day. In this circumstance, employees may claim and receive one additional day of annual leave for each two Sundays and/or public holidays spent travelling up to a limit of eight additional days of annual leave per calendar year.<sup>395</sup>

A claim for the additional annual leave credit must be verified by the Senator or Member, or authorised person, and received by Ministerial and Parliamentary Services within six months after the travel has been completed.<sup>396</sup> To enable employees to apply for this leave credit with their claim for travelling allowance, copies of the *Travelling Allowance Claim – When Applying for Additional Annual Leave Credit* form (Form 41) are available from the Ministerial and Parliamentary Services intranet.

### 5.4.4 Personal Leave

Personal leave can be used for the personal illness or injury of the employee. Personal leave may also be used as carer's leave to provide care or support to a member of the employee's immediate family or household who requires care or support during a period of personal illness or injury or as the result of an unexpected emergency affecting the family or household member.<sup>397</sup>

It is a matter for Senators and Members to determine when and/or whether a medical certificate or other evidence, such as a statutory declaration, must be provided by the employee, to the Senator or Member, to cover an absence of personal leave, including carer's leave. Options could include a requirement that employees provide a certificate for any absence likely to exceed a certain number of consecutive days and/or after a specified number of days of personal leave per year has been used. Requirements should be advised to employees as soon as possible after commencing employment and/or after changing those requirements.<sup>398</sup>

### 5.4.5 Public Holidays and Annual Closedown

Employees are entitled to absent themselves from work on a day that is a public holiday at the employee's work base and/or at a location where the employee is travelling on official business, and will be paid for standard hours that would otherwise be worked on that day. Public holidays are set out in the Enterprise Agreement, and include any other days gazetted as public holidays by the State or Territory Government in the State or Territory of the employee's work base and/or at a location where the employee is travelling on official business.<sup>399</sup>

395 Clauses 61.3 and 61.4 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

396 Paragraph 11 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Leave and Public Holidays*.

397 Clause 45.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

398 Paragraph 16 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Leave and Public Holidays*.

399 Clause 57.1 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

Employees, other than casual employees, are not required to attend for duty on the business days falling between Christmas Day and New Year's Day and will be paid as though those days are public holidays.<sup>400</sup>

Employees may be requested to work on particular public holidays and during the annual closedown, and must work on the relevant days unless the request to work is unreasonable.<sup>401</sup> Where an employee is required to work ordinary hours of duty during the annual closedown, the employee may access paid time off for the ordinary hours worked. That paid time off must be used by 31 March in the year following the annual closedown, subject to the agreement of the employing Senator or Member.<sup>402</sup>

---

400 Clause 57.2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

401 Clause 57.4 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

402 Clause 57.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.



## 5.5 Other Employment Matters

### 5.5.1 Relief Staff

#### The Entitlement

A relief staff budget is provided to Senators and Members each financial year to meet the cost of engaging additional employees in their electorate office, such as during peak workloads and to fill short-term vacancies (for example, to cover periods of annual leave). The ability to engage employees using the relief staff budget is limited by the availability of funds in the relief staff budget and the completion of appropriate employment documentation consistent with the requirements of the *Members of Parliament (Staff) Act 1984* and the employment arrangements specified in the Enterprise Agreement.<sup>403</sup>

The relief budget is set out in Determination 2012/11 ('Determination Regarding Electorate Employee—Relief Staff Budget') which is discussed below and is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet and the Department of Finance and Deregulation internet site at [www.finance.gov.au](http://www.finance.gov.au).

### 5.5.2 Guidelines

The relief staff budget is a dollar amount based on:

- 150 days' salary at the base salary point of the Electorate Officer B classification, and
- an additional 50 days' salary at the base salary point of the Electorate Officer B classification where a Member is allocated an additional position for a second official electorate office.<sup>404</sup>

New Senators and Members who commence during the course of a financial year will be provided with a pro rata relief staff budget based on the proportion of the financial year remaining. Pro rata arrangements will also apply to Senators and Members who gain or lose the entitlement to a second electorate office during the course of a financial year.<sup>405</sup>

The relief staff budget is adjusted in line with changes to the base salary point of the Electorate Officer B classification.<sup>406</sup>

Unused relief staff budget allocations cannot be carried forward from one financial year to the next; nor can the next year's allocation be anticipated.<sup>407</sup>

Employees engaged against the relief staff budget must be engaged at either the Electorate Officer A, Electorate Officer B, or Electorate Officer C classification and the salary on engagement will be subject to the rules relating to salary on commencement outlined in section 5.2.2 of this handbook.<sup>408</sup>

No additional office facilities are provided for employees engaged under the relief staff budget.

403 Clause 5 of Determination 2012/11 ('Determination Regarding Electorate Employee—Relief Staff Budget') made by the Special Minister of State under the *Members of Parliament (Staff) Act 1984* on 31 July 2012.

404 Clause 2 of Determination 2012/11.

405 Clause 4 of Determination 2012/11.

406 Clause 3 of Determination 2012/11.

407 Clause 6 of Determination 2012/11.

408 Clause 13 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

### 5.5.3 Additional Relief Provisions

The engagement of electorate employees is not a debit from the relief staff budget under the following circumstances:

- filling of positions that are vacant due to resignation, retirement or termination;
- absences of one week or more on personal leave (this provision also applies to absences covered by workers' compensation); and
- all absences on the following types of leave:
  - unpaid carer's leave;
  - compassionate leave;
  - community service leave;
  - miscellaneous leave paid in accordance with the Enterprise Agreement or successor agreements (including Defence Force service, participation in major international sporting events, war service sick leave, political exchange leave, and other special purposes, but not including study leave);
  - long service leave;
  - maternity leave;
  - adoption leave;
  - supporting partner leave;
  - unpaid parental leave; and
  - leave without pay.

For the purposes of personal leave, an absence of 'one week' is defined as 37.5 hours for both part-time and full-time employees.

Where an employee who is absent due to personal illness or injury has exhausted their paid personal leave and therefore uses annual or long service leave, they may be replaced without debit to the relief staff budget. Where other forms of paid leave are used within the 52 week maternity leave period, the relief staff budget provisions that apply to maternity leave take precedence over the relief staff budget provisions that apply to the type of leave used.

Where an electorate employee is partially incapacitated (working fewer than their usual weekly hours on the basis of medical advice), working up to but not exceeding 20 hours per week, that employee will be treated as totally incapacitated and full-time relief arrangements will apply (to the maximum of the usual weekly hours of the employee) for a maximum period of six months without debit from the relief staff budget. After six months, or when the affected employee's work hours exceed 20 hours per week (but are less than their usual weekly hours), relief staff may be engaged part-time in order to fully staff the position without debit from the relief staff budget.<sup>409</sup>

The exclusions to debits from the relief staff budget are designed to ensure that a Senator or Member is not adversely disadvantaged from being able to fill their standard allocation of full-time positions where an employee takes long-term or unplanned leave. Where an employee paid from the relief staff budget takes leave, the cost of that leave and of any person employed as a 'replacement' is also a debit from the relief staff budget.

---

409 Clauses 7 and 8 of Determination 2012/11.

#### 5.5.4 Engagement of Employees under the Relief Staff Budget

Senators and Members are required to complete a written employment agreement<sup>410</sup> (available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet) at the earliest possible opportunity.

Consistent with good employment practice, employment agreements and variations to existing employment agreements, must be submitted to Ministerial and Parliamentary Services without delay. Salary cannot be processed until Ministerial and Parliamentary Services receives the completed and signed employment agreement and accompanying documentation.

It is preferred that completed, signed and scanned employment agreements, together with all relevant supporting documentation, are submitted to Ministerial and Parliamentary Services by email. Alternatively, completed and signed original employment agreements can be provided by mail. Where documents are emailed, Senators and Members are required to retain all original employment agreements and supporting documentation until either an audit is conducted or the employing Senator or Member leaves Parliament, whichever occurs sooner.

#### 5.5.5 Work Handover for Personal Employees

For those Senators and Members who have the authority to employ personal employees, a Senator or Member may overlap the employment of two personal employees against the same position, for the purposes of a work handover, for a period of up to two days, where a personal employee is:

- vacating a position (e.g. due to promotion, transfer or resignation);
- commencing leave for a period of 12 weeks or more; or
- returning from a period of leave of 12 weeks or more.

This arrangement is provided to allow personal employees to transfer work and relevant skills and share information on office procedures. The handover period remains available where the new personal employee has a different work base to that of the vacating employee.<sup>411</sup>

The work handover for personal employees is set out in Determination 2008/Part III/3 ('Work Handover for Personal Employees') which is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

#### 5.5.6 Relocation and Associated Expenses

Where an ongoing employee is recruited from a location other than that which will be the employee's work base, or an existing ongoing employee is required by their employing Senator or Member to move their place of work permanently to another location (e.g. to Canberra), or an existing ongoing employee is promoted or transferred to the office of a different Senator or Member and is required to move their place of work permanently to another location, the reasonable costs of the relocation may be met by the Commonwealth.<sup>412</sup>

More information on the types of expenses which will be reimbursed and other arrangements surrounding the relocation and seeking reimbursement can be found in the *Commonwealth*

410 Subsection 20(1) of the *Members of Parliament (Staff) Act 1984*.

411 Determination 2008/Part III/3 ('Work Handover for Personal Employees') made by the then Special Minister of State under the *Members of Parliament (Staff) Act 1984* on 6 May 2008.

412 Clause 31 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and paragraph 1 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Relocation Expenses*.

*Members of Parliament Staff Enterprise Agreement Guidelines: Relocation Expenses* on the Ministerial and Parliamentary Services intranet.

The employing Senator or Member is required to approve the relocation using the *Relocation of MOP(S) Act Staff* form (Form 49) available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet. To assist employees to plan their relocation, a checklist is also available on the intranet (Form 74).

### 5.5.7 When Relocation Expenses are not Payable

Relocation and associated expenses are not payable:

- to non-ongoing or casual employees;
- for temporary transfers;
- from a location outside Australia (but may be paid from the point of entry to Australia);
- when a move is solely to meet the personal requirements of an employee; or
- on cessation of employment.<sup>413</sup>

Relocation and associated expenses are not normally payable for an employee who is relocated by the same employing Senator or Member within 12 months of the employee's most recent relocation.

---

413 Clause 31 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and paragraphs 1, 2 and 26 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Relocation Expenses*.

## 5.6 Electorate Employee Travel

Staff travel arrangements are set out in Determination 2011/10 ('Determination Regarding Staff Travel Arrangements') which is discussed below and is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Electorate employees may travel at the direction of the employing Senator or Member, on official business, i.e., to assist the employing Senator or Member to carry out their duties as a Member of Parliament.<sup>414</sup> Subject to available funds in the electorate staff travel budget electorate employees may travel as directed anywhere within Australia on official business.<sup>415</sup> Employees may only travel by the most efficient direct route available.<sup>416</sup> Where a fare is paid for travel by air, rail, road or sea, the value of the fare must not exceed the cost of an economy class airfare for the most reasonable and usual route between the departure and destination points, unless otherwise determined by the Special Minister of State.<sup>417</sup>

It is an employee's responsibility (and hence the employee's cost) to transport himself or herself to and from his or her work base for normal hours of duty (or between accommodation and work when travelling on parliamentary or electorate business away from his or her work base). This includes travel to and from work when the employee's work base is distant from the employee's home.<sup>418</sup> The Commonwealth will *not* meet the costs of travel between home and any employee's work base, regardless of the distance between an employee's work base and home, other than in the circumstances set out at item 22 of Determination 2011/10 (and below).

With the approval of the employing Senator or Member, an employee is permitted to make a stopover for personal reasons in the course of travel on official business by the most efficient direct route available, provided any additional costs for fares or costs related to the personal stopover are paid direct to the contracted travel services provider, or to the relevant airline at the time of booking the travel. Personal stopovers may be taken before official business commences, after official business has been completed, or between adjacent periods of official business, provided the stopover is for a maximum of two nights and no annual leave is taken by the employee as part of the stopover.<sup>419</sup>

### Car Transport

Subject to the general conditions that apply to all travel on official business as directed by the employing Senator or Member, employees may use:

- taxis;
- hire cars; and
- short-term self-drive cars hired through the travel services provider, or with any car hire company, provided that:
  - the hire is of no more than 10 days' duration;
  - the vehicle is not used for journeys within Canberra;

414 Item 4 of Determination 2011/10 ('Determination Regarding Staff Travel Arrangements') made by the Special Minister of State under the *Members of Parliament (Staff) Act 1984* on 23 May 2011 and item 2 of Determination 2007/Part IV/1.

415 Item 4 of Determination 2011/10.

416 Item 1 of Determination 2011/10.

417 Item 20 of Determination 2011/10.

418 Items 2 and 22 of Determination 2011/10.

419 Item 10 of Determination 2011/10.

- the vehicle is not used for journeys within a city/town where the employer's electorate or other office is located, except by employees of the Prime Minister, the Leader of the Opposition, or the leader of a minority party; and
- for the purposes of car hire by employees, a capital city, other than Canberra, is defined by the boundaries of the electorates identified as *urban* on the *Federal Electoral Boundaries* map published from time to time by the Australian Electoral Commission. Canberra includes locations within a 30km radius of Parliament House.<sup>420</sup>

Costs of all car transport for electorate employees are subject to the electorate staff travel budget, other than for nominated electorate employees of certain Office Holders. The cost of insurance may be included in the cost of self-drive car hire where it is arranged at the time of the vehicle hire. It is the responsibility of employees to ensure that they arrange the appropriate level of insurance for the circumstances of the hire. To reduce liability to the Commonwealth in case of loss or damage to the vehicle, this will usually be the highest level of insurance cover available.

Employees are provided, on the request of the employing Senator or Member or authorised person, with a Cabcharge card for taxi travel.<sup>421</sup> Employees are not entitled to use taxis, hire cars or short-term self-drive hire cars at Commonwealth expense for private use.<sup>422</sup>

As noted above, it is the employee's responsibility (and hence the employee's cost) to transport himself or herself to and from his or her work base for normal hours of duty (or between accommodation and work when travelling on parliamentary or electorate business away from his or her work base). However, exceptions to this rule apply to the use of car transport in the following circumstances:

- the employee is travelling on official business and scheduled public transport services are not readily available; or
- the trip is approved for personal safety reasons (for example, where the risk to personal safety is significantly increased due to the requirement to work late); or
- the employee is travelling on official business and is carrying luggage to/from the office for the purpose of the trip.<sup>423</sup>

Senators and Members are encouraged to check the accuracy of each monthly management report as it is received to ensure that Cabcharge expenditure is correctly recorded and within entitlement. From time to time, Ministerial and Parliamentary Services will undertake a detailed check of Cabcharge expenditure and further explanation will be requested if a trip appears to have been undertaken from office to accommodation outside of entitlement and the employing Senator or Member will be asked to certify if any of the above exceptions applied to the travel undertaken.

Self-drive hire cars should be used on weekdays only unless exceptional circumstances apply and the Senator or Member has approved the use.<sup>424</sup>

Employees authorised by the employing Senator or Member to travel on official business may be reimbursed their toll and parking costs. Such costs must be reasonable (e.g. it is generally expected that long-stay parking will be used at an airport) to be eligible for full reimbursement. Toll and parking costs will not be reimbursed where incurred during a

420 Item 23 of Determination 2011/10.

421 Paragraph 21 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Domestic travel*.

422 Item 24 of Determination 2011/10.

423 Item 22 of Determination 2011/10.

424 Item 24 of Determination 2011/10.

personal stopover or a period of leave. Employees are not entitled to be reimbursed for valet parking costs. The value of all toll and parking costs that are reimbursed is debited from the electorate staff travel budget, other than for the electorate employees of certain Office Holders.<sup>425</sup>

### Motor Vehicle Allowance

An employee may be authorised by the employing Senator or Member, in advance of the proposed use, to use his or her privately-owned vehicle or a self-drive hire vehicle, at his or her own expense, for the purpose of official business where the employing Senator or Member considers that it will result in greater efficiency or involves less expense. In this circumstance, the employee will be paid motor vehicle allowance.<sup>426</sup>

#### 5.6.1 Electorate Staff Travel Budget

An annual electorate staff travel budget is allocated to cover travel costs (including fares, travelling allowance, motor vehicle allowance, taxis and self-drive hire cars) for official travel undertaken at the Senator or Member's direction.<sup>427</sup>

The balance of the electorate staff travel budget at the end of a financial year cannot be carried over to the following financial year. Any expenditure above the budget limit will be recovered as a debt owed to the Commonwealth by the Senator or Member.<sup>428</sup>

The electorate staff travel budget varies between electorates because, with the exception of certain Senators and Members whose electorate staff travel budget is a flat rate, it is calculated on the basis of:

- 20 return economy airfares between the primary electorate office and Canberra;
- taxi fares and/or motor vehicle allowance to and from the relevant airports for those 20 flights;
- 110 nights of travelling allowance at the rate applicable to Canberra; and
- a component based on the size of the Members' electorate, or a flat amount for Senators.<sup>429</sup>

Senators and Members are advised of their electorate staff travel budgets at the beginning of each financial year.

When a Senator or Member is appointed or elected during the course of a financial year, he or she is entitled to a proportion of the annual amount.<sup>430</sup> Ministerial and Parliamentary Services advises newly elected Senators and Members of the individual amounts that apply.

Details of employee travel are included in Senators and Members' monthly management reports to assist them to monitor and manage their budgets.

Certain office-holders may nominate an electorate employee to receive additional travel entitlements. Details of this arrangement are set out in Determination 2011/10 and discussed in the relevant *Entitlements* handbook for each office-holder.<sup>431</sup>

425 Items 26 to 29 of Determination 2011/10.

426 Clause 65 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

427 Item 13 of Determination 2011/10.

428 Item 18 of Determination 2011/10.

429 Item 13 of Determination 2011/10.

430 Item 16 of Determination 2011/10.

431 Items 6 and 7 of Determination 2011/10.

### 5.6.2 Airline Loyalty Points

Under the Whole of Australian Government travel contract, airline loyalty points are not accrued for travel at Commonwealth expense.

Where employees have previously accrued airline loyalty points through work related travel, these may only be used to:

- pay for additional work related flights;
- pay for airline lounge membership or renewal; or
- upgrade tickets to business class for work related travel for flights with an expected flight time of more than three hours' duration.<sup>432</sup>

The electorate staff travel budget is not debited where an electorate employee travels on airline loyalty points, however, the normal conditions relating to the employee's travel continue to apply.<sup>433</sup>

### 5.6.3 Travelling Allowance

Electorate employees are entitled to be paid travelling allowance when directed to travel on official business by their employing Senator or Member, where the travel requires an overnight stay away from the employee's work base.<sup>434</sup> The work base is established by the facts of the place of work where employee spends most time on duty, and may be distant from an employee's home, or their employing Senator or Member's electorate office.<sup>435</sup>

When an employee commences employment he or she will be required to nominate his or her work base using the *Employee's Personal Particulars* form (Form 53) and the Senator or Member must endorse this. Particular care should be taken in nominating the work base of casual or short-term non-ongoing employees who will be directed to travel, as the work base will be the location to which the employee travels if the travel is for the majority of their period of employment. The *Employee's Personal Particulars* form (Form 53) is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

#### Payment of Travelling Allowance

The arrangements for claiming travelling allowance are set out in the Enterprise Agreement and its accompanying guidelines.<sup>436</sup> The travelling allowance rates are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

Travelling allowance is not payable when travel does not involve an overnight stay.<sup>437</sup> For example, an employee who travels overnight on an aeroplane and does not require accommodation is not entitled to travelling allowance for that night.

An employee is entitled to claim travelling allowance for the preceding night when the scheduled or actual arrival time at their destination is 6:00am or earlier. Travelling allowance will be paid at the rate applicable to the destination. Travelling allowance will not be paid

<sup>432</sup> Clause 63 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>433</sup> Item 5 of Determination 2011/10.

<sup>434</sup> Clause 62.1 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>435</sup> See definition of 'work base' at clause 75 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>436</sup> See clause 62 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Travelling Allowance*.

<sup>437</sup> Clause 62.2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.



where the employee has no entitlement to travelling allowance at the destination, for example, at their work base.<sup>438</sup>

Where an employee is paid an advance of travelling allowance, the employee must acquit the travel no later than 28 days after the completion of the travel. Future travelling allowance payments will not be made if any acquittals are outstanding beyond this period.<sup>439</sup> Similarly, it is expected that employees will submit claims for travelling allowance as soon as possible after the completion of the travel. Claims signed by the employing Senator or Member or authorised person more than 60 days after the completion of the travel will not be paid unless special circumstances exist and a letter of explanation from the employing Senator or Member accompanies the claim.<sup>440</sup>

### Commercial Accommodation

The commercial rate of travelling allowance will be paid where the receipt for the commercial accommodation is produced or a certification is made that a receipt can be produced. Where no receipt is produced or certification is made; or where a certification is made but a receipt is not produced upon request by Ministerial and Parliamentary Services, a rate of one third of the commercial rate is payable.<sup>441</sup> Claims for travelling allowance involving commercial accommodation outside of Canberra must include a receipt (or certify that a receipt can be produced) with ABN, and the amount inclusive of GST, for each overnight stay in commercial accommodation (that is, hotel, motel, boarding house or similar).<sup>442</sup>

Periodically, Ministerial and Parliamentary Services undertakes a random check of travelling allowance payments where receipts were not attached to the relevant travelling allowance claim. Employees who have received these payments will be asked to produce the relevant receipts.

### Private Non-commercial Accommodation

Accommodation in a private residence is not considered commercial accommodation. Where an employee is accommodated in private, non-commercial accommodation, a rate of one third of the commercial rate is payable.<sup>443</sup>

### Travel Outside Entitlement

Ministerial and Parliamentary Services monitors travel by employees. If an employee travels to a destination outside entitlement or at a class above entitlement, the travel will be brought to the attention of the employing Senator or Member and cost recovery action may be initiated to recover any payment for travel outside entitlement as a debt due to the Commonwealth.<sup>444</sup>

438 Paragraph 8 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Travelling Allowance*.

439 Paragraph 15 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Travelling Allowance*.

440 Paragraph 19 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Travelling Allowance*.

441 Clause 62.6(a) of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

442 Paragraph 4 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Travelling Allowance*.

443 Clause 62.6(b) of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

444 Paragraphs 5 and 25 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Travelling Allowance*.

## 5.7 Training and Professional Development

A range of professional development opportunities are available to all employees.<sup>445</sup>

### 5.7.1 Professional Development Program

Ministerial and Parliamentary Services provides a Professional Development Program each year, which includes ‘Know Your Entitlements’, and ‘Office Management’ information sessions.

The program has been designed to enhance employees’ skills and knowledge and to contribute to the support role that employees provide to their employing Senator or Member.

Details for each training session and registration forms are circulated in advance of each course provided as part of the program. A copy of the Professional Development Program training calendar is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.<sup>446</sup>

### 5.7.2 Studies Assistance

Studies assistance is available for approved study at educational institutions in courses considered relevant to the employee’s employment. Employees are not **required** to seek approval of studies assistance prior to the commencement of the relevant semester or period of study; however, employees should be aware of the potential financial risk of not obtaining prior approval. Employees are not eligible for and cannot access study leave or financial assistance until their application for studies assistance is supported by the employing Senator or Member and approved by the Department of Finance and Deregulation.

Employees may be entitled to the following:

- paid study leave of up to five hours per week which may be pooled and accessed over the period of study; and
- reimbursement of up to \$10,000 per financial year of compulsory tuition and course fees, examination fees, and HELP payments, subject to satisfactory completion of the course. (Administration charges, student union fees, books, travel, accommodation and/or similar costs will not be reimbursed.)<sup>447</sup>

Reimbursement, and the maximum reimbursement threshold, will be pro rata for part-time employees or where an employee commences MOP(S) Act employment during the relevant semester.<sup>448</sup>

Where an employee is engaged to replace a person on paid study leave, the costs will be met from the relief staff budget.<sup>449</sup>

Full details, including how to apply for studies assistance, are in the Guidelines to the Enterprise Agreement.<sup>450</sup>

445 Clauses 66 and 67 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

446 Clause 67.2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and paragraphs 4 and 5 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Learning and Professional Development*.

447 Clauses 67.3 and 67.4 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and paragraphs 19, 20 and 23 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Studies Assistance*.

448 Clause 67.5 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

449 Item 7(c) of Determination 2012/11.

### 5.7.3 Training Provided by Party Secretariats

Funding is available to Party Secretariats and to Independent Senators and Members (not affiliated with a major party) for training for employees in areas such as communications, office management, constituent management, electorate business and managing the media.

### 5.7.4 Electorate Office Computer Systems Training

All electorate office employees have access to computer training at beginner, intermediate and advanced levels for the following software:

Microsoft Software	Additional Software
Microsoft Word	Adobe Creative Suite Master Collection
Microsoft Excel	Microsoft Front Page
Microsoft Publisher	Dragon Naturally Speaking
Microsoft PowerPoint	
Microsoft Access	
Microsoft Outlook	
Microsoft Project	
Microsoft Share Point	
Internet Explorer	

Training is provided by a contracted computer training supplier,<sup>451</sup> and includes online courses, and face-to-face training in capital cities and major regional locations throughout Australia. The cost of travel to attend this training is met by Ministerial and Parliamentary Services. To ensure the costs of travel are not debited to the electorate staff travel budget, employees should inform the travel service provider, at the time of booking, of the purposes of the travel, and should clearly mark their travelling allowance claim as being for electorate office computer systems training.

### 5.7.5 Ad hoc Learning and Development Opportunities

Employees may access other professional development activities (within Australia only) that satisfy their individual development needs. This may include attendance at events such as courses, seminars, workshops and conferences. These events must be relevant to the employee's duties, tasks and responsibilities, represent value for money, and should not

450 See the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Studies Assistance*.

451 Paragraph 2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Learning and Professional Development*.

duplicate a learning and development opportunity provided as part of the Professional Development Program.<sup>452</sup>

If employees wish to attend an ad hoc professional development event, approval to attend must be sought in advance by submitting the *Application to Attend Ad Hoc Training* form (Form 113) to the relevant Entitlements Manager. The application must have the support of the employing Senator or Member.<sup>453</sup>

Please consult the Enterprise Agreement Guidelines for further information.

### 5.7.6 Online Access to Information at Parliament House

The Parliament House website has information about forthcoming forums and seminars conducted by the Department of the Senate and the Department of the House of Representatives. These can be accessed at <http://www.aph.gov.au>.

Some of these forums are offered at no cost and others involve a fee. If employees wish to attend a forum where a fee applies, approval to attend must be sought in advance by submitting the *Application to Attend Ad Hoc Training* form (Form 113) to the relevant Entitlements Manager. The application must have the support of the employing Senator or Member.<sup>454</sup>

---

452 Clause 67.10 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

453 Clause 67.10 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

454 Clause 67.10 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

## 5.8 Workplace Practices

### 5.8.1 Responsibilities in the Workplace

The Senator or Member's responsibilities in the workplace, on behalf of the Commonwealth, are to:

- deal honestly and ethically with employees;
- clearly state performance expectations and accountabilities for work roles;
- consult with employees on any decision of the employing Senator or Member to introduce a major change that is likely to have a significant effect on employees;<sup>455</sup>
- ensure good employer practices (for example, work health and safety and freedom from discrimination or harassment) are followed; and
- help develop an employee's skills and abilities.

The responsibilities of employees are to:

- be honest, act legally and with integrity;
- respect privacy and confidentiality of dealings;
- disclose, and take reasonable steps to avoid, any conflict of interest in connection with his or her employment;
- take no advantage of his or her official position to obtain a benefit for him or herself or others;
- work with skill, care and diligence and undertake all work allocated to the agreed standards;
- be responsive to the needs of others and treat other employees and members of the public with courtesy at all times; and
- fulfil his or her duties under the *Work Health and Safety Act 2011* (see section 5.8.5 of this handbook).

### 5.8.2 Workplace Practices - General

All employees have the right to be treated fairly and with respect. As an employer, the Commonwealth seeks to promote a work environment which is safe, free from discrimination and harassment and supports both productivity and the self-esteem and personal work goals of employees. While Senators and Members and their employees should initially aim to resolve all matters relating to the workplace within the office, Ministerial and Parliamentary Services is available to assist in these matters.<sup>456</sup>

### 5.8.3 Consultation with Employees

#### Major Changes in the Workplace

The Enterprise Agreement requires a Senator or Member who has made a decision to introduce a major change that is likely to have a significant effect on employees to consult with the affected employees. A major change is defined as likely to have a major effect on employees if it results in:

- the termination of the employment of employees; or
- major change to the composition, operation or size of the employer's workforce or to the skills required of employees; or

<sup>455</sup> Clause 9 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>456</sup> Clause 75 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

- the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or
- the alteration of hours of work; or
- the need to retrain employees; or
- the need to relocate employees to another workplace; or
- the restructuring of jobs.

As soon as practicable after making the decision, the Senator or Member must discuss with the relevant employees:

- the introduction of the change; and
- the effect the change is likely to have on the employees; and
- measures the employer is taking to avert or mitigate the adverse impact of the change on the employees.

For the purposes of this discussion, the Senator or Member must provide, in writing, to the relevant employees:

- all relevant information about the change including the nature of the change proposed; and
- information about the expected effects of the change on the employees; and
- any other matters likely to affect the employees.

The relevant employees may appoint a representative for the purposes of this consultation. The Senator or Member must give prompt and genuine consideration to matters raised about the major change by the relevant employees.<sup>457</sup>

### Work Health and Safety

Under the *Work Health and Safety Act 2011*, a Senator or Member has a duty to consult with all workers within their workplace, including volunteers, on work health and safety matters<sup>458</sup> (see section 5.8.5 of this handbook).

#### 5.8.4 Workplace Diversity Principles

Workplace diversity principles are applied throughout the Commonwealth employment sector. These principles seek to remove discrimination from the workplace, particularly in relation to women, Indigenous people, people of culturally-diverse backgrounds, and people with disabilities.

#### 5.8.5 Work Health and Safety

Senators and Members have duties under the *Work Health and Safety Act 2011* (Cth) (the WHS Act), the *Safety, Rehabilitation and Compensation Act 1988* and relevant State and Territory work health and safety legislation.

Under the WHS Act, each Senator or Member is responsible for discharging the Commonwealth's duties under the WHS Act as a person conducting a business or undertaking (PCBU) which, in practice, relate to:

- activities related to the representation of the Senator or Member's electorate;
- work undertaken at the Senator or Member's electorate office(s); and
- work undertaken by workers (including MOP(S) Act employees, volunteers and contractors) for the Senator or Member at Parliament House and at other locations.<sup>459</sup>

<sup>457</sup> Clause 9 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>458</sup> Section 47 of the *Work Health and Safety Act 2011*.

Senators and Members must ensure, as far as is reasonably practicable, the health and safety of:

- MOP(S) Act employees, volunteers and contractors engaged, or caused to be engaged by the Senator or Member;
- MOP(S) Act employees, volunteers and contractors whose activities in carrying out work are influenced or directed by the Senator or Member; and
- other persons in the Senator or Member’s workplace.<sup>460</sup>

The duty of care to ensure the safety of workers extends beyond just physical safety. The WHS Act defines the term ‘health’ to mean ‘physical and psychological health’.<sup>461</sup> The duty to provide a workplace that is safe psychologically is a legal obligation for Senators and Members.

To discharge their duty as a PCBU, each Senator or Member will need to establish and maintain, as part of their office management practices, a due diligence framework to meet their safety obligations, taking the following matters into account:

- a Senator or Member has a duty to consult with all workers within their workplace, including volunteers, on WHS matters;
- volunteers and contractors will be owed the same duty as MOP(S) Act employees or any other worker;
- a Senator or Member retains overall responsibility to ensure compliance with their WHS duties, even if they delegate or contract out activities to others;
- more than one person can concurrently have the same duty—for example, other Senators and Members, the Department of Finance and Deregulation and the Parliamentary departments also have duties towards MOP(S) Act employees;
- if more than one person has a duty under the WHS Act for the same matter, then each person:
  - retains responsibility for their WHS duty in relation to that matter;
  - must discharge their WHS duty to the extent that the matter is within the person’s capacity to influence or control; and
  - must consult, co-operate and coordinate activities with all other persons who have a WHS duty in relation to the same matter; and
- multiple PCBUs in the same workplace must consult with each other and workers to determine who has control over activities being undertaken and to what extent.<sup>462</sup>

Senators and Members also have duties as ‘officers’ under the WHS Act.<sup>463</sup> Some MOP(S) Act employees, particularly those with delegated responsibilities for employment

459 The term ‘*person conducting a business or undertaking*’ is defined in section 5 of the *Work Health and Safety Act 2011* (WHS Act). See also, for example, sections 19 and 20 of the WHS Act in relation to the duties of persons conducting a business or undertaking.

460 See, for example, sections 19, 20 and 47–49 of the WHS Act.

461 Section 4 of the WHS Act.

462 See, for example, sections 12B, 16 and 46 of the WHS Act.

463 The term ‘officer’ is defined in section 4 of the WHS Act to mean, among other things ‘an officer of the Commonwealth within the meaning of section 247’ of the WHS Act. Subsection 247(1) of the WHS Act states that a ‘person who makes, or participates in making, decisions that affect the whole, or a substantial part, of a business or undertaking of the Commonwealth is taken to be an officer of the Commonwealth for the purposes of this Act’. However, subsection 247(2) states that Commonwealth Ministers are not, in that capacity, ‘officers’ for the purposes of the Act. In practical terms, this means that while a Minister is not an officer of the Department that he or she administers, a Minister remains an ‘officer’ in respect of the activities set out above in his or her capacity as a Senator or Member, including work undertaken by staff and volunteers for the Senator or Member at Parliament House and other locations.

matters, may also have duties as an ‘officer’ under the WHS Act. To discharge these duties, Senators and Members and relevant MOP(S) Act employees need to keep themselves and workers in their office informed of work health and safety issues that could affect their office.<sup>464</sup> In particular, they need to identify risks and hazards arising from the undertaking and ensure that there are systems in place to eliminate or minimise those risks and hazards. One way of demonstrating compliance with this duty is to engage actively with the WHS roles program for MOP(S) Act employees administered by the Department of Finance and Deregulation.

In addition, Senators and Members, MOP(S) Act employees, volunteers and contractors have duties as ‘workers’ under the WHS Act.<sup>465</sup> While at work, a ‘worker’ must:

- take reasonable care for his or her own health and safety;
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to allow the person to comply with the WHS Act; and
- co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.<sup>466</sup>

By actively seeking to comply with their duties as ‘workers’, Senators and Members will send a strong message to MOP(S) Act employees, and to other Senators and Members, that work health and safety is taken seriously in their workplace. If a culture of work health and safety becomes a part of the way things are done in a Senator’s or Member’s workplace, it will assist in ensuring that the workplace is safe and everyone in the workplace meets their duties under the WHS Act.

### **WHS Site Officers, First Aid Officers and Emergency Officers**

WHS Site Officers, First Aid Officers and Emergency Officers coordinate certain WHS tasks at their particular place of employment, performing essential functions that cannot be conducted off-site or remotely, such as hazard management, first aid and fire warden duties. The same MOP(S) Act employee may perform multiple roles.

Senators and Members are required to nominate a WHS Site Officer and First Aid Officer for each of their electorate, Ministerial and capital city office(s). Those Senators and Members with an office within Parliament House where four or more MOP(S) Act employees are based should also nominate a WHS Site Officer and a First Aid Officer for that workplace.

Senators and Members are also asked to nominate an Emergency Officer (Fire Warden) and Deputy Emergency Officer, noting that the need for a trained Emergency Officer will vary from office to office.

The comprehensive position descriptions for WHS Site Officers, First Aid Officers and Emergency Officers on the Ministerial and Parliamentary Services intranet provide further information regarding these roles.

Nominated WHS Site Officers, First Aid Officers, Emergency Officers and Deputy Emergency Officers receive training from the WHS and emergency management service providers to assist them in their roles. Deputy Emergency Officers will also receive emergency officer training in order to facilitate a smooth transition should the Emergency Officer cease performing that role.

464 See, for example, sections 12 and 27 of the WHS Act.

465 The term ‘worker’ is defined in section 7 of the WHS Act.

466 Section 28 of the WHS Act.



WHS Site Officers, First Aid Officers and Emergency Officers (but not Deputy Emergency Officers or casual employees) are eligible for the payment of a corporate responsibility allowance under clause 30 of the Enterprise Agreement.<sup>467</sup> To be eligible for a corporate responsibility allowance, WHS Site Officers, First Aid Officers and Emergency Officers must:

- be nominated by their employing Senator or Member;
- complete the relevant training (and refresher training) for their role; and
- fulfil the requirements of their role, as outlined in the position description.<sup>468</sup>

### Online Work Health and Safety Training

A suite of online WHS training programs are available to all MOP(S) Act employees. Details on how to access this training can be found on the WHS Training page via the Ministerial and Parliamentary Services intranet. The training programs have been designed to assist in fostering a safe working environment for MOP(S) Act employees.

### Reporting an Accident or Incident

In the event of a workplace incident, *Members of Parliament (Staff) Act 1984* employees are required to call the WHS service provider as soon as practicable (and at least within 24 hours). If a *Members of Parliament (Staff) Act 1984* employee involved in an incident is unable to report the incident, then the Site Officer, a colleague or supervisor may call the WHS service provider on the injured employee's behalf.

Incidents include (but are not limited to):

- near misses (incidents that may have resulted in injury, if a mitigating effect, action or system had not been in place);
- incidents requiring first aid treatment or external medical treatment;
- time lost (incidents requiring time off work);
- psychological injury (a form of mental injury generally associated with work-related stress);
- decreased capacity (unable to perform part of, or all of, normal duties); and
- repeat injury.

A consultant engaged by the WHS service provider will collect and record the incident detail and, if required, arrange for a workplace assessment to assist with the injured employee's return to work.

### Ergonomic Assessments

In accordance with early intervention principles, worksite or ergonomic assessments can be provided for new employees, employees returning from extended leave, relocating workstations or who are experiencing symptoms of pain or discomfort or following an injury or incident. Worksite or ergonomic assessments assist in the prevention of workplace injury and support employees who may require specific ergonomic equipment due to a disability or previous injury. Employees are required to obtain approval from their employing Senator, Member or former Prime Minister before contacting the WHS service provider to organise the assessment. This assessment aims to identify the risks at the worksite and make recommendations in order to prevent, eliminate or reduce any ongoing symptoms or discomfort.

<sup>467</sup> See also clause 17.6 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>468</sup> For further information, see the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Corporate Responsibility Allowance*.

The purchase of equipment may be a recommendation from a worksite or ergonomic assessment and will be subject to approval by the relevant Ministerial and Parliamentary Services State Manager.

### Employee Assistance Program

Employees, and their immediate family and/or household members, are entitled to access an Employee Assistance Program (EAP). The EAP provides a free, confidential and independent counselling service, and can be accessed for either personal or work-related issues. The contracted service provider has a network of associated counsellors across Australia.<sup>469</sup>

To make an appointment to see a counsellor in your local area, contact the service provider. Further information about EAP, or other aspects of the Work Health and Safety Program, is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

### 5.8.6 Workers' Compensation

Under the *Safety, Rehabilitation and Compensation Act 1988*, employees are entitled to claim compensation for an injury or disease which arises out of, or in the course of, their employment.<sup>470</sup>

All correspondence and information relating to a claim, including applications for compensation leave, are to be sent, through the employing Senator or Member, to Ministerial and Parliamentary Services. Ministerial and Parliamentary Services lodges claims for compensation on behalf of an employee with Comcare.

### 5.8.7 Bullying, Harassment and Workplace Violence

Senators and Members have an obligation to provide a safe and healthy work environment, free from bullying, harassment and workplace violence for their employees.

Bullying and harassment include any unwanted or uninvited behaviour that is offensive, embarrassing, intimidating or humiliating. It may take many different forms—obvious or indirect, physical or verbal—and it may be against the law.

Bullying, harassment and workplace violence is unacceptable and can have significant consequences for individuals. It is expected that all Senators, Members and their employees will behave in a professional manner, and treat each other with dignity and respect.

All employees have a role to play in eliminating bullying, harassment, and workplace violence by refusing to participate in this behaviour, reporting any experiences of the behaviour, and supporting colleagues in saying 'no' to these behaviours. Senators and Members are responsible for ensuring, as far as practicable, that no employees are exposed to bullying, harassment or workplace violence.

In accordance with the principles of early intervention, incidents or injuries related to bullying, harassment or workplace violence are to be reported to the WHS service provider within 24 hours. All reports of bullying, harassment or workplace violence will be treated seriously and investigated in a prompt, confidential and impartial manner. Advice is available from Ministerial and Parliamentary Services on request.<sup>471</sup>

469 Clause 69 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and the *Commonwealth Members of Parliament Staff Enterprise Agreement Guidelines: Employee Assistance Program*.

470 Part 2 of the *Safety, Rehabilitation and Compensation Act 1988*.

471 Clause 68.3 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

The document *Bullying, Harassment and Workplace Violence Policy and Procedure for MOP(S) Act Employees* provides further guidance on what behaviour constitutes bullying, harassment and workplace violence. It also outlines the complaint resolution procedures available to MOP(S) Act employees.<sup>472</sup>

---

472 This information is located on the Ministerial and Parliamentary Services intranet by following the steps: Home>>Employees' Employment Framework>>Occupational Health and Safety>>Bullying, Harassment and Workplace Violence Policy and Procedure.

## 5.9 Employment of Trainees in Electorate Offices

### 5.9.1 Participation in Schemes

Senators and Members should note that ‘trainees’ are usually employees at law, and in certain circumstances, even ‘work experience students’ may legally be employees. For example, trainees and work experience students are classified as ‘workers’ under the *Work Health and Safety Act 2011*.<sup>473</sup> Senators and Members need to be alert to their own responsibilities when engaging such employees or participating in training schemes. A Senator or Member who is considering participating in a training scheme should seek advice from the relevant Ministerial and Parliamentary Services Entitlements Manager.

### 5.9.2 Nature of Relationship

Employees under the *Members of Parliament (Staff) Act 1984* are engaged by Senators and Members on behalf of the Commonwealth and are Commonwealth employees.<sup>474</sup> If an employee is employed by a Senator or Member other than under the employment framework approved by the Government under the Act, then it is the individual Senator or Member, rather than the Commonwealth, who is the employer.

As an employer, a Senator or Member is responsible for an employee’s remuneration, superannuation and taxation arrangements, and other employment matters including, but not limited to, long service leave, maternity leave, workers’ compensation and work health and safety, and will usually be liable for the employee’s actions. In these circumstances, State or Territory legislation and relevant industrial instruments may apply, rather than Commonwealth legislation. Legal advice regarding such matters should be sought from a Senator or Member’s own legal adviser.

### 5.9.3 Constitutional Limitations

Senators and Members should also be aware of the constitutional limitations which affect them as Members of Parliament, but which do not apply to other employers. For example, the Commonwealth has schemes in place to encourage employment of certain classes of employees, by providing benefits to employers of those employees. Care should be exercised when seeking to employ someone under such a scheme as receipt of benefits by Senators and Members under these schemes may contravene section 44(v) of the Constitution. Senators and Members should seek their own legal advice about these issues.

Note, however, that the Commonwealth may still have a liability as an occupier of a Senator or Member’s electorate office (which the Commonwealth leases on the Senator or Member’s behalf) or other Commonwealth premises in respect of employees engaged personally by a Senator or Member. As an occupier of these premises, the Commonwealth has a responsibility to ensure that the premises are safe for visitors and employees.<sup>475</sup>

### 5.9.4 Use of Electorate Allowance to Employ Trainees

The Australian Taxation Office has indicated in Taxation Ruling 1999/10 (*Income tax and fringe benefits tax: Members of Parliament – allowances, reimbursements, donations and gifts, benefits, deductions and recoupments*) that a:

473 Section 7 of the *Work Health and Safety Act 2011*.

474 See, for example, section 20 of the *Members of Parliament (Staff) Act 1984*.

475 See, for example, the *Work Health and Safety Act 2011*.

... deduction is allowable for the cost of wages paid for services rendered to assist a Member to carry out his or her work-related activities, provided the expenditure is not private or domestic in nature.<sup>476</sup>

This means that Senators and Members may claim tax deductibility for expenditure of the electorate allowance on the employment of additional employees, including trainees. However, any trainee employed in this way would still be employed by the Senator or Member, not the Commonwealth.<sup>477</sup>

### 5.9.5 Employment of Minors

A Senator or Member may, on occasions, consider employing a minor. A ‘minor’ is a person under the age of majority (set by legislation at 18 years of age in all Australian States and Territories).<sup>478</sup>

Caution is urged with regard to employing minors because, depending on the jurisdiction in which the employment agreement is signed, the agreement may not be binding (on either the minor who has been employed, or the Commonwealth as employer, or may bind the employer but could not be enforced against the minor). In addition, there may be additional obligations imposed on an employer of a child or young person. All Australian States and Territories have legislation dealing with the employment of minors.<sup>479</sup>

When considering employing a minor, Senators and Members should be mindful of their responsibilities in engaging employees, and of the responsibilities of an employee and the capability of a minor to fulfil such responsibilities. A Senator or Member who is considering employing a minor should seek advice from the relevant Ministerial and Parliamentary Services Entitlements Manager.

---

476 Paragraphs 29 and 344 of Taxation Ruling TR 1999/10.

477 Paragraphs 344-345 of Taxation Ruling TR 1999/10.

478 See, for example, the *Age of Majority Act 1977* (Vic) and the *Age of Majority Act 1982* (WA).

479 See, for example, the *Children and Young People Act* (ACT) and the *Child Employment Act 2006*.

## 5.10 Liability for Volunteers

---

Volunteers are classified as ‘workers’ under the *Work Health and Safety Act 2011*. Senators and Members therefore have a duty to ensure, so far as is reasonably practicable, the health and safety of volunteers in the workplace (see section 5.8.5 above).

Depending on the facts and circumstances of the individual case, where a volunteer injures himself or herself whilst working for a Senator or Member in an electorate office (or other Commonwealth property or leased property), the Commonwealth or the landlord could be liable for the injury. Legal advice should always be obtained where a volunteer is injured whilst working for a Senator or Member.

Any enquiries or claims in relation to liability for volunteers should, in the first instance, be directed to the relevant Ministerial and Parliamentary Services Entitlements Manager.

## 5.11 Cessation of Employment

### 5.11.1 Termination

The employment of an employee terminates if the employing Senator or Member:

- dies;
- ceases to be a Senator or Member; or
- gives notice of termination in writing to the employee.<sup>480</sup>

Generally, employees are deemed to continue to be employed for a period after the employing Senator or Member dies or ceases to be a Senator or Member. The employees of a Member, or a Senator for a Territory, continue in employment until the declaration of the poll in the election or by-election.<sup>481</sup>

Employees of a Senator for a State continue to be employed until the casual vacancy is filled; until the 30 June after a general election; or until the declaration of the poll in a double-dissolution election.<sup>482</sup>

#### Termination at the Initiative of the Employing Senator or Member

Employees are covered by the unfair dismissal provisions contained in the *Fair Work Act 2009*.<sup>483</sup>

Employees who have not completed the minimum employment period are excluded from making an unfair dismissal application. The minimum employment period is 6 months with the Commonwealth.<sup>484</sup>

The termination of employment by the employer may occur for a number of reasons, for example:

- the office may be restructured, calling for a different set of skills;
- unsatisfactory performance or conduct by the employee;
- the Senator or Member has lost trust or confidence in the employee; or
- the employee has a significant conflict of interest.

Under the *Fair Work Act 2009* the factors that will be taken into account when considering whether a dismissal was harsh, unjust or unreasonable include whether:

- there is a valid reason for the termination related to the capacity or conduct of the employee; and
- the employee has been notified of the reason for the termination; and
- the employee has been given the opportunity to respond to any reason related to his or her capacity or conduct; and
- the Senator or Member has, where reasonable, allowed the employee to have a support person present to assist at any discussions relating to the termination; and
- if the termination related to unsatisfactory performance—the employee has been warned about that unsatisfactory performance before the termination and given sufficient opportunity to improve his or her performance; and
- any other matters that Fair Work Australia considers relevant.<sup>485</sup>

480 Section 23 of the *Members of Parliament (Staff) Act 1984*.

481 Direction 2007/31 ('Direction to Defer the Termination of Employment') made by the then Special Minister of State under the *Members of Parliament (Staff) Act 1984* on 5 September 2007.

482 Direction 2007/31.

483 Part 3-2 of Chapter 3 of the *Fair Work Act 2009*.

484 Sections 382–384 of the *Fair Work Act 2009*.

Further information on termination of employment can be obtained through the relevant Ministerial and Parliamentary Services Entitlements Manager. It is important that a Senator or Member, faced with an organisational or employment issue, seeks the early assistance of the relevant Ministerial and Parliamentary Services Entitlements Manager.

A *Termination of Employment* form (Form 107) must be forwarded to Ministerial and Parliamentary Services as soon as possible to provide information on the circumstances of the termination of employment and enable the completion of relevant personnel matters.

Copies of the *Termination of Employment* form (Form 107) are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

### Notice Period

A Senator or Member must provide the required period of notice when terminating the employment of an employee, except where the employment is terminated due to serious misconduct. Where the applicable period of notice is not given, a payment in lieu of notice must be made.

LENGTH OF CONTINUOUS SERVICE EMPLOYED BY THE COMMONWEALTH*	PERIOD OF NOTICE
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

\*Includes, for example, continuous service under the *Members of Parliament (Staff) Act 1984* with other Members.<sup>486</sup>

When an employee is over 45 years of age and has completed two years' continuous service at the time of termination the employee is entitled to one additional week's notice of termination.<sup>487</sup>

Assistance should be obtained through the relevant Entitlements Manager in Ministerial and Parliamentary Services.

### Non-ongoing or Casual Employment

The employment of employees engaged on a non-ongoing or casual basis ceases at the expiry of the period specified in the employment agreement.

485 Section 387 of the *Fair Work Act 2009*.

486 Section 22 of the *Fair Work Act 2009*.

487 Sections 117 and 123 of the *Fair Work Act 2009* and clause 70 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.



### 5.11.2 Severance Benefits

#### When Severance Benefits are Payable

Severance benefits are payable under the Enterprise Agreement on termination of employment other than through resignation and excluding circumstances where the employee:

- is on leave from the Australian Public Service, the Public Service of a State or Territory, or any other public sector employer;
- is guilty of serious misconduct in the view of the Special Minister of State, that is misconduct of such a nature that it would be unreasonable to require the employing Senator or Member to continue the employment;
- is a non-ongoing or casual employee;
- has been approved for an invalidity retirement benefit from the CSS or the PSS;
- is dismissed during the probation period;
- has, immediately prior to the cessation of their employment under the *Members of Parliament (Staff) Act 1984*, been absent from duty without approved leave for a continuous period of 10 business days and who has failed to notify a reasonable cause for their absence; or
- is re-employed, without a break, under the *Members of Parliament (Staff) Act 1984*.<sup>488</sup>

Additional severance benefits of 30 per cent will be payable when employment ceases as a result of a Senator or Member dying, ceasing to be a Senator or Member, or ceasing to hold office, and if the benefits are not treated as a ‘genuine redundancy payment’ for the purpose of subdivision 83-C of the *Income Tax Assessment Act 1997*.<sup>489</sup>

Where a Senator or Member, who is the subject of a Determination under section 12 of the *Members of Parliament (Staff) Act 1984* enabling him or her to employ personal employees under Part III of the Act, ceases to hold the position which was the reason for the Determination, the severance benefit payable to a personal employee whose employment is terminated as a result, will be increased by 30 per cent.<sup>490</sup>

When an employee who has received a severance benefit is re-employed by a Senator or Member during the period covered by the severance payment defined in the Enterprise Agreement, their severance benefit will be reduced by the period of overlap and they will be required to repay the overlapping portion of the severance benefit, including any additional severance benefit. For example, an employee receiving a severance benefit of 10 weeks’ pay on termination is re-employed by a Senator or Member after a period of six weeks. The severance benefit for the remaining four weeks is to be repaid. A severance benefit will not be reduced to an amount less than any entitlement to redundancy pay that an employee may have under the National Employment Standards.<sup>491</sup>

488 Clause 71.1 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

489 Clause 72 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

490 Clause 72 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015* and see also the ‘automatic revocation’ clause in all section 12 determinations made under the *Members of Parliament (Staff) Act 1984*.

491 Clauses 71.3 and 71.4 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

### Rates of Severance Benefits

The severance benefits payable to staff are set out in the table below.<sup>492</sup>

LENGTH OF SERVICE	SEVERANCE BENEFIT
Less than 1 year	4 weeks' pay
1 year or more but less than 2 years	8 weeks' pay
2 years or more but less than 3 years	10 weeks' pay
3 years or more but less than 4 years	12 weeks' pay
4 years or more but less than 5 years	13 weeks' pay
5 years or more but less than 7 years	14 weeks' pay
7 years or more	2 weeks' pay, plus an additional 2 weeks' pay for every completed year, up to a maximum of 48 weeks' pay

### Redundancy Pay under the National Employment Standards

An employee will be entitled to redundancy pay under the National Employment Standards where that entitlement is more generous than the severance benefit, including any additional severance benefit, under the Enterprise Agreement.

Relevantly, employees are entitled to redundancy pay where their employment is terminated by the Senator or Member because they no longer require the employee's job to be performed by anyone.

An employee is not entitled to redundancy pay if, e.g., their employment is terminated because of serious misconduct, he or she is a casual employee or a non-ongoing employee.<sup>493</sup>

LENGTH OF SERVICE	REDUNDANCY PAY
At least 1 year but less than 2 years	4 weeks' pay
At least 2 years but less than 3 years	6 weeks' pay
At least 3 years but less than 4 years	7 weeks' pay
At least 4 years but less than 5 years	8 weeks' pay
At least 5 years but less than 6 years	10 weeks' pay

<sup>492</sup> Clause 71.2 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2012–2015*.

<sup>493</sup> Subdivision B and C of Division 11 of Part 2-2 of the *Fair Work Act 2009*.

LENGTH OF SERVICE	REDUNDANCY PAY
At least 6 years but less than 7 years	11 weeks' pay
At least 7 years but less than 8 years	13 weeks' pay
At least 8 years but less than 9 years	14 weeks' pay
At least 9 years but less than 10 years	16 weeks' pay
At least 10 years	12 weeks' pay

### 5.11.3 Payment of Accumulated Long Service Leave when Employment is Terminated

Employees with between one and 10 years' service whose employment is terminated for reasons other than poor performance or misconduct and where the termination has not been initiated, or agreed to, by the employee concerned, may be entitled to pro rata long service leave or payment in lieu of the pro rata long service leave. Pro rata long service leave or payment in lieu is payable to employees with at least 12 months service who have reached 55 years of age.<sup>494</sup>

Unused long service leave credits are paid to employees on the termination of their employment.<sup>495</sup>

Further information about the granting, or payment in lieu, of pro rata long service leave should be obtained through the relevant Entitlements Manager in Ministerial and Parliamentary Services.

### 5.11.4 Resignation

An employee may resign from his or her employment at any time by giving notice in writing to the employing Senator or Member.<sup>496</sup>

A copy of the letter of resignation and the *Termination of Employment* form (Form 107) must be forwarded to Ministerial and Parliamentary Services as soon as possible to enable the completion of relevant personnel matters.

The *Termination of Employment* form (Form 107) is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

494 Section 17 of the *Long Service Leave (Commonwealth Employees) Act 1976*.

495 Section 16 of the *Long Service Leave (Commonwealth Employees) Act 1976*.

496 Subsections 16(4) and 23(3) of the *Members of Parliament (Staff) Act 1984*.

**PART SIX:**

# **OTHER MATTERS**

# OTHER MATTER



# 6

## 6.1 Supplement of Capped Entitlements in Exceptional Circumstances (SCE)

### 6.1.1 The Entitlement

Senators and Members:

- whose State/Territory or electorate has been affected by a disaster, as defined by the Parliamentary Entitlements Regulations 1997; and
- who have expended a substantial part of one of their capped entitlements (as defined – see ‘Capped Entitlements’ below) in the financial year that the disaster occurred,

may be entitled to supplement their capped entitlements to enable them to conduct their parliamentary and electorate business.<sup>497</sup> Applications for the supplement of capped entitlements following a disaster should be made to the Special Minister of State (the Minister).

For the purpose of this entitlement, ‘disaster’ means:<sup>498</sup>

*a serious disruption to a community or region caused by a rapid onset event that:*

- *threatens or causes death, injury or damage to property or the environment; and*
- *requires significant and coordinated multi-agency and community response.*

The term ‘substantial’ is not defined for the purposes of this entitlement. In considering if a Senator or Member has expended a substantial part of at least one of his or her capped entitlements, the Minister will have regard to the scale of the disaster, the point in time of the financial year when the disaster occurred and the Senator or Member’s pattern of expenditure, as well as any other relevant factors.

If approved, the supplement will be provided, and can only be accessed, in the financial year in which the disaster occurred. The supplement cannot be carried over into a subsequent financial year. Any use of the supplement will be recovered from the corresponding entitlement at the beginning of the subsequent financial year unless the Minister agrees otherwise. The Minister has the discretion to decide that circumstances justify waiving the requirement to recover the amount of the supplement used. However, this discretion is only be exercised when the Minister is satisfied that a recovery will not sufficiently address the particular circumstances of the Senator or Member.

### Capped Entitlements

Under the *Parliamentary Entitlements Regulations 1997* and the determinations made by the Minister in accordance with the *Parliamentary Entitlements Regulations 1997*<sup>499</sup> and the *Members of Parliament (Staff) Act 1984*<sup>500</sup>, the supplement may only be used for the same purpose or purposes that a capped entitlement can be used. The following are capped entitlements:

- the printing and communications entitlement;
- the office requisites and stationery entitlement;
- Australian flags and printed material related to national symbols;
- charter transport;

497 Subregulation 3EA(1), *Parliamentary Entitlements Regulations 1997*.

498 Subregulation 3EA(9), *Parliamentary Entitlements Regulations 1997*.

499 *Parliamentary Entitlements (Supplement of Capped Entitlements) Determination 2011 (No 2)*.

500 *Determination 2011/12 Supplement - Relief Staff Budget and Electorate Staff Travel Budget*.

- overnight stays in a Senator's State or Territory or a Member's electorate;
- relief staff budget; and
- electorate staff travel budget.

Information on the conditions of use for the above capped entitlements is available in the relevant sections of this handbook and on the Ministerial and Parliamentary Services intranet. A copy of each of the determinations made by the Minister is available on the Ministerial and Parliamentary Services intranet.

### 6.1.2 Amount of the Entitlement

The Minister can approve an amount of up to \$20,000 in a financial year to supplement a Senator or Member's capped entitlements. This includes any amount the Senator or Member is entitled to under Determination 2011/12 *Supplement – Relief Staff Budget and Electorate Staff Travel Budget*.<sup>501</sup>

Once approved by the Minister, a Senator or Member can access the supplement for a particular purpose once he or she has fully expended the corresponding capped entitlement in the financial year in which the disaster occurred.

Expenditure on the supplement of capped entitlements in exceptional circumstances is shown in a Senator or Member's monthly management report and included in the six-monthly report on Parliamentarians' expenditure on entitlements paid for by the Department of Finance and Deregulation, that is tabled in the Parliament.

Examples illustrating how the supplement entitlement operates, are set out in the Supplement of Capped Entitlements in Exceptional Circumstances – Administrative Procedures referred to in section 6.1.3 below.

### 6.1.3 Administrative Procedures

A Senator or Member whose State, Territory or electorate has been affected by a disaster and who considers he or she has expended a substantial part of at least one of his or her capped entitlements in the financial year that the disaster occurred, can write to the Minister to request the supplement entitlement.

Applications for the supplement entitlement should be made as soon as practicable, preferably within thirty business days of the disaster occurring.

A Senator or Member's application to supplement capped entitlements in exceptional circumstances should advise:

- the scale of the impact of the disaster upon the Senator's State or Territory or the Member's electorate;
- the extent to which the Senator or Member has expended his or her capped entitlements in that financial year;
- the nature of the parliamentary or electorate business that Senator or Member requires a supplement to undertake as a result of the disaster;
- the amount of supplement required;

<sup>501</sup> Subregulation 3EA(5), *Parliamentary Entitlements Regulations 1997*.

- the reasons, if any, why the Senator or Member considers that a recovery from his or her corresponding capped entitlement for the following financial year will not sufficiently address the circumstances; and
- any other factors the Senator or Member considers relevant to the application.

If an application for the supplement cannot be submitted promptly, in applying for the supplement entitlement a Senator or Member should outline the circumstances which prevented him or her from doing so.

A copy of the administrative procedures for the supplement of capped entitlements is available to Senators, Members and their employees on the Ministerial and Parliamentary Services intranet. The administrative procedures provide details concerning the entitlement and example of how the entitlement operates.

## 6.2 Interests and Gifts

### 6.2.1 Registration of Interests

Ministerial and Parliamentary Services is advised that each Senator and Member is required, within 28 days of making an oath or affirmation as a Senator or Member, to submit to the Registrar of Interests in their respective Chamber a statement of:

- his or her Registrable Interests; and
- the Registrable Interests of which the Senator or Member is aware:
  - of the Senator or Member's spouse; and
  - of any children who are wholly or mainly dependent on the Senator or Member for support.

The Senate and the House of Representatives have each passed resolutions requiring their members to register certain interests, including:

- any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$300; and
- gifts valued at more than \$750 received from official sources, or at \$300 or more where received from other than official sources, provided that a gift received by a Senator or Member, the Senator or Member's spouse or partner or dependent child from family members or personal friends in a purely personal capacity need not be registered unless the Senator or Member judges that an appearance of conflict of interest may be seen to exist.

'Official sources' are defined in the Senate resolution (but not the House resolution) as being an Australian or foreign national, state, provincial or local government; or a person holding an office in such a government.<sup>502</sup>

For further information, including information about the timeframes for declaring interests, contact the appropriate Registrar. Contact details are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

### 6.2.2 Declaration of Gifts

The Senate has passed a special resolution for the declaration of gifts intended by the donor to be given to the Senate or the Parliament.<sup>503</sup> For further information, contact the Registrar of Senators' Interests.

<sup>502</sup> House of Representatives Resolution 'Registration of Members' interests' adopted 9 October 1984, as amended, the Senate Resolutions 'Registration of Gifts to the Senate and Parliament' agreed to 26 August 1997, as amended, and 'Registration of Senators' Interests' agreed 17 March 1994, as amended.

<sup>503</sup> The Senate Resolution 'Registration of Gifts to the Senate and Parliament' agreed to 26 August 1997, as amended.



## 6.3 Personal Compensation for Accidents

---

### 6.3.1 The Entitlement

Generally, there is no entitlement to accident compensation for the death or injury of Parliamentarians.

Senators and Members should consider the risk of personal injury, and absence of available compensation, when planning their Parliamentary, official and electorate activities, including during overseas travel.

## 6.4 Authorisation of Powers

### 6.4.1 The Entitlement

A Senator or Member may authorise a person to exercise powers on his or her behalf under the *Members of Parliament (Staff) Act 1984*.<sup>504</sup>

### 6.4.2 Who may be Authorised

If a Senator or Member wishes to authorise another person to exercise a power conferred by Part IV of the *Members of Parliament (Staff) Act 1984*, the following conditions apply:

- it would be expected that only a senior member of staff would be authorised;
- if the authorised staff member subsequently resigns or is dismissed, that authorisation ceases;
- a person who has been authorised to exercise powers and functions cannot be authorised to exercise those powers and functions in respect of him or herself; and
- notification of authorisation should be forwarded to Ministerial and Parliamentary Services who should also be advised if any authorisation is withdrawn or ceases.

The range of powers a person may be authorised to exercise include:

- engaging staff;
- approving:
  - leave;
  - deferral or withholding of salary increment due to unsatisfactory performance;
  - allocation of electorate staff allowance;
  - staff travel; and
  - temporary performance progression (higher duties);
- recommending studies assistance and ad hoc training; and
- terminating employment.

A Senator or Member wishing to authorise a member of staff to exercise powers on his or her behalf should complete an *Authorisation to Exercise Powers* form (Form 7) and send it to Ministerial and Parliamentary Services. Such authorisations should be made prospectively, that is, in advance of the authorised person exercising the relevant powers. Copies of the form are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

<sup>504</sup> Section 32 of the *Members of Parliament (Staff) Act 1984*.

## 6.5 Badge of Office/Electorate Medallion

---

The Chamber Departments issue gilt bronze medallions and lapel pins to Senators and Members at the commencement of their term of service.

A Senator's badge is engraved with the word 'Senate' and a Member's badge is engraved with the name of his or her electoral division.

Lapel pins assist with identification of Senators and Members in Parliament House.

Senators and Members may keep the medallion and lapel pin after they leave the Parliament.

The above information was prepared in conjunction with the Chamber Departments, which are responsible for the Badge of Office/Electorate Medallion. Senators and Members should direct any queries regarding the Badge of Office or Electorate Medallion to the relevant Chamber Department. Contact details are available to Senators, Members and their employees from the Ministerial and Parliamentary Services Help Desks or on the Senators and Members Portal on the Extended Parliamentary Network.

## 6.6 Photographic Services

---

### 6.6.1 The Entitlement

Senators and Members have an entitlement to two photographic sessions at Parliament House each year. The service is operated by AUSPIC. Invoices are not issued to Senators and Members for services provided within this entitlement but may be issued for any additional services provided.<sup>505</sup>

### 6.6.2 Copyright

The Australian Government holds copyright on all photographic material AUSPIC produces. The public may have access to the material subject to permission from the person for whom the material was commissioned. Where such material is published a credit should be given to AUSPIC.

### 6.6.3 Bookings

AUSPIC requires at least 24 hours notice for photographic bookings. Contact details are available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet.

---

<sup>505</sup> Section 4 of, and item 6 of Part 1 of Schedule 1 to, the *Parliamentary Entitlements Act 1990*.

## 6.7 Awards And National Symbols

### 6.7.1 Information on Australian Awards and National Symbols

Senators and Members should contact the Honours, Symbols and Territories Branch of the Department of the Prime Minister and Cabinet, for advice or information on:

- Australian honours and awards, including nomination procedures;
- nomination forms and validation of service for the Humanitarian Overseas Service Medal, the Civilian Service Medal 1939–1945 and non-military awards of the Vietnam Logistic and Support Medal;
- acceptance and wearing by Australians of awards from foreign governments;
- Australian national symbols: the Australian National Flag, the Aboriginal Flag and the Torres Strait Islander Flag, the Red Ensign, Coat of Arms, National Anthem, Colours, Floral Emblem and Gemstone; and
- using national and Royal symbols, and heraldic matters.

### 6.7.2 Congratulatory Messages: Birthdays and Anniversaries

Senators and Members may arrange, through the Honours, Symbols and Territories Branch of the Department of the Prime Minister and Cabinet, for congratulatory messages to be sent to people celebrating significant anniversaries:

- persons celebrating their 50th wedding anniversary or any subsequent wedding anniversary, and their 90th or any subsequent birthday may receive a message from the Prime Minister;
- persons celebrating their 60th or subsequent wedding anniversaries, and 100th or subsequent birthdays may receive a message from the Governor-General; and
- persons celebrating their 60th, 65th or 70th and subsequent wedding anniversaries, and 100th, 105th or subsequent birthdays may receive messages from The Queen.

#### Applications for Congratulatory Messages

Applications must be:

- verified, by the Senator or Member concerned if possible, as to the accuracy of the anniversary date; and
- made on a form available from the Honours, Symbols and Territories Branch and submitted to:

Department of the Prime Minister and Cabinet  
PO Box 6500  
CANBERRA ACT 2600

### 6.7.3 Australian Honours and Awards

The Australian Honours Secretariat is responsible for independently administering on behalf of the Governor-General more than 40 different award types that make up the Australian honours system. The pre-eminent award within the honours system is the Order of Australia, and is the means by which contributions of members of the community are accorded national recognition.

Upon receipt of nominations from the community, it is the role of the Secretariat to thoroughly research nominees' community contributions and present the material to an independent advisory body, the Council for the Order of Australia, which makes

recommendations for awards to the Governor-General. The Secretariat also supports the work of the Australian Bravery Decorations Council. Similar processes are undertaken to ensure appropriate recognition of acts of bravery by Australian citizens or in the interests of Australia.

Nomination forms are available from Government House and on the website at <http://www.itsanhonour.gov.au/>. Completed forms should be submitted to:

The Secretary  
Order of Australia  
Government House  
CANBERRA ACT 2600

The above information was prepared in conjunction with the Honours, Symbols and Territories Branch of the Department of the Prime Minister and Cabinet. Any queries regarding Australian awards and national symbols or honours should be referred to the relevant area in the Department of the Prime Minister and Cabinet. Contact details are available to Senators, Members and their employees from the Ministerial and Parliamentary Services Help Desks.

## 6.8 Constituents' Request Program (CRP)

### 6.8.1 The Entitlement

Senators and Members may obtain the following items for distribution to their constituents by faxing a completed *Constituents' Request Program Order* form (Form 45), available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet, to the facsimile number provided on the form:

- booklet on the flags of Australia;
- booklet on Australia's national symbols;
- compact disc and DVD recordings of the National Anthem; and
- portraits of Her Majesty The Queen and Her Majesty The Queen and His Royal Highness, The Duke of Edinburgh.<sup>506</sup>

Words and sheet music for the National Anthem including Brass and Military Band musical arrangements are also available to download from <http://www.itsanhonour.gov.au/>.

Form 45 may also be used to order copies of the booklet *Record of Flag Presentations* which assists Senators and Members to meet their accountability and record keeping requirements; the booklet is not for distribution to constituents.

### 6.8.2 Large Flags for Presentation to Constituents

#### Large Flags

Senators and Members also have an entitlement to distribute certain large flags as described below to the following eligible recipients:

- schools, local councils, churches and other non-profit or benevolent community organisations, associations and groups which have occasion to display the flag from flag poles on their premises, or which display the flag on special public occasions, or in halls or meeting rooms;
- community organisations, Australian exchange students and humanitarian aid workers undertaking official visits or duties overseas; and
- a family member, or an ex-service organisation representative, for use at the funeral of an Australian war veteran.

Additionally, Senators and Members have an entitlement to 50 large flags per financial year (no larger than 1,370mm x 685mm) for presentation to private individuals.<sup>507</sup>

Any unused portion of the entitlement to 50 large flags per financial year for this purpose may not be carried forward into the next financial year.

Flags may not be made available under this program to businesses or commercial enterprises.

#### Large Flag Types and Sizes

The National Flag, the Aboriginal Flag and the Torres Strait Islander Flag are available for presentation, to eligible recipients in the following sizes:

- 1,370 mm x 685 mm;
- 1,830 mm x 915 mm;
- 2,400 mm x 1,200 mm; and

<sup>506</sup> Section 4 of, and item 2 of Part 1 of Schedule 1 to the *Parliamentary Entitlements Act 1990*.

<sup>507</sup> Section 4 of, and item 2 of Part 1 of Schedule 1 to the *Parliamentary Entitlements Act 1990*.

- 3,660 mm x 1,830 mm.

The Red Ensign (1,370 mm x 685 mm and 1,830 mm x 915 mm) is also available for presentation to service-related groups.

The Royal Australian Air Force Ensign and the Australian White Ensign are not included in this entitlement. The Australian Government has no obligations in respect of payment for orders by Senators and Members for the Royal Australian Air Force Ensign or the Australian White Ensign.

Where a special case exists for a flag of non-standard size or of more durable material to be ordered, a Senator or Member should consult their Entitlements Manager.

### Orders for Large Flags

Orders for large flags can be made using the flag order form provided by the contracted supplier available on the Ministerial and Parliamentary Services intranet. Large flags are supplied directly to the electorate office. On receipt of an order of large flags, the enclosed packing slip is to be endorsed by the office of the Senator or Member to confirm receipt and faxed to Ministerial and Parliamentary Services to arrange payment. Senators and Members should consult their Entitlements Manager prior to placing bulk orders for large flags and/or if there are any questions regarding eligibility of recipients.

Senators and Members may choose to maintain a reasonable stock of large flags in their electorate office.

It is expected that there will be an element of formality in the act and/or ceremony attached to the manner in which large flags are presented and that the presentation is made directly by the Senator or Member to the recipient. Large flags should not be distributed more generally. For example, large flags should not be included in general information packages to constituents.

### Recording Large Flag Distribution

Senators and Members must keep a record of the recipients that have been presented with large flags under the CRP in the *Record of Flag Presentation* book provided by Ministerial and Parliamentary Services. These records are to be subject to periodic review. Senators and Members are reminded of the principles included in the *Privacy Act 1988*. These principles indicate that personal information collected and recorded for a certain purpose (in this case for the purpose of administering an entitlement), cannot be collected, used or disclosed for another purpose, such as inclusion in mailing lists, without the consent of the individual involved.<sup>508</sup>

Senators and Members are encouraged to check the accuracy of any flag-related expenditure in their monthly management report, each month as it is received, to ensure that the entitlement has been used appropriately and has been correctly recorded, as well as:

- records of all flag presentations have been kept; and
- no more than 50 large flags per annum have been presented to private individuals (excluding flags provided for use at the funeral of an Australian war veteran).

---

508 Section 14 of the *Privacy Act 1988*.



### 6.8.3 Desktop and Hand-waver Flags for Presentation to Constituents

In addition to the above entitlement to distribute large flags, Senators and Members have an entitlement to distribute desktop and hand-waver flags to schools, local councils, churches and other non-profit or benevolent community organisations, associations and groups which have occasion to display the flag, and to private individuals, up to a combined value of \$900 per financial year (exclusive of GST). Any costs of desktop and hand-waver flags ordered in excess of \$900 will be the personal responsibility of the Senator or Member.<sup>509</sup>

#### Orders for Desktop and Hand-waver Flags

Desktop and hand-waver flags (130mm x 150mm) can be ordered using the flag order form provided by the contracted supplier of flags available on the Ministerial and Parliamentary Services intranet. The range and price (exclusive of GST) of desktop and hand waver flags available under this entitlement is available to Senators, Members and their employees from the Ministerial and Parliamentary Services intranet, or from the contracted supplier.

#### Recording Desktop and Hand-waver Flag Distribution

As Senators and Members may present many hand-waver flags to organisations for further distribution by that organisation, hand-waver flags that are presented in bulk must be recorded as one entry in the Senator or Member's *Record of Flag Presentation* book, rather than recording individual entries for each hand-waver flag presented. Desktop flags presented to individuals or eligible bodies must be recorded individually in the *Record of Flag Presentation* book.

Details of expenditure on desktop and hand-waver flags, against the \$900 per financial year cap, are included in Senators and Members' monthly management reports.<sup>510</sup> Senators and Members are encouraged to check the accuracy of each monthly management report as it is received to ensure that the entitlement has been used and recorded appropriately, and that records of desktop and hand-waver flag presentations have been kept for all expenditure shown.

### 6.8.4 The Chamber Flag Program

Members are also able to obtain a flag, which has been hung in the Chamber on a sitting day, with an accompanying certificate. One flag may be obtained by each Member each calendar year on application to the Serjeant-At-Arms. Additional Chamber flags may be obtained subject to availability and at the discretion of the Serjeant-at-Arms.

This facility is part of the CRP and presentation of these flags is subject to the same requirements and limitations as the presentation of other flags under the CRP including the cap on presentation to private individuals.<sup>511</sup>

### 6.8.5 Display of Flags at Electorate and Ministerial Offices

Please see section 3.1.10 for information regarding the display of flags both inside and outside electorate and Ministerial offices.

509 Section 4 of, and item 2 of Part 1 of Schedule 1 to the *Parliamentary Entitlements Act 1990*.

510 Section 4 of, and item 2 of Part 1 of Schedule 1 to the *Parliamentary Entitlements Act 1990*.

511 Section 4 of, and item 2 of Part 1 of Schedule 1 to the *Parliamentary Entitlements Act 1990*.

## 6.9 Management of Electorate Office Records

Sound office management requires that particular attention be given to the systematic handling of all records in the Senator or Member's office to ensure that information and administrative needs are met.

A range of established practices exist to help retrieve information or documents, keep records secure and retire non-current material in a timely manner. Examples of these practices are set out below.

Keeping appropriate records will:

- ensure Parliamentary and electorate business is conducted efficiently and accountably;
- document the rights, obligations and views of constituents; and
- maintain a record of significant Parliamentary and electorate activities.

### 6.9.1 Responsibility for Managing Records

Responsibility for managing records should be clearly allocated among staff members, and regular reviews of record-keeping practices should be undertaken.

### 6.9.2 Categories of Records

Typically, Senators and Members and their staff receive and generate a large quantity of records, which can be categorised as either official or non-official records.

Official records are created by:

- Australian Government;
- a government department or a Minister's office;
- Australian Parliament or a Parliamentary Committee; or
- Senators or Members in their official capacity in relation to any of the above mentioned bodies.

Non-official records are created by:

- Senators or Members;
- electorate office and personal staff;
- constituents; or
- the general public.

Official records may include:

- departmental files and documents;
- committee papers such as minutes, agendas, submissions; and
- correspondence (including email) on matters of official ministerial business.

Non-official records may include:

- electorate records (that is, correspondence with or on behalf of constituents);
- political party documents;
- information on issues of interest to Senators or Members or their constituents;
- press clippings;
- documents relating to Senators or Members' use of entitlements; and
- staffing and office management issues.

It is advisable that records be categorised in a manner that is meaningful to Senators or Members and their staff.

To identify material within each category, loose papers should be placed chronologically in folders, grouping together related material by subject, activity, or name of organisation or person. Folder titles should be clear and specific for easy retrieval.

### 6.9.3 Indexing Records

Easy-to-retrieve indexing systems are recommended. Indexing by subject or name in alphabetical or chronological order, are the most frequently used methods.

### 6.9.4 Storing Records

Records should be stored in dry and dust-free conditions. Audio-visual or machine-readable records (for example computer discs, audio and video cassettes) require dust-free storage away from magnetic fields and should not be subjected to extremes of temperature.

### 6.9.5 Accessing Records

#### Official Records

Access to official records in the office, as described in section 6.8.2, should be carefully administered. In general, access to Commonwealth records (that is, those which are the property of a Commonwealth body such as a department, the Senate or the House of Representatives) is governed by the *Freedom of Information Act 1982*, the *Archives Act 1983* and the *Privacy Act 1988*. These Acts place particular requirements on the use, disclosure and storage of information.

Further information about access to records may be obtained from the Entitlements Management Branch.

#### Non-Official Records

Access to non-Commonwealth records, such as electorate records, political party material, private correspondence, financial records or family papers, is a matter for each Senator or Member to determine. However, privacy issues must be taken into consideration when providing access to correspondence with private individuals.

### 6.9.6 Disposing of Records

Senators, Members and their staff are responsible for the safe and appropriate handling of office records, including deciding on the most appropriate means of disposal of those records when they are no longer needed, or when a Senator or Member leaves office. The accumulation of records is normally determined by the available storage space in the office. Arrangements should be made for the proper disposal of records that are no longer or seldom required for current business. Disposal can mean destruction of records or transferring them into the custody of an archival institution or placing in temporary commercial storage.

#### Official Records

When no longer required or when a Senator or Member leaves office, official records as defined in section 6.8.2 should be returned to the Government department, agency or Parliamentary Committee, in which they originated or were registered.

#### Non-Official Records

Non-official records containing confidential or sensitive data and which are no longer required should be destroyed—paper records should be shredded; electronic records should

be wiped, and the device on which they were stored (for example: floppy disc, USB drive, CD, DVD) should be destroyed where possible. Non-sensitive paper records, which are no longer required, may be disposed of in paper-recycling systems.

One option for dealing with non-sensitive records after ceasing to be a Parliamentarian is to lodge the documents in an archive, local library or a historical society.

The National Archives of Australia, the Records Management Association of Australia and the Australian Society of Archivists can advise on management and disposal of records.

### 6.9.7 Legislation

In some cases, the manner in which a Senator or Member must deal with records is prescribed by legislation, including the:

- *Archives Act 1983*;
- *Evidence Act 1995*;
- *Financial Management and Accountability Act 1997*;
- *Income Tax Assessment Act 1997* and other Tax Legislation, Determinations and Rulings; and
- *Privacy Act 1988*.

### 6.9.8 Useful Resources for Records Management

The [National Archives of Australia website](http://www.naa.gov.au) at [www.naa.gov.au](http://www.naa.gov.au) contains useful advice on record-keeping issues. Individual advice for offices of Senators and Members can be provided by the Personal Records Section of the National Archives of Australia. The contact number for the Personal Records Section is available to Senators and Members from the Ministerial and Parliamentary Services Help Desks.

The *Australian Record Retention Manual* can be purchased from Information Enterprise Australia Pty Ltd ([www.iea.com.au](http://www.iea.com.au)).

**APPENDIX A:**  
**SPECIAL PURPOSE**  
**AIRCRAFT**

**SPECIAL PURPOSE**  
**AIRCRAFT**



# GUIDELINES FOR THE USE OF SPECIAL PURPOSE AIRCRAFT

## Introduction

1. The purpose of this document is to state the guidelines for the use of special purpose aircraft and provide the definitions and responsibilities of approving authorities, entitled persons and their parties as they apply to travel on special purpose aircraft (SPA).

## Definitions

2. For the purpose of this document the following definitions apply:
  - a. **Approving Authorities**
    - (1) **For their own flights** and for persons travelling as their representative(s) or as members of their party:
      - (a) the Governor General;
      - (b) the Prime Minister (including for Guests of Government); and
      - (c) the Minister for Defence.
    - (2) **For entitled persons** and for persons travelling as their representative(s) or as members of their party:
      - (a) the Minister for Defence; and
      - (b) in certain circumstances, the Prime Minister.
    - (3) **For overseas flights** by Special Purpose Aircraft:
      - (a) trips to Australian Territories are not classified as overseas trips and may therefore be approved by the Minister for Defence;
      - (b) the Minister for Defence is the approving authority for overseas flights by the CDF and Service Chiefs in accordance with the Prime Minister's approval of 29 June 1998; and
      - (c) the Prime Minister is in all other cases the approving authority and considers the individual circumstances of each request.
  - b. **Entitled Persons**
    - (1) Parliamentary Office-Holders in accordance with the *Parliamentary Entitlements Act 1990*. In practice, this includes the following members of the Commonwealth Parliament:
      - (a) Ministers of State;
      - (b) Government Parliamentary Secretaries when travelling at the direction of the senior Portfolio Minister;

- (c) the Leader of the Opposition;
  - (d) the Deputy Leader of the Opposition;
  - (e) the Leader of the Opposition in the Senate;
  - (f) the Leaders of other parties represented in Parliament as determined from time to time by the Prime Minister or the Minister for Defence;
  - (g) the President of the Senate;
  - (h) the Speaker of the House of Representatives;
  - (i) some Parliamentary Committees and Delegations; and
  - (j) other Members of the Commonwealth Parliament, when the approving authority is satisfied that travel by Special Purpose Aircraft is warranted by special circumstances such as there is a need for the member to travel and no suitable alternative means of transport is available;
- (2) the Chief of the Defence Force and Service Chiefs, including officers promulgated as acting in those positions;
  - (3) persons visiting Australia, representing their nations, of comparable status to other entitled persons;
  - (4) State Governors and the Administrator of the Northern Territory on the occasion of their taking up appointment and final departure; and
  - (5) in addition to the above entitled persons, Special Purpose Aircraft may be provided for other persons in particular circumstances or emergencies where the Minister for Defence or the Prime Minister considers it justified.

### **Role**

- 3. The role of Special Purpose Aircraft is to enable approving authorities and entitled persons to meet commitments associated with their official, Parliamentary or political responsibilities, including electorate business.

### **Tasking**

- 4. When considering tasks for Special Purpose Aircraft, the approving authorities will take into account:
  - (a) the availability of flights on major domestic airlines;
  - (b) the availability of Special Purpose Aircraft; and
  - (c) the priority of the entitled person making the request and the importance of the occasion (guests of Government would normally take precedence in the allocation of aircraft subject to availability and Prime Ministerial approval).

## Requesting Procedures for Entitled Persons

5. Requests for Special Purpose Aircraft shall be made to the VIP Operations Cell (VIPOPS) on the specified form. The request shall indicate:
  - (a) what alternative transport options are available;
  - (b) the reasons these are unsuitable;
  - (c) the nature and importance of the commitment which is being met; and
  - (d) the names and positions of all passengers requesting travel.
6. The request should not include the aircraft type, which is allocated by 34 SQN in accordance with operational requirements such as crew and aircraft availability, destination runway requirements, leg timings, concurrent tasking and passenger manifest composition.
7. Commitments should not be entered into on any assumption that Special Purpose Aircraft will be available.

## Entitled Person's Party

8. Entitled persons may include the following in their party, subject to the agreement of an approving authority, providing their inclusion in the party does not result in a need to upgrade the aircraft:
  - (a) their spouse or nominee, or designated person;
  - (b) members of their personal, departmental or diplomatic staff or Australian escort. This can include staff of related departments such as the Department of the Prime Minister and Cabinet, Department of Foreign Affairs and Trade and the Department of Finance and Deregulation;
  - (c) members of non-government organisations or other individuals directly associated with the entitled person's travel. Costs will normally be recovered for such travel;
  - (d) State Ministers and their essential personal and departmental staff when the entitled person is visiting an area in relation to a matter of Commonwealth and State interest;
  - (e) Members of the Federal Parliament; and
  - (f) dependent children when, in the judgement of the approving authority, travel is necessary to fulfil requirements of parental care.
9. If the entitled person is a foreign visitor (2b(3)) all persons in his or her party must be approved by an approving authority prior to travel.
10. Approval may be given for an entitled person to be accompanied in the aircraft by representatives of news media. Costs will be recovered for such travel and may be waived only in exceptional circumstances.
11. Travel as a member of the entitled person's party is restricted to travel undertaken while the entitled person is on board, or while the aircraft is positioning to carry the entitled



person or returning after carriage of the entitled person. These flights are referred to as “positioning legs” and form part of the *Schedule of Special Purpose Flights*.

### Use in Federal Election Campaigns

12. The arrangements for use of Special Purpose Aircraft during Federal election campaigns shall operate from the day before the Government’s policy speech in accordance with the provisions of the *Parliamentary Entitlements Act 1990*. In practice, and subject to availability, one aircraft shall be reserved for the use of:
  - (a) the Prime Minister;
  - (b) the Leader of the Opposition;
  - (c) Government Ministers; and
  - (d) Shadow Ministers.
13. In many instances, five aircraft will not be available for tasking and in this instance, the Prime Minister and the Leader of the Opposition should consult on the availability of aircraft for travel for members of the Ministry and Shadow Ministry.
14. Lists of flight times and passengers are to be provided to the Office of the Minister for Defence.

### Deviations from Provisions in this Document

15. In all cases deviation from the provisions in this document will require specific approval by an approving authority prior to travel.
16. Notwithstanding all of the above, the Prime Minister and the Minister for Defence may authorise the use of Special Purpose Aircraft on other tasks e.g., for national security purposes.
17. In the case of competing calls upon Special Purpose Aircraft, final approval rests with the Prime Minister.

### Budgeting/Cost Recovery

18. Defence will fund all costs associated with the provision of Special Purpose Aircraft.
19. Defence is responsible for cost recovery from those passengers whose travel is approved on a cost recovery basis. The cost recovery arrangements for these passengers are as follows:
  - (a) cost recovery shall be sought from all representatives of the news media, members of non-government organisations or other individuals approved to travel with an entitled person, except in circumstances approved by an approving authority;
  - (b) Defence will determine the costs to be recovered as soon as possible after the approval of travel for the person(s) concerned. This will normally be the fully flexible economy class fare equivalent at the date and time of travel and

this amount is to be notified to the office of the entitled person before flight departure;

- (c) the entitled person requesting approval for travel by persons without entitlement is responsible for notifying them of the cost of travel prior to departure; and
  - (d) the entitled person requesting approval for travel by people without entitlement shall provide the Office of the Minister for Defence a passenger list which includes:
    - (1) the name of the individual;
    - (2) the representative organisation;
    - (3) the contact details (including telephone numbers and postal address) of the organisation; and
    - (4) confirmation that the individual has been, or will be, notified of the cost of travel before departure.
20. Defence will continue to invoice the Department of Finance and Deregulation for the cost of travel by spouses or nominees, designated persons, dependent children and electorate office staff, on a monthly basis.

### **Allocation And Management Of Flying Hours**

- 21. Flying hours will be managed by Defence in consultation with the Office of the Minister for Defence within an overall annual contracted limit. The flying hours allocation includes amounts for aircrew training, test flight and Defence support tasks and thus not all are available for VIP tasking.
- 22. Defence will provide approving authorities with information on hours usage on a monthly basis. This will show details for each flight leg, the entitled person and the hours flown. Cumulative year-to-date totals will also be provided to help approving authorities manage their usage and allocation. The annual flying hours achievement for SPA is reported in the Defence Annual Report.

### **Manifests, Tabling And Reporting Requirements**

- 23. Defence will provide approving authorities weekly manifests, reflecting the actual passengers carried on each task leg, as recorded by the Departmental database. On a monthly basis, approving authorities will verify a monthly summary, provided by Defence, of all travel and will be responsible for promptly advising where discrepancies are identified.
- 24. Defence will be responsible to the Minister for Defence for compiling the *Schedule of Special Purpose Flights* for tabling in Parliament in June (for the six months ending the previous 31 December) and December (for the six months ending the previous 30 June) each year. This schedule will list all legs flown, passengers carried and hours and costings.
- 25. Defence will circulate a draft of the *Schedule of Special Purpose Flights* to the approving authorities who remain responsible for examination and verification and for

bringing discrepancies to the attention of Defence prior to final printing. Once tabled, Defence is to provide all approval authorities, along with the following agencies, copies of the *Schedule of Special Purpose Flights* for reference purposes:

- a. Department of Finance and Deregulation (Ministerial and Parliamentary Services); and
- b. The Department of the Prime Minister and Cabinet (Ceremonial and Hospitality Branch and Senate Estimates Co-ordinator).

## APPENDIX A

SPECIAL PURPOSE AIRCRAFT REQUEST (fax / email to (02) 6127 6229 / SPA.Request@defence.gov.au)

Name of Entitled Person(s):
Designation:

Office Use Only			
Actioned/Checked			
DTG			
A292		DEV	

**Trip Legs**

Leg No.	Date	Dept Time	Departure From	To Destination	ArrTime	Meal Type
1						
2						
3						
4						

**Passengers (include additional passengers on a separate page, up to a maximum of 26)**

	Name	Designation and Organisation (Include whether personal or departmental staff)	Cost Recovery	Legs on which each passenger is travelling
1				
2				
3				
4				
5				
6				
7				
8				

Please provide the address where the invoice can be sent to any passenger/s travelling on a cost recovery basis. Please also note the requirement of the office of the entitled person to inform such passenger/s of the cost of their travel before departure. This cost can be sourced from VIP Operations before flight.

What are the nearest available commercial transport options to the time of the engagement?

What are the reasons commercial transport options cannot be used?

If for overseas travel, has approval been received from delegate (Prime Minister / Minister for Defence) Y / N

**Comments and Notes (including passenger dietary restrictions)**

Requesting Officer (if the point of contact regarding the task is different to the requesting officer, please provide their details in the above comments section)

<b>Signature</b>	<b>Name:</b>	<b>Ph:</b>	<b>Mobile:</b>	<b>Date:</b>
	<b>Appointment:</b>	<b>Fax:</b>	<b>Email:</b>	

VIP Operations will email and fax a confirmation manifest to the advised contact details once this request has been confirmed. Any amendment to the task requires a resubmitted request with the changes formatted in bold.