



## REMUNERATION TRIBUNAL

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# Determination 2012/04: Members of Parliament – Entitlements

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As amended,

Made under sub-sections 7(1), 7(2) and 7(4) of the Remuneration Tribunal Act 1973

Consolidated by the Remuneration Tribunal Secretariat as at 30 November 2015 and incorporates amending determinations up to and including 2015/15 – Members of Parliament – Entitlements

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This Determination sets out various entitlements and other related matters for members of parliament.

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### PART 1 – GENERAL

- 1.1 Authority:** This Determination is issued in accordance with subsections 7(1), 7(2) and 7(4) of the *Remuneration Tribunal Act 1973* (the Act).
- 1.2 Effective Date:** This Determination takes effect on and from 15 March 2012.
- 1.3 Effect on Earlier Determinations:** This Determination supersedes and revokes Determination 2006/18 – *Members of Parliament – Entitlements* (as amended) and also supersedes and revokes the following Determinations (that amended 2006/18): 2006/20; 2006/23; 2007/03; 2007/18; 2009/01; 2009/04; 2009/06; 2009/08; 2009/09; 2009/19; 2009/23; 2010/21; 2011/12; 2011/20.

**1.4 Definitions:** The following definitions apply in this Determination:

**'accompany'** means to travel with a senator or member to the final destination of a trip he or she is undertaking.

**'base salary'** means parliamentary base salary as defined in the Act and refers to the amount determined by the Remuneration Tribunal in Determination 2012/02 or any Determination that supersedes Determination 2012/02.

**'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.

**'dependent child'** means:

- (a) a person under the age of 16 who:
  - (i) 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
  - (ii) 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
- (b) a person who is aged at least 16 but is under 25 and is wholly or substantially dependent on the senator or member; and
- (c) is not a person who is otherwise receiving the entitlements of a nominee.

**'designated person'** means 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:

- (a) is substantially dependent on the senator or member; or
- (b) has significant caring responsibilities for:
  - (i) a person substantially dependent on the senator or member; or
  - (ii) the senator's or member's spouse, nominee, or dependent child; or
- (c) is any other member of the senator's or member's family.

**'home base'** means the principal place of residence of a senator or member as nominated from time to time to the Special Minister of State.

**'inter-state trip'** means a trip:

- (a) from one state to another state or territory; or
- (b) from a territory to a state or territory; or

- (c) from a territory or state to an external territory when travel is to accompany or join a senator or member travelling under clauses 3.5(c), 3.5(d) and 3.5(e), except if the external territory forms part of the senator's or member's electorate.

**'join'** means to travel to meet a senator or member for a period of at least 3 hours.

**'nominee'** means a person nominated by the senator or member and approved at the discretion of the Special Minister of State; a senator or member may only have one nominee at any time.

**'sitting week'** means

- (a) for a senator, a week in which the Senate is sitting or Senate Estimates hearings take place; and
- (b) for a member, a week in which the House of Representatives is sitting.

**'spouse'** has the same meaning as spouse in the *Parliamentary Entitlements Act 1990*.

**'year'** means a period commencing 1 July and ending on the following 30 June.

**1.5 Scope of references:** Where the following terms are used in this Determination, it is intended that, unless the contrary intention appears:

- (a) a reference to the size of an electorate is a reference to the land area of the electorate only;
- (b) a reference to 'per annum' refers to a year as defined in Clause 1.4, and where a time period is less than a full year the entitlements shall be pro rata rounded to the nearest whole figure, the minimum entitlement in any instance being one.

**1.6 Procedural rules and guidelines:** Procedural rules and guidelines to give full effect to all entitlements set out in this Determination shall be such as may be made from time to time by the Special Minister of State.

**1.7 No double payment:** Where a spouse, dependent child, designated person or nominee claims or receives travelling allowance under any other source or entitlement for the same travel, they are not entitled to access travel entitlements under this determination.

## **PART 2 – ELECTORATE ALLOWANCE**

- 2.1** A base rate of electorate allowance of \$32,000 per annum is payable to each senator and member.
- 2.2** A supplementary electorate allowance of \$6,000 per annum, in addition to the base rate of electorate allowance, is payable to a member of the House of Representatives representing an electorate of between 2,000km<sup>2</sup> and 4,999km<sup>2</sup> inclusive.
- 2.3** A supplementary electorate allowance of \$14,000 per annum, in addition to the base rate of electorate allowance, is payable to a member of the House of Representatives representing an electorate of 5,000km<sup>2</sup> or more.

## **PART 3 – TRAVEL ENTITLEMENTS**

### **SCHEDULED COMMERCIAL TRANSPORT**

- 3.1** A senator or member when travelling within Australia, excluding the external territories, on parliamentary, electorate or official business but not including 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), shall be entitled to travel at government expense.
- 3.2** For the purpose of clause 3.1 official business means attendance at:
- (a) 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;
  - (b) 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.
- 3.3** Travel in accordance with clause 3.1 above may be on scheduled commercial or commuter air services, mainline rail services or by motor coach and other vehicles operating as regular carriers and may include:
- (a) by charter transport, provided that where charter transport is used 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; or
  - (b) the cost of transporting a vehicle on a ferry service that a senator or member is travelling on within his or her electorate (which means, in the case of a senator, the state or territory he/she represents). The service may depart from or return to a place outside the electorate.

- 3.4** The Special Minister of State shall have a discretion to approve the use of charter transport within Australia at government expense in special cases, including such use by the Leader of a recognised party of at least 5 members and circumstances where there are no scheduled commercial services or a senator or member would be unduly delayed by the use of scheduled services. This entitlement does not extend to the use of charter transport for purposes which are covered by the charter entitlement provided under clauses 7.1 to 7.9 of this determination.
- 3.5** Additional travel on scheduled commercial/commuter air services at Commonwealth expense shall be authorised in the following circumstances:
- (a) in the case of a senator for the Northern Territory or the member for Lingiari, travel to the Cocos (Keeling) Islands and Christmas Island on electorate business;
  - (b) in the case of the member for Canberra and senators of the Australian Capital Territory, travel to Norfolk Island on electorate business;
  - (c) in the case of the Leader of a recognised party of at least 5 members in the Parliament, travel within Australia and to the Cocos (Keeling) Islands, Christmas Island and Norfolk Island on functions or duties connected with the office of Leader;
  - (d) in the case of a senator or member who is a member of a parliamentary committee, travel to the Cocos (Keeling) Islands, Christmas Island and Norfolk Island on committee business as formally authorised by the committee; and
  - (e) in the case of the relevant shadow minister with responsibility for the external territories, travel to the Cocos (Keeling) Islands, Christmas Island and Norfolk Island, in the performance of duties or functions connected with the office of shadow minister.
- 3.6** When a senator or member is travelling by air, rail or sea at government expense, the fare shall not exceed the cost of a business class air fare for the most reasonable and usual route, between the departure and destination points. Where a business class air fare is not published for the destination point, the cost to the Commonwealth of travel by air, rail or sea must not exceed the economy class air fare for the most reasonable and usual route, between the departure and destination points.
- 3.6.1 Special circumstances:** Where a senator or member provides a medical certificate stating that he or she is unable to travel by air, the Special Minister of State may approve payment of the full cost of the fare for travel by an alternative mode, or modes, of transport. The Special Minister of State may also approve car transport to the embarkation point, and from the point of arrival nearest the destination, if there is no other provision in this Determination which

applies to that part of the trip. If travel under this provision necessarily includes an overnight journey, the senator or member should have access to private sleeper accommodation, where available.

- 3.7** A senator or member when travelling by air to or from Canberra on parliamentary business shall be entitled to carry one additional piece of luggage within the airline size limits at government expense.

### **FAMILY REUNION TRAVEL**

- 3.8** Subject to clauses 3.9 to 3.21, a senator or member is entitled to be accompanied or joined when travelling at Commonwealth expense on parliamentary, electorate or official business by any one or more of the senator's or member's:

- (a) spouse or nominee;
- (b) dependent children;
- (c) designated person(s).

- 3.9** Where on any leg of the journey the member or senator is not accompanied to and/or from the final destination by a person specified in clause 3.8, that person must:

- (a) arrive no more than 24 hours before the senator or member arrives; and/or
- (b) depart no more than 24 hours after the senator or member departs.

- 3.10** Notwithstanding clause 3.9 – for travel where the final destination is Canberra, an entitlement exists for a senator or member under clause 3.8 in respect of a person specified in that clause where they:

- (a) accompany or join a senator or member and remain in Canberra without the senator or member between adjoining sitting weeks, provided the senator or member returns to Canberra for the second sitting week;
- (b) accompany or join a Presiding Officer (including a Deputy Presiding Officer) and remain in Canberra at any time that the Presiding Officer is temporarily absent from Canberra on parliamentary or official business related to the office.

- 3.11** The entitlement under clause 3.8 is limited to travel for non-commercial purposes by:

- (a) 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

- (b) special purpose (Defence) aircraft the use of which has been approved by the Minister for Defence before the particular travel.

**3.12** In addition to clause 3.11, where the spouse, nominee, dependent child or designated person, in relation to a senator or member from:

- (a) Western Australia;
- (b) the Northern Territory; or
- (c) Queensland at least 1,100kms flight distance from Brisbane;

travels to or from Canberra, the journey may be broken by one stop-over of one night in a capital city, only where the stop-over is necessary because there is no same-day connecting flight reasonably available and the journey to or from Canberra is completed the following day.

**Canberra and Intra-State Family Travel (other than for ACT Senators and Members)**

**3.13** The cost of travel listed in clause 3.15 below is limited to the combined value of:

- (a) 9 business class return trips to Canberra from the spouse's or nominee's principal place of residence; and
- (b) 3 business class return trips to Canberra from the principal place of residence for each dependent child.

OR for senators and members, whose home base is within 150km of Canberra by road, the combined value of:

- (c) 9 business class return trips between Canberra and Sydney for the spouse or nominee; and
- (d) 3 business class return trips between Canberra and Sydney for each dependent child.

**3.14** The value of the fares under clause 3.13 will be calculated on 1 July each year for expenditure during that year. 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.

**3.15** Within the cost limitation described in clauses 3.13 and 3.14 above, a senator's or member's spouse, nominee, dependent child or designated person may travel at the class of travel selected by the senator or member between the following locations:

- (a) to Canberra;
- (b) from Canberra to the senator's or member's electorate or their home base;

- (c) on intra-state trips within the senator's 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
- (d) for a spouse or nominee, from the spouse's or nominee's principal place of residence to the senator's or member's electorate.

### **Inter-State Family Travel (including for ACT Senators and Members)**

**3.16** In addition to the entitlement described in clauses 3.13, 3.14 and 3.15, all senators and members (including those from the ACT) are entitled to be accompanied or joined at Commonwealth expense on a total of 3 business class return inter-state trips each year by a person specified in clause 3.8. The senator or member may choose which combination of a spouse or nominee, dependent child or designated person may access this entitlement.

**3.17** Such inter-state trips may be converted to intra-state trips or trips to Canberra; the basis of the conversion being one trip for one trip.

**3.17A** Once the entitlement to travel under clause 3.16 has been exhausted, a breastfeeding senator or member travelling inter-state at Commonwealth expense on parliamentary, electorate or official business may be accompanied or joined by her spouse, nominee or designated person, to provide support while she continues to breastfeed her child. Travel for this purpose is to be at economy class.

### **No Carry Over Provision**

**3.18** A trip is deemed to be a trip in a year only if commenced in that year.

**3.19** For each year, if the entitlement to Canberra/intra-state travel (under clause 3.13) is not fully spent, or all the inter-state trips (under clause 3.16) are not used, the unused portion of the entitlement will not be added to the entitlement for any later year.

### **Representational Travel**

**3.20** Where a senator or member has an entitlement to travel under the provisions of this Determination and is prevented by illness or 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) a funeral;
- (b) a function where the spouse or nominee accepts an award or honour on behalf of the senator or member;
- (c) a function within the electorate of the senator or member and to which the senator or member has been invited; or



(d) any other function as approved by the Special Minister of State.

The cost of such a trip shall be deducted from the cost limitation calculated under clauses 3.13 and 3.14.

### **Additional Travel**

**3.21** Travel by a senator's or member's spouse or nominee in order to attend an official government, parliamentary or vice-regal function as an invitee shall be at Commonwealth expense. This provision is additional to any entitlement in clause 3.8.

## **PART 4 - CAR TRANSPORT**

### **Senators and Members**

- 4.1** A senator or member shall be provided with car transport at government expense when travelling on parliamentary business, but not including 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):
- (a) for direct travel between his or her home base, electorate office or place of business and the nearest airport or railway station;
  - (b) in Canberra and locations within a 30 kilometre radius of Parliament House;
  - (c) in other capital cities and regional centres, except within the city/centre in which a senator or member resides or has an electorate office, and between capital cities and regional centres; and
  - (d) on visits in the course of parliamentary committee business.
- 4.2** In addition to clause 4.1, a senator or member shall be provided with car transport at government expense when travelling on official business. For the purposes of this clause, official business has the same meaning as official business for the purposes of clause 3.1.
- 4.3** A senator or member may use the car transport in Canberra for the purposes of 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.
- 4.4** A senator or member may be accompanied by:
- (a) his or her spouse or nominee;
  - (b) a member or members of his or her staff; and/or
  - (c) other senators or members.

- 4.5** In addition, a senator or member may be accompanied by another person or persons as long as the passenger's travel is:
- (a) relevant to the purpose of the travel;
  - (b) for compassionate reasons;
  - (c) for public interest reasons; and/or
  - (d) to enable a senator or member to be accompanied by a dependent child or dependent children.
- 4.6** The Special Minister of State may prescribe the mode or modes of car transport to be made available to a senator or member for the purposes of clause 4.1.
- 4.7** If, pursuant to clause 4.6, a senator or member is provided with a short-term self-drive car in Canberra on the weekend, he or she may use the car for private purposes but will meet fuel costs of such usage. The car may not be used for commercial purposes.
- 4.8** If, pursuant to clause 4.6, a senator or member is provided with long-term self-drive car transport in Canberra, and where this is the case, he or she may use the car transport for private purposes, but not for commercial purposes.
- 4.9** If, pursuant to clause 4.6, a senator or member is provided with long-term self-drive car transport in Canberra in accordance with clause 4.8 he or she shall meet the personal cost contribution and other provisions specified in guidelines developed by the Special Minister of State.
- 4.10** When services (which do not involve unreasonable interruption to the journey outlined in clause 4.1) are not available from the airport or railway station nearest a senator's or member's home base, a senator or member shall be provided with car transport at government expense for direct travel between his or her home base and the nearest airport or railway station which does provide reasonable services for that journey. In exercising an entitlement under this clause, a senator or member is expected to organise his or her travel arrangements in a reasonable way so as to travel to and from the airport nearest to his or her home base, electorate office or place of business.
- 4.11** Where a senator or member is travelling by car transport between the airport and his or her home base, he or she may, for parliamentary or electorate purposes only, break the journey at his or her electorate office. However, if the senator or member expects the break in the journey to be longer than half an hour, the car shall be released immediately and another ordered to complete the journey at a later time.
- 4.12** When a senator or member is required to break a journey to or from Canberra on parliamentary business, car transport at government expense shall be provided from the airport or railway station to the place of overnight

accommodation and from there to the airport or railway station for connecting transport.

### **Shadow Ministers and Party Leaders**

**4.13** A shadow minister and the Leader of a recognised party of at least 5 members in the Parliament shall be provided with car transport at government expense in the capital city of the state in which he or she resides when travelling on duties or functions connected with the office of shadow minister or party leader as the case may be.

### **Spouse or nominee**

**4.14** When travelling as determined in clauses 3.15 and 3.16, a spouse or nominee unaccompanied by a senator or member shall be provided with car transport at government expense:

- (a) between home, electorate office or place of business and the airport or railway station, as outlined in clauses 4.1 and 4.10;
- (b) between the airport or railway station in Canberra and the Canberra destination;
- (c) between the airport and the capital city being visited on an inter-state or an intra-state visit;
- (d) between the airport and the capital city where a stop-over is made as provided in clause 3.12; and
- (e) between Parliament House and place of accommodation in Canberra or Queanbeyan.

**4.15** When a spouse or nominee has travelled to Canberra under clause 3.21 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.

### **Dependent Children and Designated Persons**

**4.16** Dependent children and designated persons may use taxis or hire cars to and from any station or terminal for the purposes of travel at Commonwealth expense under clauses 3.15 and 3.16 provided that if the dependent child or designated person is under the age of 16 they must be accompanied by a person over the age of 18.

## **PART 5 - PRIVATE VEHICLE ALLOWANCE**

### **Private Vehicle Allowance for travel to or from Canberra**

- 5.1**
- (a) A senator or member who uses their private vehicle to travel from their home base to Canberra or from Canberra to their home base on parliamentary business; or
  - (b) a senator or member who uses their private vehicle to travel from their home base part of the way to Canberra or from Canberra part of the way to their home base on parliamentary business; or
  - (c) a spouse, nominee, dependent child or designated person, when travelling by private motor vehicle to or from Canberra as provided in clauses 3.15 and 3.16;

shall be entitled to payment of private vehicle allowance at Australian Public Service rates then current for the shortest practicable route, or the cost of the business class air fare, whichever is less. Where a business class air fare is not available, the cost of an economy class air fare shall apply.

- 5.2** Where there is no convenient scheduled air service to connect with a scheduled flight to Canberra, a senator or member shall be entitled to private vehicle allowance at Australian Public Service rates then current for the shortest practicable route between their home base and the nearest airport practicable to connect with the Canberra flight.

- 5.3** Where a senator or member is undertaking a trip approved under this Determination from an airport, railway station or similar point of embarkation (a terminus), and the senator or member uses his or her private vehicle, or private plated vehicle provided in accordance with Part 6 of this Determination, to drive to the terminus, the senator or member is entitled to reimbursement of related parking costs up to a maximum of \$240 for each instance.

- 5.4** When more than one person with a travel entitlement travels in the one motor vehicle, payment of a private vehicle allowance or the cost of the business class air fare may be made to one person only. Where a business class air fare is not available, the cost of an economy class air fare shall apply. Where no payment is made in respect of a person travelling in the motor vehicle, the entitlement to travel of that person shall not be reduced.

- 5.5** Private vehicle allowance is not payable to a senator or member, spouse or nominee, or dependent child for travel other than as provided in clauses 5.1 and 5.2 of this Determination.

## **PART 6 - PROVISION OF VEHICLE**

- 6.1**
- (a) A senator shall, at his or her request, be provided with an Australian made, private plated standard vehicle, as advised by the Special Minister of State.
  - (b) A member representing an electorate of less than 300,000 km<sup>2</sup> shall, at his or her request, be provided with an Australian made, private plated standard vehicle, as advised by the Special Minister of State.

- (c) A member representing an electorate of 300,000 km<sup>2</sup> or more shall, at his or her request, be provided with a private plated standard vehicle, as advised by the Special Minister of State, or a four wheel drive motor vehicle.
- 6.2** A senator or member, at his or her request, may be provided with a private plated non-standard vehicle (such as a four wheel drive vehicle) instead of a standard vehicle under subclauses 6.1(a) and 6.1(b).
- 6.3** The Special Minister of State may develop guidelines for the purposes of clauses 6.1(c) and 6.2.
- 6.4** In addition to clause 6.1, a member representing an electorate of 300,000 km<sup>2</sup> or more and the senators representing the Northern Territory (while the total representation from the Northern Territory in both Houses does not exceed the present level of four) shall, at the request of the senator or member, be provided with a Commonwealth-leased private plated, four wheel drive motor vehicle.
- 6.5** Where a senator or member is provided with a non-standard vehicle under clause 6.2, his or her charter transport entitlement or electorate allowance shall be reduced by the difference between the lease cost of a non-standard vehicle and the lease cost of a standard vehicle.
- 6.6** Where a senator or member is provided with a four wheel drive vehicle in accordance with 6.4, his or her charter allowance entitlement or electorate allowance shall be reduced by the lease cost of the four wheel drive motor vehicle.
- 6.7** A private-plated vehicle provided to a senator or member may be used for parliamentary, electorate or official business, family travel and private purposes, but not for commercial purposes.
- 6.8** Where a senator or member is provided with a private-plated vehicle, the Commonwealth shall meet all costs of operating and maintaining that vehicle. Accordingly, when that vehicle is used:
- (a) for travel to which a senator or member (or eligible family member, nominee or designated person) is otherwise entitled by the provisions of this Determination, (such as under clauses 3.1, 3.8, 4.1, 4.10, 4.11, 4.14 to 4.16) the other entitlements are voided; and
- (b) likewise no private vehicle allowance is payable.
- 6.9** Where a senator or member elects not to be provided with any private plated vehicle under clauses 6.1, 6.2 or 6.4 he or she will be entitled to an additional \$19,500 per annum of electorate allowance in lieu of the private plated vehicle to meet the costs of transport within and for the service of the electorate.

**6.10** For the purposes of clause 6.9, 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).

**6.11** For the purposes of clause 6.9, a member or senator may elect to vary his or her entitlement from, or to, a private plated vehicle or additional electorate allowance in lieu of the private plated vehicle once per annum, provided that no additional administrative or other expenses (e.g. lease cancellation fees) are incurred by the Commonwealth as a result of the election to so vary these entitlements.

## **PART 7 - CHARTER AIRCRAFT/DRIVE YOURSELF VEHICLES**

**7.1** 'Charter transport' includes the hire of charter aircraft and such other modes of transport as may be reasonable in the circumstances within and for the service of the electorate. It includes the hire of an accredited driver to provide relief driving services for a senator or member independent of car hire arrangements. Family members and personal or electoral staff are not permitted to provide accredited driver services. The entitlement does not extend to the use of taxis or hire cars in the metropolitan areas of capital cities.

**7.2** Subject to clause 7.3,

- (a) a senator to whom one of the following criteria applies shall be entitled to the cost of charter transport, at Commonwealth expense, within and for the service of his or her State or Territory to the limits specified; or
- (b) a member of an electorate to whom one of the following criteria applies shall be entitled to the cost of charter transport, at Commonwealth expense, within and for the service of his or her electorate to the limits specified:

<b>Chamber</b>	<b>State or Territory/ Electorate</b>	<b>Maximum Allowance Per Annum</b>
Senators	Northern Territory	\$65,760
	Queensland or Western Australia	\$26,490
	New South Wales, Victoria, South Australia or Tasmania	\$14,860
Members	300,000 km <sup>2</sup> or more	\$120,000
	100,000 to 299,999 km <sup>2</sup>	\$38,190
	25,000 to 99,999 km <sup>2</sup>	\$21,160
	10,000 to 24,999 km <sup>2</sup>	\$10,420

**7.3** Senators or members entitled by this Determination to the cost of charter transport within and for the service of their electorate, State or Territory shall be entitled to engage or dismiss the charter transport at a place outside their electorate, State or Territory provided that the purpose of the charter is for the service of the electorate within the electorate.

- 7.4** A senator or member may carry forward from one year to the next year up to 20 per cent of charter allowance for the first year, if unused.
- 7.5** A senator or member entitled by this Determination to the cost of charter transport within and for the service of his or her electorate may be accompanied by:
- (a) his or her spouse; and/or
  - (b) a member or members of his or her staff; and/or
  - (c) a senator or member, or senators or members.
- 7.6** Where a person accompanies a senator or member in accordance with clause 7.5, he or she may travel unaccompanied on charter positioning and re-positioning legs where this does not incur any additional cost.
- 7.7** In addition to clause 7.5, a senator or member may be accompanied by another person or other persons provided that a more expensive charter aircraft/vehicle would not be required.
- 7.8** Where a senator or member is accompanied by another person or other persons in accordance with clause 7.7, cost recovery for the fare equivalent will be obtained from any other passengers (or their employing organisation).
- 7.9** Where a senator or member is accompanied by another person or other persons in accordance with clause 7.7, cost recovery for the fare equivalent in accordance with clause 7.8 will not be required where he or she certifies that the passenger's travel was:
- (a) relevant to the purposes of the travel, or
  - (b) for compassionate reasons, or
  - (c) for public interest reasons, and/or
  - (d) to enable a senator or member to be accompanied by a dependent child or dependent children under 25.
- 7.10** Subject to clause 7.11, if in the previous year, a senator or member received a supplement under Regulation 3EA of the *Parliamentary Entitlements Regulations 1997*, the amount in clause 7.2 of this Determination is reduced by the amount of the supplement used for charter transport.
- 7.11** If the Minister has approved, under subregulation 3EA (7A) of the *Parliamentary Entitlements Regulations 1997*, the expenditure, in the 2011-2012 financial year, of a supplement for the 2010-2011 financial year, the amount in clause 7.2 of this Determination is reduced in the 2012-2013 financial year by the amount of the supplement spent by the senator or member on charter transport in the 2010-2011 and 2011-2012 financial years.

**7.12** However, the Minister may, having regard to the particular circumstances of the senator or member, waive the requirement in clauses 7.10 and 7.11 in relation to the senator or member.

**PART 8 - LIFE GOLD PASS**

**8.1** Subject to the *Members of Parliament (Life Gold Pass) Act 2002*, a senator or member who, on retirement from the Parliament, has completed the qualifying periods set out in 8.2 shall be issued with a Life Gold Pass<sup>1</sup>.

**8.2** For the purposes of s 30(2) of the *Members of Parliament (Life Gold Pass) Act 2002*, the following qualifying periods shall apply to eligibility for the issue of a Life Gold Pass:

(a)

Office	Qualifying Period
Prime Minister	One year
Ministers (other than Parliamentary Secretaries)	Six years
President of the Senate	Six years
Speaker of the House of Representatives	Six years
Leader of the Opposition	Six years
Parliamentary Secretaries and Senators and Members	Twenty years or the life of seven Parliaments

(b) 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, shall have that period trebled in determining their eligibility for a Life Gold Pass by way of 20 years service as a senator or member;

(c) periods of broken service may be accumulated;

(d) for the purpose of this entitlement 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, may be taken as the equivalent of the 'life of seven parliaments'.

**8.3** A Life Gold Pass shall not be issued to a qualifying senator or member until he or she retires from the Parliament.

**8.4** Frequent flyer points accrued as a result of travel at Commonwealth expense should be used to reduce the cost of future travel under the provisions of the *Members of Parliament (Life Gold Pass) Act 2002* by the person who accrued the points. Wherever possible and practicable, a person should ensure that frequent flyer points accrued by him or her are used to cover the cost of life gold pass entitlements. Points may, however, be redeemed for a donation to charity, in

<sup>1</sup> Section 4A of the *Members of Parliament (Life Gold Pass) Act 2002* closes the Life Gold Pass scheme to certain senators and members.



accordance with the provisions of the relevant reward program, provided that no financial or taxation benefit accrues to the person who accrued the points.

- 8.5** Details of the usage of frequent flyer points accrued as a result of travel at Commonwealth expense and used under the *Members of Parliament (Life Gold Pass) Act 2002* must be reported to the Special Minister of State in accordance with guidelines developed by the Special Minister of State.

## **PART 9 - SEVERANCE BENEFITS**

### **POST RETIREMENT TRAVEL**

- 9.1** Subject to clause 9.5, a former senator or member, not qualifying for a Life Gold Pass, shall be entitled to travel at government expense for a maximum of five return trips within the first six months after his or her retirement from the Parliament.
- 9.2** Travel in accordance with clause 9.1 shall be 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.
- 9.3** Travel in accordance with clause 9.1 shall be at the class of travel determined from time to time for a sitting senator or member.
- 9.4** Travel in accordance with clause 9.1 shall not be utilised by any person other than the former senator or member.
- 9.5** A former senator or member who retired from the Parliament on or before the date of effect of this Determination shall remain entitled to travel in accordance with clauses 8.1 to 8.5 of Determination 2006/18, as in effect immediately prior to its revocation.

### **RESETTLEMENT ALLOWANCE**

- 9.6** **Eligibility:** A senator or member will be paid a Resettlement Allowance if the senator or member:
- (a) retires involuntarily from the Parliament, meaning retirement through:
- (i) electing not to stand for re-election following loss of party endorsement, for reasons other than misconduct; or
  - (ii) defeat at an election (including defeat at an election where he or she has campaigned to be elected to represent a different electoral division or to the other House of the Parliament);
- (b) and was:
- (i) 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

- (ii) first elected on or after 9 October 2004, and declares in writing to the Clerk of the relevant House of Parliament that it is his or her intention to seek employment on leaving Parliament.

**9.7 Basic Payment:** A senator or member who fulfils the eligibility criteria in clause 9.6 will, on retirement, be paid three months of the base salary at the rate current on the date that the Parliament is prorogued prior to the election.

**9.8 Additional Payment:** A senator or member who receives a payment under clause 9.7 will, on retirement, also be paid an additional three months of the base salary, at the same rate as the payment under clause 9.7, if he or she is:

- (a) a senator for a state, and has served more than three full years in the Parliament, or
- (b) a member, or a senator for a territory, and has served more than one full term in the Parliament.

For the purposes of this clause the period of service referred to is the period of continuous service that ceases when the senator or member retires involuntarily.

## **PART 10 - OVERSEAS TRAVEL – TRANSITIONAL ARRANGEMENTS**

**10.1** There will be no further accrual of entitlement to financial assistance for overseas travel as provided for by Determination 2006/18 - *Members of Parliament – Entitlements*. However, the entitlement to financial assistance for overseas travel provided for under the provisions of Clauses 9.1 to 9.13 of that Determination, as in effect immediately prior to its revocation, will continue to apply for the purposes of the transitional provisions set out in the following clauses 10.2 to 10.4.

**10.2** Any member or senator who has accrued an entitlement to financial assistance from the Government for travel outside Australia under the provisions of Clause 9.1 of Determination 2006/18 - *Members of Parliament – Entitlements* shall retain access to the entitlement which had accrued as at the date of effect of this Determination.

**10.3** An accrued entitlement to financial assistance will only be payable in accordance with the provisions that existed in Determination 2006/18 immediately prior to its revocation, but subject further to the limitation in clause 10.4.

**10.4** A carry forward of the entitlement, pursuant to subclause 9.1(e) of Determination 2006/18 will be allowed from the 43<sup>rd</sup> to the 44<sup>th</sup> Parliament, but not thereafter.

## **PART 11 – OFFICE FACILITIES**

- 11.1** A senator or member shall be entitled to have access to the following at Commonwealth expense:
- (a) two telephone lines, including rental, transfer and call costs in their private residence(s); and
  - (b) installation, maintenance and rental of an answering service or equipment of a type specified by the Special Minister of State.
- 11.2** A senator or member may nominate one of the two telephone lines referred to in clause 11.1(a) to be used exclusively as a dedicated data line. The data line shall be installed and maintained at Commonwealth expense.
- 11.3** Entitlements not covered in this Determination (such as the location, number, nature and extent of office accommodation, office furniture and equipment, newspapers and the like) shall be provided at the discretion of the Special Minister of State.

## **PART 12 - FREQUENT FLYER POINTS**

- 12.1** Frequent flyer points accrued as a result of travel at Commonwealth expense should be used to reduce the cost of future travel under the provisions of this Determination by the person who accrued the points. Wherever possible and practicable, a person should ensure that frequent flyer points accrued by him or her are used to cover the cost of any travel under this Determination. 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.
- 12.2** Details of the usage of frequent flyer points accrued as a result of travel at Commonwealth expense and used under this Determination must be reported to the Special Minister of State in accordance with guidelines developed by the Special Minister of State.

## Notes to Remuneration Tribunal Determination 2012/04: Members of Parliament - Entitlements

This determination as shown in this compilation is amended as indicated in the tables below. Under the Legislative Instruments Act 2003, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

### Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
Determination 2012/04 – Members of Parliament – Entitlements	13/03/2012 F2012L00569	15/03/2012	-
Determination 2012/15 – Members of Parliament – Base Salary, Entitlements and Related Matters	22/06/2012 F2012L01302	CI 2.1, 2.3, 2.5 – 23/06/2012 CI 2.2 - 15/03/2012 CI 2.4 – 1/07/2012	-
Determination 2012/21 – Members of Parliament - Entitlements	3/10/2012 F2012L01997	CI 1.1, 1.2, 1.3, 1.4 – 4/10/2012	-
Determination 2014/02 – Members of Parliament – Travelling Allowance and Entitlements	25/02/2014 F2014L00187	CI 2.1, 2.2, 2.3, 2.4, 2.5 – 26/02/2014	-
Determination 2014/20 – Members of Parliament - Entitlements	10/10/2014 F2014L01344	CI 1.1, 1.2 – 11/10/2014	-
Determination 2014/23 – Members of Parliament - Entitlements	18/12/2014 F2014L01752	CI 1.1, 1.7 – 19/12/2014 CI 1.2, 1.3, 1.4, 1.5, 1.6 – 1/01/2015	-
Determination 2015/15 – Members of Parliament - Entitlements	30/11/2015 F2015L01882	CI 1.1, 1.2, 1.3 – 19/11/2015	-

## Notes to Remuneration Tribunal Determination 2012/04: Members of Parliament - Entitlements

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### Table of Amendments

ad. = added or inserted      am. = amended      rs. = repealed and substituted      rep. = repealed

Provision affected	How affected
<b>Part 1</b>	
Clause 1.4	am 2012/15, am 2014/02, am 2014/23
<b>Part 3</b>	
Clause 3.3 (b)	am 2014/20
Clause 3.8	am 2014/23
Clause 3.9	ad 2014/23
Clause 3.10	ad 2014/23
Clause 3.9 renumbered cl 3.11	2014/23
Clause 3.10 renumbered 3.12	am 2014/02 2014/23
Clause 3.12	am 2014/23
Clauses 3.11 - 3.19 renumbered cl 3.13 to 3.21	2014/23
Clause 3.13	am 2014/23
Clause 3.14	am 2014/23
Clause 3.15	am 2014/23
Clause 3.16	am 2014/23
Clause 3.17A	ad 2015/15
Clause 3.19	am 2015/15
Clause 3.20	am 2014/23
<b>Part 4</b>	
Clause 4.1	am 2012/21
Clause 4.14	am 2014/23
Clause 4.15	am 2014/23
Clause 4.16	am 2014/23
<b>Part 5</b>	
Clause 5.1	am 2014/23
Clause 5.3	am 2012/21
Clause 5.6	rep 2012/21
<b>Part 7</b>	
Clause 7.2(b)	am 2012/15
Clause 7.2 Table	am 2014/02