

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PARLIAMENTARY ENTITLEMENTS BILL 1990

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Administrative Services,
Senator the Honourable Nick Bolkus)



PARLIAMENTARY ENTITLEMENTS BILL 1990
OUTLINE AND FINANCIAL IMPACT STATEMENT

OUTLINE

This Bill authorises expenditure to or on behalf of members of the Parliament including Ministers and Office-Holders of the Parliament on certain entitlements and to validate any payments made in respect of their entitlements before the commencement of the Bill. An entitlement listed in Schedule 1 of the Bill may be varied or omitted either by reference to the Remuneration Tribunal for determination or by regulation made under the Bill. The Bill also provides for the additional or supplementary entitlements and different classes of entitlements to be varied or approved either by reference to the Remuneration Tribunal for determination or by regulation made under the Bill. The Bill appropriates the Consolidated Revenue Fund for the cost of benefits payable to or on behalf of members of the Parliament. The Bill amends the Remuneration Tribunal Act 1973.

Amendm nts to the Remuneration Tribunal Act 1973

The amendments to the Remuneration Tribunal Act brings the travelling allowances of members of the Parliament into the category of allowances (including allowances payable in accordance with section 48 of the Constitution) so that they are treated in the same way as other allowances which are in the nature of remuneration.

The amendments also make provision, in relation to members of the Parliament, for matters which are not in the nature of remuneration to be considered by the Remuneration Tribunal only if referred by the responsible Minister.

FINANCIAL IMPACT STATEMENT

Funds to meet the cost of all benefits subject to the Bill have been appropriated in the 1989/90 Appropriation Acts.

CLAUSE NOTES

PART 1 - PRELIMINARY

Clause 1 - Short Title

Provides for the Act to be acted as the *Parliamentary Entitlements Act 1990*.

Clause 2 - Commencement

Provides that the Act shall come into operation on the day it receives Royal Assent.

Clause 3 - Definitions

This clause defines the words and terms used in the Bill.

Claus 4 - Entitlement to benefits

This clause provides for members of the Parliament, Parliamentary Office-holders and Ministers to be entitled to the benefits listed in the Schedule to the Bill. The clause does not limit any benefits which are either provided by any other law or by the Government to a Minister for the purpose of carrying out his or her functions as a Minister.

Clause 5 - Entitlement to Additional Benefits

This clause makes provision for members of the Parliament, Parliamentary Office-holders and Ministers to receive additional benefits, other than those in the nature of remuneration, which are determined by the Remuneration Tribunal or prescribed by regulations made under the Bill.

Clause 6 - Amount of benefit reduced if entitlement begins part-way through financial year.

This clause makes provision for a member of the Parliament or a Parliamentary Office-holder to receive benefits on a pro-rata basis when they become a member of the Parliament or a Parliamentary Office-holder part way through a year

Clause 7 - Calculation of benefits

This clause makes provision for members of the Parliament to receive benefits while they are entitled to receive their parliamentary remuneration, such as during the period between dissolution of the Parliament and a member's re-election to the Parliament. Similar provision is made for Parliamentary Office-holders and Ministers. The clause also enables persons covered by the Bill to utilise their entitlements as they need during the year up to the full annual amount.

Clause 8 - Validation

The clause validates all benefits of a kind set out in Schedule 1 of the Bill which have been used or made available to persons covered by the Bill at any time prior to its commencement.

Clause 9 - Alteration of Schedule

The clause enables a benefit set out in Schedule 1 of the Bill to be varied or omitted either by determination of the Remuneration Tribunal or by regulation.

Clause 10 - Conflict between regulations and determination

The clause makes provision for regulations made under the Bill to override determinations of the Remuneration Tribunal which relate to either additional benefits or the benefits set out in Schedule 1 of the Bill or conflict with regulations which are intended to cover the whole field to a particular subject matter.

Clause 11 - Appropriation

The clause appropriates the Consolidated Revenue Fund for the cost of benefits.

Clause 12 - Regulations

The clause enables the Governor-General to make regulations in order to either provide additional benefits or to vary or omit benefits set out in Schedule 1 of the Bill.

Clause 13 - Amendments of Remuneration Tribunal Act.

The clause amends the *Remuneration Tribunal Act 1973* as set out in Schedule 2. Determinations made by the Remuneration Tribunal before the commencement of the Bill continue in force.

Clause 14 - Transitional: Financial year 1989-90

The clause makes provision for all benefits subject to limit to be made available on a pro-rata basis for the remainder of the current financial year after the commencement of the Bill. In the case of the postage entitlement available in the current financial year for members of the Parliament, the remaining benefit will be the balance remaining of their 1989-90 entitlement. For new members of the Parliament, the benefit will be a pro-rata amount calculated by the formula.

Schedule 1: Scheduled Ben fits

The schedule lists the benefits available to members of the Parliament, Parliamentary Office-holders and Ministers.

Schedule 2: Amendments of Remuneration Tribunal Act 1973

The Schedule amends subsection 3(1) of the Remuneration Tribunal Act by including a definition of allowance which enables the travelling allowances of Parliamentarians to be considered as an allowance (including allowances in accordance with section 48 of the Constitution) by the Remuneration Tribunal when it is reviewing the remuneration of parliamentarians. The Schedule also replaces subsection 7(4) and adds a new subsection 7 (4A) which, in relation to members of the Parliament, enables the Remuneration Tribunal to report or determine non-remuneration matters only if referred by the responsible Minister.

