

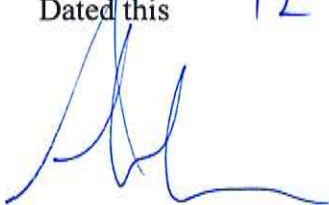
***Members of Parliament (Staff) Act 1984***

**STAFF TRAVEL AND RELIEF STAFF ARRANGEMENTS**

I, ALEX HAWKE, Special Minister of State, for and on behalf of the Prime Minister, determine under subsection 13(2) and subsection 20(2) of the *Members of Parliament (Staff) Act 1984* (the Act) that, with effect on and from the date of this Determination:

- Determination 2018/25 made on 27 November 2018 is revoked;
- the travel arrangements set out in Schedule A of this determination apply to the staff of Senators and Members employed under Part III and Part IV of the Act;
- the relief staff arrangements set out in Schedule B of this determination apply; and
- the Electorate Support Budget is calculated as set out in Schedule C of this determination.

Dated this 12 day of December . 2018



**ALEX HAWKE**  
**Special Minister of State**

## SCHEDULE A

### Domestic Travel

1. Employees may only travel by the most efficient direct route available.
2. Subject to item 16, it is an employee's responsibility (and hence the employee's cost) to transport him or herself to and from work for his or her normal hours of duty. This responsibility includes travel between accommodation and the office when travelling on parliamentary or electorate business away from the employee's work base. This also includes travel to attend work when the employee's work base is distant from the employee's home.
3. All personal employees may travel as directed anywhere within Australia on official business.
4. Subject to available funds in the Electorate Support Budget (where applicable), electorate employees may travel as directed anywhere within Australia on official business. All travel costs under this determination and associated travelling allowance and motor vehicle allowance under the *Commonwealth Members of Parliament Staff Enterprise Agreement 2016-2019* or successor agreements (Enterprise Agreement) are debited against the Electorate Support Budget (where applicable).
5. One nominated electorate employee working for a Minister, a Parliamentary Secretary, an Opposition Office Holder, a Leader or Deputy Leader of a Minority Party, a Chair of a Parliamentary Committee, or, with the approval of the Special Minister of State, a Chair of a Parliamentary Sub-Committee, may travel as directed anywhere within Australia on official business without debit against the Electorate Support Budget.
  - (a) The nomination of an electorate employee is to be a settled arrangement, that is, the expectation is that the nomination would not change within 12 months. The name of the nominated employee must be notified to the Independent Parliamentary Expenses Authority (IPEA) in writing<sup>1</sup>. All travel under this Schedule by the nominated employee that was undertaken prior to the date that the nomination took effect will be debited against the Electorate Support Budget.
  - (b) A Senator or Member may nominate only one electorate employee who may travel as directed anywhere within Australia on official business without debit against the Electorate Support Budget at any one time, irrespective of the number of office holder positions (as specified in this item) held by the Senator or Member.
  - (c) The general travel conditions set out in this Schedule continue to apply, where appropriate, to the nominated employee.
  - (d) All travel by the electorate employees of the Senator or Member, other than the nominated employee, will be debited against the Electorate Support Budget.
6. A Presiding Officer, including a Deputy Presiding Officer, Whip or a Shadow Minister, other than an Opposition Office Holder, may nominate a personal

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<sup>1</sup> Using the *Electorate Employee Travel Nomination* form on the IPEA website.



employee whose travel will be debited against the Electorate Support Budget, in place of a nominated electorate employee, whose travel will not be debited against the Electorate Support Budget.

- (a) The nomination of a personal and electorate employee is to be a settled arrangement, that is, the expectation is that the nomination would not change within 12 months. The names of the nominated personal and electorate employees must be notified to IPEA in writing<sup>2</sup>. Travel by the nominated electorate employee that was undertaken prior to the date that the nomination took effect will be debited against the Electorate Support Budget.
- 7. Official travel is restricted to Australia (excluding the external territories), unless the employing Senator or Member has a specific work expense for travel to an Australian external territory.
- 8. Travel may not be undertaken at Commonwealth expense for the personal benefit of an employee.
- 9. 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:
  - (a) the stopover is for a maximum of two nights only;
  - (b) no annual leave is taken by an employee as part of the stopover; and
  - (c) any additional costs for fares or costs related to the stopover are paid by the employee at the time of booking the travel.
- 10. Travelling allowance is not payable during a personal stopover. A personal stopover is defined as personal time spent at a destination where an employee has been directed to travel on official business<sup>3</sup> or a break in travel at a usual point en route to the final travel destination<sup>4</sup>.
- 11. An employee may only use charter services when accompanying their employing Senator or Member under the Senator's or Member's charter work expense or where scheduled transport services (including air, rail, sea and bus) are not available.
  - (a) If the charter service also carries other passengers, the Commonwealth will only pay the pro rata cost of the travel of the employee.
  - (b) Charter services may not be used for the sole reason that scheduled services are fully booked, or are not available at the most convenient time.
  - (c) Some regions of Australia have infrequent scheduled services and/or no scheduled air services. Employees travelling to these locations should plan their travel with regard to these constraints.
- 12. Employees are required to take all reasonable steps to ensure, where applicable, that departure and destination travel arrangements are compatible with scheduled transport services.

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<sup>2</sup> Using the *Electorate Employee Travel Nomination* form on the IPEA website.

<sup>3</sup> For example, a Canberra-based employee travels to Brisbane on official business on Friday. The employee stays in Brisbane on Saturday and Sunday nights and returns on Monday. In this case, the Saturday and Sunday are counted as a personal stopover and return airfare will be covered by the Electorate Support Budget. However, if the employee returns on Tuesday or later, it is at their own expense.

<sup>4</sup> For example, travel from Hobart to Canberra may have a usual stop in Melbourne en route.



## **Class of Travel**

13. Senior staff (employees above the level of Adviser) who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall not exceed the cost of a business class airfare for the most reasonable and usual route between the departure and destination points. Where a business class airfare is not published for the destination point, the cost to the Commonwealth of travel by air, rail, road or sea must not exceed the economy class airfare for the most reasonable and usual route, between the departure and destination points.
14. Employees, other than senior staff, who are required by the employing Senator or Member to travel on official business by air, rail, road or sea are limited to a fare which shall 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.
15. A Minister, Parliamentary Secretary, Opposition Office Holder or Presiding Officer (but not a Deputy Presiding Officer) may direct a member of his or her staff who is on the same aircraft to travel at the same class as him or her, where there is a working need to do so. It is expected that no more than one employee will do so on any particular trip.

## **Car Transport**

16. As set out in item 2 of this Schedule, it is an employee's responsibility (and hence the employee's cost) to transport him or herself to and from work for his or her normal hours of duty. Exceptions to this rule apply to the use of car transport in the following circumstances:
  - (a) 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
  - (b) the employee is travelling on official business and scheduled public transport services are not readily available; or
  - (c) the employee is travelling on official business and is carrying luggage to and/or from the office for the purpose of the trip.
17. Employees, when travelling as directed on official business, or under the exceptions at item 16, subject to the restrictions at items 1 to 9, may use<sup>5</sup>:
  - (a) taxis;
  - (b) regulated ridesharing services;
  - (c) hire cars; and
  - (d) short-term self-drive cars hired through the travel services provider, or with any car hire company, provided that:
    - (i) the hire is of no more than 10 days duration;

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<sup>5</sup> Motor vehicle allowance (MVA) may also be payable under Enterprise Agreement where an employee travels under the provisions of this determination in their privately owned vehicle or self-drive hire vehicle, at their own expense.



- (ii) the vehicle is not used for journeys within Canberra;
  - (iii) 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;
  - (iv) for the purposes of short-term self-drive car hire under this determination, 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; and
  - (v) the cost of insurance will be met by the Commonwealth where it is purchased as part 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.
18. Self-drive hire cars should be used on weekdays only unless exceptional circumstances apply and the Senator or Member has approved the use. Employees may not use taxis, regulated ridesharing services, hire cars or short-term self-drive hire cars at Commonwealth expense for private use, other than as set out at item 16.

#### **Tolls and Parking Costs**

- 19. 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 to be eligible for full reimbursement<sup>6</sup>.
- 20. Toll and parking costs will not be reimbursed where incurred during a personal stopover or a period of leave. Administrative charges or penalties for late payment or non-payment of tolls and parking costs will not be reimbursed.
- 21. Employees will not be reimbursed for valet parking costs, with the exception of valet parking costs incurred at the accommodation occupied by the employee for travel on official business involving an overnight stay away from their work base.

#### **Travel for Training**

- 22. Senators and Members whose electorate offices are outside the greater metropolitan area of capital cities (including satellite cities), or within the Northern Territory or Tasmania, have access to four trips per financial year (five trips per financial year where the Member has a second official electorate office or six trips per financial year where the Member has a third official electorate office) for their electorate employees to travel to the nearest capital city to attend training under the Professional Development Program or approved ad hoc training and professional development opportunities, IT training or training for Work Health and Safety roles.
  - (a) For electorate offices located in the Northern Territory, employees may also use the trips to travel to Adelaide or Brisbane.

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<sup>6</sup> For example, it is generally expected that long-stay parking will be used at an airport.



- (b) For electorate offices located in Tasmania, employees may also use the trips to travel to Melbourne.
- 23. The Senators and Members whose employees are eligible for the trips in item 22 will be listed on the Ministerial and Parliamentary Services (M&PS) website.

#### **Travel for ECG Representatives and WHS Committee Members**

- 24. Associated travel costs<sup>7</sup> of employees who are Employee Consultative Group<sup>8</sup> (ECG) representatives and Work Health and Safety (WHS) Committee<sup>9</sup> members, and whose travel is subject to the Electorate Support Budget, will not be debited against the Electorate Support Budget when the employee travels for the purpose of attending an ECG meeting or WHS Committee meeting, provided that the travel to the meeting location is not also for other official business.
- 25. Where the travel is also for other official business, only the *additional* travel costs associated with the ECG meeting or WHS Committee meeting will not be debited against the Electorate Support Budget.

#### **COMCAR Services for Employees of the Prime Minister**

- 26. All employees of the Prime Minister may use a COMCAR to travel to or from Defence Establishment Fairbairn when embarking or returning from travel with or on behalf of the Prime Minister.
- 27. With prior notification to the COMCAR Client Liaison Manager, the Prime Minister's employees may also travel in a COMCAR, when the car would otherwise be travelling without passengers, in the following circumstances:
  - (a) if a COMCAR is travelling out of zone to meet the Prime Minister<sup>10</sup>, and employees need to travel along the same route to meet the Prime Minister; or
  - (b) if a COMCAR is travelling as part of the Prime Minister's advance party and employees need to travel along the same route.
- 28. In using COMCAR for these purposes, the COMCAR booking will be based solely on the Prime Minister's requirements. Employees must make their own way to and from any pick up/drop off point that COMCAR advise, which will be on the direct intended route. The COMCAR schedule cannot be altered to incur waiting time on behalf of an employee.

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<sup>7</sup> 'Associated travel costs' are costs under this determination (or its successor determinations), including domestic flights and car travel, and as provided under the Enterprise Agreement, including travelling allowance and motor vehicle allowance.

<sup>8</sup> As described at clause 5 of the Enterprise Agreement.

<sup>9</sup> A Health and Safety Committee for MOP(S) Act employees for the purposes of Division 4 of the *Work Health and Safety Act 2011*.

<sup>10</sup> For example, from Canberra to Merimbula.

## SCHEDULE B

### Relief Staff Arrangements

29. Each Senator and Member may engage relief staff as electorate employees with a work base of the electorate office, Parliament House office, or office holder's office as described at item 30, in accordance with the Enterprise Agreement, up to the limit of his or her Electorate Support Budget. The Special Minister of State may approve an alternative work base for a person employed against the Electorate Support Budget in special circumstances.
30. For the purpose of item 29, an office holder's office is an office, other than the electorate office/s and Parliament House office, provided at Commonwealth expense to the employing Senator or Member within the state or territory of their electorate and who is:
- (a) a Minister;
  - (b) an Opposition Office Holder;
  - (c) a Leader of a Minority Party; or
  - (d) a Presiding Officer.
31. The employment of electorate staff against an established position will not be debited against the Electorate Support Budget under the following circumstances:
- (a) filling of positions that are vacant due to resignation, retirement or termination;
  - (b) filling of positions that are temporarily vacant due to an employee being temporarily progressed to a personal employee position;
  - (c) absences of one week<sup>11</sup> or more on personal leave<sup>12</sup>;
  - (d) all absences on the following types of leave:
    - (i) unpaid carer's leave;
    - (ii) compassionate leave;
    - (iii) community service leave;
    - (iv) miscellaneous or other leave paid in accordance with the Enterprise Agreement (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);
    - (v) long service leave;
    - (vi) maternity leave<sup>13</sup>;

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<sup>11</sup> The term 'one week' means an absence of 38 hours regardless of whether the employee is full-time or part-time.

<sup>12</sup> Where an employee who is absent due to personal illness or injury or carers duties has exhausted their paid personal leave and therefore uses annual or long service leave, they may be replaced without debit against the Electorate Support Budget.

<sup>13</sup> Where other forms of paid leave are used within the 52 week maternity leave period, the Electorate Support Budget provisions that apply to maternity leave take precedence over the Electorate Support Budget provisions that apply to the type of leave used.



- (vii) adoption leave;
  - (viii) supporting partner leave;
  - (ix) unpaid parental leave; and
  - (x) leave without pay.
32. Where an electorate employee is partially incapacitated (i.e. 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 against the Electorate Support 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 against the Electorate Support Budget.
33. Senators and Members who hold a 'relevant office', as defined under section 3 of the Act, engage relief staff as electorate employees against the Electorate Support Budget under Part III of the Act. Senators and Members who do not hold a 'relevant office' engage relief staff as electorate employees against the Electorate Support Budget under Part IV of the Act.



## SCHEDULE C

### Calculation of the Electorate Support Budget

34. Subject to items 35 to 38, the Electorate Support Budget is calculated at the commencement of each financial year as the sum of:
  - (a) the electorate staff travel component; and
  - (b) the relief staff component.
35. The Electorate Support Budget is calculated pro rata, on the basis of the number of calendar days remaining, for the financial year in which a Senator or Member commences his or her term.
36. The relief staff component will be adjusted in line with changes to the base salary point of the Electorate Officer B classification.
37. The relief staff component will be adjusted pro rata where a Member is allocated, or ceases to be allocated, an additional position for a second and/or third official electorate office.
38. The Special Minister of State may approve changes to the Electorate Support Budget for any Senator or Member.
39. If the Electorate Support Budget for a year is exhausted, a Senator or Member may not draw from the Electorate Support Budget for the following year. The costs beyond the Electorate Support Budget are a debt owed to the Commonwealth and must be repaid by the Senator or Member. Unused funds may not be carried over to the following year.

### Electorate staff travel component

40. Except as provided at items 41, 42 and 43, the electorate staff travel component is calculated on the basis of:
  - (a) 20 return economy airfares (fully flexible) between the primary electorate office and Canberra;
  - (b) 110 nights of travelling allowance at the rate applicable to Canberra;
  - (c) taxi fares and/or motor vehicle allowance to and from the relevant airports for the 20 flights above; and
  - (d) an amount for other travel as follows:

Senator/Member	Electorate Size	\$
Member	0-199 km <sup>2</sup>	\$300
Member	200-999 km <sup>2</sup>	\$500
Member	1,000-9,999 km <sup>2</sup>	\$700
Member	10,000-99,999 km <sup>2</sup>	\$1,000
Member	100,000-199,999 km <sup>2</sup>	\$8,132
Member	200,000-499,999 km <sup>2</sup>	\$10,132
Member	500,000 km <sup>2</sup> or greater	\$12,132
Senators for the NT	—	\$9,000
All other Senators	—	\$500

41. Where a Senator or Member's primary electorate office is located within 150km of Canberra by road, the electorate staff travel component is calculated at the commencement of each financial year on the basis of:
- (a) the value of motor vehicle allowance payable for 20 return motor vehicle trips between the primary electorate office and Canberra;
  - (b) 110 nights of travelling allowance at the rate applicable to Canberra; and
  - (c) an amount for other travel as set out at item 40(d).
42. The electorate staff travel component for each financial year for the Member for Canberra and Senators for the ACT is calculated on the basis of:
- (a) three return economy airfares (fully flexible) between Canberra and Norfolk Island;
  - (b) eight nights of travelling allowance at the commercial rate applicable to Norfolk Island; and
  - (c) an amount of \$2,000 for other travel.
43. The electorate staff travel component for each financial year for the following Senators and Members is calculated as follows:

Senator/Member	\$
Member for Fenner	\$2,000
Member for Eden-Monaro	\$5,000
Senator whose electorate office is in Queanbeyan	\$5,000

#### **Relief staff component**

44. The relief staff component is calculated on the basis of:
- (a) 150 days' salary at the base salary point of the Electorate Officer B classification; and
  - (b) 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; and
  - (c) 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 third official electorate office.

#### **Terms and Definitions**

45. In this determination, terms have the meaning set out in the Enterprise Agreement. In addition, the terms below have the following meanings:

***Opposition Office Holder*** means:

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

***Leader or Deputy Leader of a Minority Party*** means the Leader or Deputy Leader of a recognised non-Government party of at least five members, but does not include an Opposition Office Holder.



***Professional Development Program*** means a scheduled program of training courses for MOP(S) Act employees, administered by the Department of Finance.

***Regulated ridesharing services*** means a ridesharing service, such as Uber X, operating under regulation in the State or Territory in which the travel occurs<sup>14</sup>.

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<sup>14</sup> At 1 December 2018, all States and Territories allow regulated ridesharing services to operate.