

**Authorised Version No. 004**  
**Parliamentary Salaries and Superannuation**  
**(Allowances) Regulations 2013**

**S.R. No. 83/2013**

Authorised Version incorporating amendments as at  
8 August 2017

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**(Allowances) Regulations 2013**

**S.R. No. 83/2013**

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**1 Objective**

The objective of these Regulations is to provide for the allowances payable to members under section 6(1)(e) of the **Parliamentary Salaries and Superannuation Act 1968**.

**2 Authorising provision**

These Regulations are made under section 8 of the **Parliamentary Salaries and Superannuation Act 1968**.

**3 Commencement**

These Regulations come into operation on 1 July 2013.

**4 Revocation**

The Parliamentary Allowances Regulations 2003<sup>1</sup> are **revoked**.

**5 Definitions**

In these Regulations—

***accommodation expenses*** means the rate paid for an overnight stay (irrespective of the inclusions in that rate) in commercial accommodation;

***commercial accommodation*** means accommodation in a commercial establishment, such as a hotel, motel, club or serviced apartment;

Reg. 5 def. of  
*commercial  
air travel*  
inserted by  
S.R. No.  
84/2017 reg. 5.

*commercial air travel* means transit with an operator that, for remuneration, provides scheduled or non-scheduled air transport services to the public for the carriage of passengers;

Reg. 5 def. of  
*committee*  
amended by  
S.R. No.  
127/2015  
reg. 3(a).

*committee* means—

- (a) a joint house committee established under the **Parliamentary Committees Act 2003**;
- (b) a sub-committee of a joint house committee established under the **Parliamentary Committees Act 2003**;
- (c) a joint select committee, if the resolution of the Council and the Assembly establishing the committee expressly provides that an allowance is payable under these regulations;
- (d) a standing committee or select committee of either House of Parliament;

*committee attendances* means—

- (a) attendance at a meeting of a committee of which the person is a member;
- (b) attendance at other functions or activities (including to take evidence) which arise as a consequence of the person carrying out responsibilities and duties of a committee of which the person is a member;

*electorate business* means functions or activities, other than Parliamentary business, which arise as a consequence of the member carrying out the member's parliamentary responsibilities and duties to his or her electorate;

***home base*** means a member's principal place of residence;

***Melbourne centre*** means the intersection of Elizabeth Street and Bourke Street in Melbourne;

***Melbourne allowance rate*** means the amount determined to be payable to a member of the Parliament of the Commonwealth for an overnight stay in Canberra as determined from time to time by the Remuneration Tribunal;

***metropolitan area*** means the area lying within a radius of 28 kilometres from the Melbourne centre;

***non-commercial accommodation*** means accommodation that is not commercial accommodation;

***non-commercial travelling allowance rate*** means an amount (calculated to the nearest dollar) equal to one third of the travelling allowance rate in respect of that member;

***office-holder*** means the—

- (a) President;
- (b) Speaker;
- (c) Deputy President;
- (d) Deputy Speaker;
- (e) Cabinet Secretary;
- (f) Leader of the Opposition;
- (g) Deputy Leader of the Opposition;
- (h) Leader of the Opposition in the Legislative Council;

- (i) Deputy Leader of the Opposition in the Legislative Council;
- (j) Leader of the Third Party;
- (k) Deputy Leader of the Third Party;
- (l) Leader of the Third Party in the Legislative Council;

***official government function*** means a State Reception for which a formal invitation is issued by the branch of the Department of the Premier and Cabinet responsible for managing official functions;

Reg. 5 def. of  
*Parliamentary  
business*  
amended by  
S.R. No.  
127/2015  
reg. 3(b).

***Parliamentary business*** means—

- (a) attendances that are occasioned by sittings of the member's House of Parliament (including regional sittings), Parliamentary party meetings on a sitting day, committee attendances, official government functions, Parliamentary functions or vice-regal functions;
- (b) if the member is the Premier, Deputy Premier, other Minister of the Crown or an office-holder, attendances that are occasioned by official business resulting from the office held;

***Parliamentary function*** means a function for which a formal invitation is issued by a Presiding Officer, or jointly by the Presiding Officers;

Reg. 5 def. of  
*parliamentary  
sitting  
accommod-  
ation  
allowance*  
inserted by  
S.R. No.  
84/2017 reg. 5.

***parliamentary sitting accommodation allowance*** means the allowance referred to in regulation 7;

***Remuneration Tribunal*** means the tribunal established under the Remuneration Tribunal Act 1973 of the Commonwealth;

***second residence*** means a dwelling in the metropolitan area wholly maintained by a member for a period not less than the aggregate number of sitting days of his or her House of Parliament in a calendar year;

***travelling allowance rate*** means the amount determined to be payable—

- (a) if the member is the Premier, Deputy Premier, other Minister of the Crown, Presiding Officer or the Leader of the Opposition, to an office holder of the Commonwealth;
- (b) for all other members, to a member of the Parliament of the Commonwealth—

for an overnight stay in commercial accommodation in the relevant location as determined from time to time by the Remuneration Tribunal;

***vice-regal function*** means a function for which a formal invitation is issued by or on behalf of the Governor of Victoria.

## **6 Notification of home base and second residence**

- (1) A member must notify the relevant Clerk of the location of his or her home base within 30 days of—
  - (a) becoming a member;
  - (b) changing his or her home base.

Reg. 6(1)  
amended by  
S.R. No.  
127/2015  
reg. 4(1).

Reg. 6(2)  
amended by  
S.R. No.  
127/2015  
reg. 4(1).

- (2) A member must notify the relevant Clerk—
- (a) of the location of his or her second residence (if any) within 30 days of—
    - (i) establishing a second residence;
    - (ii) changing his or her second residence;
  - (b) within 30 days of ceasing to maintain a second residence (if any).

Reg. 6(3)  
amended by  
S.R. Nos  
127/2015  
reg. 4(1),  
84/2017  
reg. 6(1).

- (3) A member must notify the relevant Clerk of the location of his or her home base and second residence (if any) within 2 months of the commencement of the Parliamentary Salaries and Superannuation (Allowances) Amendment Regulations 2017.

Reg. 6(3A)  
inserted by  
S.R. No.  
84/2017  
reg. 6(2).

- (3A) For the purposes of any notification under subregulation (1), (2) or (3), the relevant Clerk must be provided with—
- (a) documentary evidence obtained from the Victorian Electoral Commission showing the name of the Member and their address which is identical to the Member's home base; and
  - (b) other supporting documentary evidence, including at least one of the following—
    - (i) certificate of title;
    - (ii) mortgage or tenancy agreement;
    - (iii) driver's licence.

Reg. 6(4)  
inserted by  
S.R. No.  
127/2015  
reg. 4(2).

- (4) In this regulation, *relevant Clerk* means—
- (a) in relation to a person who is a member of the Legislative Assembly, the Clerk of the Legislative Assembly; and
  - (b) in relation to a person who is a member of the Legislative Council, the Clerk of the Legislative Council.



**7 Parliamentary sitting accommodation allowance**

- (1) A member is entitled to an allowance if—
- (a) a second residence is maintained by the member; and
  - (b) the member has notified the location of that second residence to the relevant Clerk under regulation 6; and
  - (c) the member's home base is—
    - (i) outside a radius of 80 kilometres from the Melbourne centre; or
    - (ii) outside the metropolitan area and the member satisfies the relevant Clerk that the shortest route by road between the member's home base and the Melbourne centre exceeds 80 kilometres; and
  - (d) the Member's electorate is listed in Schedule 1A.
- (2) The amount of the allowance payable under subregulation (1) is—
- (a) for the financial year beginning 1 July 2013 the amount of—
    - (i) \$47 318 per annum for the Premier;
    - (ii) \$41 402 per annum for the Deputy Premier;
    - (iii) \$35 486 per annum for any other Minister of the Crown or an office-holder;

Reg. 7  
(Heading)  
substituted by  
S.R. No.  
84/2017  
reg. 7(1).

Reg. 7(1)(b)  
amended by  
S.R. No.  
127/2015  
reg. 5.

Reg. 7(1)(c)(ii)  
amended by  
S.R. Nos  
127/2015  
reg. 5, 84/2017  
reg. 7(2)(a).

Reg. 7(1)(d)  
inserted by  
S.R. No.  
84/2017  
reg. 7(2)(b).

- (iv) \$23 659 per annum for any other member;
- (b) for each subsequent financial year, an amount calculated (to the nearest dollar) in accordance with the following formula—

$$A \times \frac{B}{C}$$

where—

- A is the relevant amount set out in subregulation (2)(a) or, if that amount has been varied in accordance with this paragraph, the amount as last so varied;
- B is the All Groups Consumer Price Index number for Melbourne for the December quarter in the preceding financial year as last published by the Australian Bureau of Statistics for that quarter;
- C is the All Groups Consumer Price Index number for Melbourne for the December quarter in the financial year preceding the financial year referred to in B as last published by the Australian Bureau of Statistics for that quarter.

## **8 Melbourne allowance**

- (1) Subject to subregulation (3), a member whose home base is outside the metropolitan area is entitled to an allowance for each overnight stay for Parliamentary business in the metropolitan area.

- (2) The amount of the allowance payable under subregulation (1) is equal to the lesser of—
  - (a) the accommodation expenses actually incurred by the member for that overnight stay; and
  - (b) the Melbourne allowance rate.
- (3) An allowance is not payable under subregulation (1) to any member who receives the allowance under regulation 7.

#### **9 General travel allowance**

- (1) A member is entitled to an allowance for each overnight stay for Parliamentary business within Australia in a location which is not—
  - (a) within the metropolitan area; or
  - (b) within a radius of 28 kilometres from the member's home base.
- (2) The amount of the allowance payable under subregulation (1) is—
  - (a) if the member stays in commercial accommodation, the travelling allowance rate; or
  - (b) if the member stays in non-commercial accommodation, the non-commercial travelling allowance rate.

#### **10 Overnight electorate allowance**

- (1) Subject to subregulation (3), a member is entitled to an allowance for electorate business if—
  - (a) the member is required to stay overnight within the member's electorate; and

- (b) the location of the stay is 80 kilometres or more from the member's home base; and
  - (c) an allowance is not otherwise payable under regulations 8 or 9 in respect of that stay.
- (2) The amount of the allowance payable under subregulation (1) is equal to the lesser of—
- (a) the accommodation expenses actually incurred by the member for that overnight stay; and
  - (b) the travelling allowance rate.
- (3) A member is not entitled to an allowance under this regulation—
- (a) for any stay within the metropolitan area, if the member receives the allowance under regulation 7; or
  - (b) for more than 20 overnight stays within each financial year.

## **11 Electorate allowance**

- (1) Each member is entitled to an allowance under this regulation.
- (2) The amount of the allowance payable under subregulation (1) is—
- (a) for the financial year beginning 1 July 2013—
    - (i) \$35 930 per annum if the member's electorate is listed in Schedule 1; or
    - (ii) \$39 010 per annum if the member's electorate is listed in Schedule 2; or
    - (iii) \$43 040 per annum if the member's electorate is listed in Schedule 3, 4 or 5; or

- (b) for each subsequent financial year, an amount calculated (to the nearest dollar) in accordance with the following formula—

$$A \times \frac{B}{C}$$

where—

A is the relevant amount set out in subregulation (2)(a) or, if that amount has been varied in accordance with this paragraph, that amount as last so varied;

B is the All Groups Consumer Price Index number for Melbourne for the December quarter in the preceding financial year as last published by the Australian Bureau of Statistics for that quarter;

C is the All Groups Consumer Price Index number for Melbourne for the December quarter in the financial year preceding the financial year referred to in B as last published by the Australian Bureau of Statistics for that quarter.

## 12 Commercial transport allowance

- (1) A member for an electorate listed in Schedule 4 or 5 is, subject to subregulation (4), entitled to an allowance for commercial air travel for electorate business.
- (2) The amount of the allowance payable under subregulation (1) is, subject to subregulation (3), equal to the expenses actually incurred by the member.
- (3) The total of the allowances payable under this regulation to a member during a financial year must not exceed—

Reg. 12(1)  
amended by  
S.R. No.  
84/2017 reg. 8.

- (a) for the financial year beginning 1 July 2013—
- (i) \$5315 per annum if the member's electorate is listed in Schedule 4; or
  - (ii) \$10 882 per annum if the member's electorate is listed in Schedule 5; or
- (b) for each subsequent financial year, an amount calculated (to the nearest dollar) in accordance with the following formula—

$$A \times \frac{B}{C}$$

where—

A is the relevant amount set out in subregulation (3)(a) or, if that amount has been varied in accordance with this paragraph, that amount as last so varied;

B is the All Groups Consumer Price Index number for Melbourne for the December quarter in the preceding financial year as last published by the Australian Bureau of Statistics for that quarter;

C is the All Groups Consumer Price Index number for Melbourne for the December quarter in the financial year preceding the financial year referred to in B as last published by the Australian Bureau of Statistics for that quarter.

- (4) A member is not entitled to an allowance under this regulation in respect of any mode of transport which is provided by family members, public sector employees, electorate officers, ministerial officers or parliamentary advisers.

**13 Allowance in lieu of the provision of a motor vehicle**

- (1) A member who has not elected (or who is not deemed to have elected) to be provided with a motor vehicle under the Parliamentary Salaries and Superannuation (Provision of Motor Vehicles) Regulations 2013 is entitled to an allowance.
- (2) The amount of the allowance payable under subregulation (1) is equal to—
  - (a) \$16 500 per annum if the member's electorate is listed in Schedule 1 or 2; or
  - (b) \$25 000 per annum if the member's electorate is listed in Schedule 3, 4 or 5.

**14 Savings provision**

A member to whom section 7(6) of the **Parliamentary Salaries and Superannuation Act 1968** applies continues to be entitled to any allowances payable to that member under these Regulations as in force immediately before 29 November 2014.

Reg. 14  
inserted by  
S.R. No.  
166/2014  
reg. 4.

## Schedules

Sch. 1A  
inserted by  
S.R. No.  
84/2017 reg. 9.

### **Schedule 1A—Electorates listed for parliamentary sitting accommodation allowance**

- (a) The following electoral districts for the Legislative Assembly as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—
- Bass
  - Bellarine
  - Benambra
  - Bendigo East
  - Bendigo West
  - Buninyong
  - Eildon
  - Euroa
  - Geelong
  - Gippsland East
  - Gippsland South
  - Hastings
  - Lara
  - Lowan
  - Macedon
  - Mildura
  - Morwell
  - Murray Plains
  - Narracan
  - Nepean
  - Ovens Valley
  - Polwarth
  - Ripon



Parliamentary Salaries and Superannuation (Allowances) Regulations 2013  
S.R. No. 83/2013

Schedule 1A—Electorates listed for parliamentary sitting  
accommodation allowance

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Shepparton

South Barwon

South West Coast

Wendouree

- (b) The following electoral regions for the Legislative Council  
as notified in the Government Gazette (No. S 365) published  
on 18 October 2013 as required under the **Electoral  
Boundaries Commission Act 1982**—

Eastern Victoria

Northern Victoria

Western Victoria

Sch. 1  
substituted by  
S.R. No.  
166/2014  
reg. 5.

## **Schedule 1—Electorates of less than 500 square kilometres**

- (a) The following electoral districts for the Legislative Assembly as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—

Albert Park

Altona

Bayswater

Bellarine

Bentleigh

Box Hill

Brighton

Broadmeadows

Brunswick

Bulleen

Bundoora

Burwood

Carrum

Caulfield

Clarinda

Cranbourne

Croydon

Dandenong

Eltham

Essendon

Evelyn

Ferntree Gully

Footscray

Forest Hill

Frankston

Geelong

Parliamentary Salaries and Superannuation (Allowances) Regulations 2013

S.R. No. 83/2013

Schedule 1—Electorates of less than 500 square kilometres

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Gembrook  
Hastings  
Hawthorn  
Ivanhoe  
Kew  
Keysborough  
Kororoit  
Malvern  
Melbourne  
Melton  
Mill Park  
Monbulk  
Mordialloc  
Mornington  
Mount Waverley  
Mulgrave  
Narre Warren North  
Narre Warren South  
Nepean  
Niddrie  
Northcote  
Oakleigh  
Pascoe Vale  
Pahran  
Preston  
Richmond  
Ringwood  
Rowville  
Sandringham  
St Albans  
Sunbury

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Parliamentary Salaries and Superannuation (Allowances) Regulations 2013

S.R. No. 83/2013

Schedule 1—Electorates of less than 500 square kilometres

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Sydenham

Tarneit

Thomastown

Warrandyte

Wendouree

Werribee

Williamstown

Yuroke

- (b) The following electoral regions for the Legislative Council as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—

Eastern Metropolitan

Southern Metropolitan

**Schedule 2—Electorates of 500 square  
kilometres or more but less than  
5000 square kilometres**

Sch. 2  
substituted by  
S.R. No.  
166/2014  
reg. 5.

- (a) The following electoral districts for the Legislative Assembly as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—

Bass

Bendigo East

Bendigo West

Buninyong

Lara

Macedon

Morwell

Narracan

Shepparton

South Barwon

Yan Yean

- (b) The following electoral regions for the Legislative Council as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—

Northern Metropolitan

South-Eastern Metropolitan

Western Metropolitan

Sch. 3  
substituted by  
S.R. No.  
166/2014  
reg. 5.

### **Schedule 3—Electorates of 5000 square kilometres or more but less than 10 000 square kilometres**

The following electoral districts for the Legislative  
Assembly as notified in the Government Gazette  
(No. S 365) published on 18 October 2013 as required under  
the **Electoral Boundaries Commission Act 1982**—

Gippsland South

Ovens Valley

South-West Coast

**Schedule 4—Electorates of 10 000 square  
kilometres or more but less than  
20 000 square kilometres**

Sch. 4  
substituted by  
S.R. No.  
166/2014  
reg. 5.

The following electoral districts for the Legislative  
Assembly as notified in the Government Gazette  
(No. S 365) published on 18 October 2013 as required under  
the **Electoral Boundaries Commission Act 1982**—

Benambra

Eildon

Euroa

Murray Plains

Polwarth

Ripon

Sch. 5  
substituted by  
S.R. No.  
166/2014  
reg. 5.

## **Schedule 5—Electorates of 20 000 square kilometres or more**

- (a) The following electoral districts for the Legislative Assembly as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—
- Gippsland East
- Lowan
- Mildura
- (b) The following electoral regions for the Legislative Council as notified in the Government Gazette (No. S 365) published on 18 October 2013 as required under the **Electoral Boundaries Commission Act 1982**—
- Eastern Victoria
- Northern Victoria
- Western Victoria
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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Parliamentary Salaries and Superannuation (Allowances) Regulations 2013, S.R. No. 83/2013 were made on 25 June 2013 by the Governor in Council under section 8 of the **Parliamentary Salaries and Superannuation Act 1968**, No. 7723/1968 and came into operation on 1 July 2013: regulation 3.

The Parliamentary Salaries and Superannuation (Allowances) Regulations 2013 will sunset 10 years after the day of making on 25 June 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Parliamentary Salaries and Superannuation (Allowances) Regulations 2013  
S.R. No. 83/2013  
Endnotes

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## 2 Table of Amendments

This publication incorporates amendments made to the Parliamentary Salaries and Superannuation (Allowances) Regulations 2013 by statutory rules, subordinate instruments and Acts.

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Parliamentary Salaries and Superannuation (Allowances) Amendment  
Regulations 2014, S.R. No. 166/2014

*Date of Making:* 14.10.14

*Date of Commencement:* 29.11.14: reg. 3

Parliamentary Salaries and Superannuation (Allowances) Amendment  
Regulations 2015, S.R. No. 127/2015

*Date of Making:* 4.11.15

*Date of Commencement:* Regs 3–5 on 4.11.15

Parliamentary Salaries and Superannuation (Allowances) Amendment  
Regulations 2017, S.R. No. 84/2017

*Date of Making:* 8.8.17

*Date of Commencement:* 8.8.17: reg. 3

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### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### **4 Explanatory details**

<sup>1</sup> Reg. 4: S.R. No. 12/2003 as amended by S.R. Nos 24/2005, 155/2006 and 36/2008 and extended in operation by S.R. No. 164/2012.