



Australian Government

Department of Defence

**Review of Parliamentary Business Resources
Act 2017 and Independent Parliamentary
Expenses Review Authority Act 2017**

**Department of Defence
Submission**

October 2021

BACKGROUND

1. This review is being conducted by the Honourable Kelly O'Dwyer and the Honourable Kate Ellis and will meet requirements to examine the legislative framework that oversees the administration and use of parliamentary business resources by members of Parliament. The review will consider the operation and administration of the Parliamentary Business Resources Act 2017 (PBR Act) and subordinate legislative instruments and the Independent Parliamentary Expenses Review Authority Act 2017 (IPEA) Act) and legislative rules, including:

- a. The impact of the legislative framework on members of Parliament, former members and their staff, and administering Commonwealth entities, following the commencement of the Acts, including the ability of the framework to support parliamentary business during exceptional circumstances
- b. Whether the legislative framework has simplified the administration of parliamentary business resources and enhanced accountability and transparency
- c. The operation of the IPEA regarding its statutory functions
- d. Whether administering Commonwealth agencies are working in a 'joined up' way to ensure the consistent application of the PBR Act framework.

2. The review has invited Defence to make a written submission relating to these matters or any other aspects of the PBR Act framework or IPEA Act considered relevant to Defence. In particular, the review has invited Defence input in relation to arrangements for Special Purpose Aircraft and general support provided to portfolio Ministers.

DEFENCE'S ROLE IN RELATION TO THE PBR FRAMEWORK

3. Defence has only a very limited role in administering the PBR framework.

4. Support provided to Ministers in the Defence portfolio is in line with guidance provided on the Department of Finance website (<https://maps.finance.gov.au/office-resources-and-budgets/other-work-expenses-and-resources/services-ministers>), which aligns with the Act and subordinate instruments.

5. Defence is also responsible for facilitating travel on Special Purpose Aircraft (SPA), as set out in the PBR framework. This submission outlines Defence's role in relation to the Special Purpose Aircraft.

SPECIAL PURPOSE AIRCRAFT

6. SPA are one of the means of Commonwealth transport set out in and governed by the PBR framework. In particular, the *Parliamentary Business Resources Regulations 2017* and *Parliamentary Business Resources (Commonwealth Transport) Determination 2017* set out parameters for use of SPA by Members of Parliament and cost recovery for the use of SPA.

7. Defence is not responsible for the decisions set out in the PBR framework, in particular decision on who can use SPA and for what purposes, or when access is provided on a cost recovery basis. These decisions are made in the Prime Minister's Office and the Office of the Minister for Defence. The authorising authorities will have regard to advice provided by Defence (through VIP Operations) about the rate of supportable tasking for the SPA fleet and availability of SPA aircraft.

8. SPA provides continuity to Government during times of crisis, such as during COVID-19, and provides a level of mission assurance, security and flexibility required for government travel.

The SPA fleet

9. The SPA fleet consists primarily of five aircraft operated by 34 Squadron consisting of two Boeing Business Jets (Boeing 737) and three Dassault Falcon 7X. 34 Squadron is regularly supplemented by the KC-30A Government Transport and Communications aircraft from 33 Squadron. Other Air Force aircraft can at times be designated SPA to provide extra capacity during periods of high demand or to provide access to airfields that the regular SPA fleet cannot access.

10. SPA aircraft are also used by Defence for other purposes, such as training for squadron aircrew.

VIP Operations

11. VIP Operations is the primary Australian Defence Force unit tasked with facilitating government travel on SPA. It usually supports government with numerous concurrent tasks, both domestically and internationally.

12. VIP Operations' main conduits into government are through Government House, the Prime Minister's Office, or the Office of the Minister for Defence.

13. The primary document used by Defence in relation to the governance, use and reporting requirements for SPA is the *Guidelines for the use of the Special Purpose Aircraft 2013*.

14. As set out in those guidelines, information associated with each Special Purpose flight is included in the Schedule of Special Purpose Flights, tabled in Parliament every six months.

Budget / cost recovery

15. Defence funds all costs associated with the provision of SPA and is responsible for cost recovery from those passengers whose travel is approved on a cost recovery basis by the relevant approving authority. The rate of cost recovery is determined to be equivalent to the current cost of a fully flexible economy airfare. Defence will cost recover from representatives of the news media, members of non-government organisations and other individuals approved to travel with the authorised person.

Impact of the PBR framework

16. Overall, the introduction of the PBR legislative framework has had very little impact on Defence's administration of the SPA.