



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Parliamentary Entitlements  
Legislation Amendment Bill 2017**

**In Committee**

**SPEECH**

**Thursday, 16 February 2017**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 16 February 2017  
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**Questioner**  
**Speaker** Xenophon, Sen Nick

**Source** Senate  
**Proof** No  
**Responder**  
**Question No.**

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**Senator XENOPHON** (South Australia) (19:13): I move amendment (1) on sheet 8077, standing in my name:

(1) Schedule 2, item 7, page 23 (lines 31 to 33), omit subsection 10C(4), substitute:

(4) The recipient is liable to pay the Commonwealth, by way of penalty for the contravention of section 7A (the *current contravention*), an amount equal to:

(a) if the recipient has not contravened that section, or has contravened that section once, during the period of 12 months immediately preceding the day on which the claim to which the current contravention relates is made—200% of the amount to which this section applies; or

(b) if the recipient has contravened that section 2 or more times during the period of 12 months immediately preceding the day on which the claim to which the current contravention relates is made—400% of the amount to which this section applies.

This amendment, which I am moving on behalf of my colleagues, was also moved in the other place by my colleague Rebekha Sharkie, the member for Mayo. This is about giving the legislation some teeth, some effectiveness, because unless you have an adequate penalty regime it raises real issues about whether this will have real teeth and do what it is meant to do in terms of ensuring compliance with the rules.

This amendment provides for a loading. Then, if you breach the rules, if you make a claim for a payment that you should not have made, you are liable to pay at least double the amount to which the section applies. This is in subsection (b) of the amendment:

... if the recipient has contravened that section 2 or more times during the period of 12 months immediately preceding the day on which the claim to which the current contravention relates is made—400% of the amount to which this section applies—

is payable. In other words, if you are a repeat offender, you pay more, just like other laws that are enforced, whether it is traffic offences or other offences. If you are a repeat offender, you should pay more. There is nothing like having a financial penalty to keep all politicians on their toes in order to ensure they comply with the rules.

Indeed, given what is happening with the legislation that we will shortly be debating, I presume, to do with an expenses tribunal which allows for determinations to be made or advice to be sought in respect of expenses, there ought to be no excuse for members of parliament to make a wrongful claim. That is why this amendment is about giving the legislation real teeth. The current penalty of a 25 per cent loading is akin to being slapped with a piece of wet lettuce leaf. It is not effective. There is nothing like a financial penalty, given human nature, to keep people on their toes to make sure they comply. That is why this amendment is so important.