

## GUIDELINES FOR THE USE OF SPECIAL PURPOSE AIRCRAFT

### Introduction

1. Travel using Special Purpose Aircraft (SPA) is available to authorised persons including the Governor-General, parliamentarians, senior Defence officials and international dignitaries in support of official responsibilities. The purpose of this document is to provide guidelines for the use of SPA, including the definitions and responsibilities of Approving Authorities and Authorised Persons.
2. The Governor-General of the Commonwealth of Australia may call upon the use of SPA for travel. The use of SPA by parliamentarians, including the Prime Minister and the Minister for Defence, and approved accompanying persons, is legislated by the *Parliamentary Business Resources Act 2017* (PBR Act) and associated instruments.<sup>1</sup> Parliamentarians must remain mindful of their obligations when using PBR Act resources, including that use is for the conduct of their parliamentary business. Where any conflict arises, the PBR Act framework prevails. SPA use by any other Authorised Person is provided outside the PBR Act framework.

### Definitions

3. For the purpose of this document the following definitions apply:
  - a. An **Approving Authority** may approve any use of SPA within the limitations set out within the *Guidelines for the use of Special Purpose Aircraft*. Approving Authorities include the following Australian High Office Holders:
    - (1) the Governor-General;
    - (2) the Prime Minister; and
    - (3) the Minister for Defence.
  - b. An **Authorised Person** may be approved to travel via the use of SPA within the limitations set out within the *Guidelines for the use of Special Purpose Aircraft*. Authorised Persons include:
    - (1) Australian High Office Holders including:
      - i. The Governor-General (as head of state)<sup>2</sup>;
      - ii. The Prime Minister (as head of government);

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<sup>1</sup> These instruments include the *Parliamentary Business Resources Regulations 2017* (PBR Regulations) and the *Parliamentary Business Resources (Commonwealth Transport) Determination 2017*. The PBR Act framework provides that parliamentarians (and persons accompanying them) may only travel on SPA at the decision of, and in compliance with any conditions set by, the Minister for Defence (for domestic travel) or the Prime Minister (for international travel).

<sup>2</sup> Includes an administrator acting as the Governor-General when applicable.

- iii. The acting Prime Minister (when applicable);
  - iv. other Ministers of State<sup>3</sup>;
  - v. The President of the Senate and the Speaker of the House;
  - vi. The Leader and Deputy Leader of the Opposition; and
  - vii. other members<sup>4</sup> of the Commonwealth Parliament.
- (2) Guests of Government and other dignitaries visiting Australia, representing their nations, of comparable status to other Authorised Persons;
  - (3) State Governors and the Administrator of the Northern Territory on the occasion of their taking up appointment and final departure;
  - (4) The Chief of Defence Force, Secretary of the Department of Defence, Service Chiefs and Australian Defence Force (ADF) members of equivalent rank, including officers promulgated as acting in those positions;
  - (5) Other Government officials when continuity of Government functions is required; and
  - (6) Other persons or groups in circumstances or emergencies where the Prime Minister or the Minister for Defence considers it justified.
- c. **Traveling Party.** A traveling party may accompany an Authorised Person on SPA Flights within the requirements set out within the *Guidelines for the use of Special Purpose Aircraft*. A traveling party may include:
- (1) an Authorised Person's spouse or nominee, or designated person<sup>5</sup>;
  - (2) *Members of Parliament (Staff) Act 1984* employees;
  - (3) other members of personal, diplomatic staff or Australian escort. This can include staff of related departments and agencies;
  - (4) members of non-government organisations or other individuals directly associated with the Authorised Person's travel;
  - (5) State Ministers and their essential personal and departmental staff when the Authorised Person is visiting an area in relation to a matter of Commonwealth and State interest;

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<sup>3</sup> As per the *Ministers of State Act 1952*.

<sup>4</sup> **Member** has the meaning given by the *Parliamentary Business Resources Act 2017*

<sup>5</sup> For a parliamentarian, these are as defined in the *Parliamentary Business Resources Regulations 2017*

- (6) dependent children when, in the judgement of the Approving Authority, travel is necessary to fulfil requirements of parental care or for family reunion purposes<sup>6</sup>; and
  - (7) representatives of media.
- d. **Special Purpose Aircraft**<sup>7</sup> means: an aircraft operated or operationally controlled by the ADF, designated for the express purpose of carrying Authorised Persons.

### Role

4. The role of SPA is to securely and reliably transport the Governor-General of the Commonwealth of Australia, the Prime Minister of Australia and the Minister for Defence in support of their official responsibilities. SPA may also transport other Authorised Persons to meet commitments in support of the Australian Government. When authorised to travel via SPA for the conduct of their parliamentary business and for safety and security purposes, members of the Commonwealth Parliament are to remain mindful of their obligations noting travel will be publicly reported.

### Considerations

5. Approving Authorities may approve the following SPA Flights:
- a. the Governor-General may approve their own flights;
  - b. the Prime Minister may approve all flights;
  - c. the Minister for Defence may approve all domestic flights including those undertaken by other Authorised Persons; and
  - d. the Minister for Defence may approve overseas flights by the Chief of Defence Force, Secretary of the Department of Defence, Service Chiefs and those Australian Defence Force (ADF) members of equivalent rank, including officers promulgated as acting in those positions.
6. When considering requests for SPA, the Approving Authority should take into account:
- a. for parliamentarians—the travel is for the conduct of their parliamentary business<sup>8</sup>;
  - b. for parliamentarians—the safety and security of the Authorised person;
  - c. the availability of SPA;
  - d. the priority of the Authorised Person making the request and the purpose of their flight

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<sup>6</sup> For parliamentarians, this is as defined in the *Parliamentary Business Resources Regulations 2017*

<sup>7</sup> For parliamentarians, *Special purpose aircraft* means air passenger transport operated by the Commonwealth through the Department of Defence under the PBR Act framework.

<sup>8</sup> *Parliamentary business* is defined under the *Parliamentary Business Resources Act 2017*

- e. whether travel will be on a cost recovery basis; and
  - f. whether the Authorised Person has been assessed to require close personal protection officers carrying firearms.
7. The order of precedence for access to SPA is at the decision of the Approving Authority.
  8. Subject to an agreement of an Approving Authority, an Authorised person may be accompanied on SPA flights by a travelling party.
  9. A travelling party is to be accompanied by an Authorised Person on all SPA flights. Where there is no operational impact, the travelling party may fly unaccompanied from an Authorised Person while the aircraft is positioning to carry the Authorised Person, or when returning after carriage of an Authorised Person.

### **SPA Travel Requests**

10. **Approving Authorities** can request SPA flights through VIP Operations on the designated form.
11. **Authorised Persons** can request SPA flights on the designated form. The request is to indicate:
  - a. what alternative transport options are available;
  - b. reasons alternative options are unsuitable;
  - c. nature and importance of the commitment; and
  - d. names and positions of all passengers in the travelling party.
12. No commitments should be entered into on an assumption that SPA will be approved and available.

### **Use in Federal Election Campaigns**

13. The arrangements for use of SPA during Federal election campaigns shall operate from the proclamation of the dissolution of the House of Representatives. In practice, and subject to availability, SPA shall be reserved for the use of:
  - a. the Prime Minister;
  - b. the Leader of the Opposition;
  - c. Ministers of State;
  - d. Shadow Ministers; and
  - e. media.
14. Where aircraft cannot be concurrently provided to the above Authorised Persons, the Prime Minister and the Leader of the Opposition will consult on the availability of aircraft for travel for members of the Ministry and Shadow Ministry.

15. During a federal election campaign, the Leader of the Opposition is an approving authority for their own flights and flights undertaken by their party in support of the election.
16. It is the responsibility of the Prime Minister and Leader of the Opposition to ensure that flights conducted by their respective parties during a federal election campaign meet the requirements of paragraph 6.
17. Lists of flight times and passengers are to be provided to the Office of the Minister for Defence.

### **Management of costs**

18. Defence will appropriate a budget for the acquisition and sustainment of SPA capability and associated operations.
19. When a passenger has travelled on a cost recovery basis, Defence is responsible for associated cost recovery. The associated cost will be the fully flexible economy class fare equivalent at the date and time of travel as determined by Defence.
20. When informed by an Approving Authority, Defence will perform cost recovery of passengers travelling under paragraphs 3c (4) & 3c (7).
21. Defence will provide the Independent Parliamentary Expense Authority (IPEA) with the relevant documentation and SPA passenger information to determine if SPA passengers are subject to a travel-related budget under the PBR Act framework and the *Members of Parliament (Staff) Act 1984*. If so, IPEA will request an invoice from Defence for the determined costs. IPEA will then pay Defence for the amount invoiced.
22. The Authorised Person requesting approval for persons travelling on a cost-recovery basis is responsible for notifying the approved travellers of the cost of travel prior to departure.
23. To facilitate billing processes, the Authorised Person will provide Defence details of passengers travelling on a cost recovery basis including:
  - a. the name of the individual;
  - b. the representative organisation; and
  - c. the contact details (including telephone numbers and postal address) of the organisation.

### **Reporting Requirements**

24. Defence is to maintain a record of SPA use by all Authorised Persons. All travel attributable to an Authorised Person will be recorded, including flights positioning or recovering aircraft. The record will include all passengers carried on SPA tasks.
25. Defence is responsible for the quarterly publication of the *Schedule of Special Purpose Flights*. The *Schedule* shall cover SPA flights within a three month reporting period. All travel as an Authorised Person on SPA will be reported. Guests of Government and foreign representatives will not be represented by name as an Authorised Person.

26. On a routine basis and prior to publication of a *Schedule of Special Purpose Flights*, Defence will provide a summary of SPA travel to Approving Authorities and to the Department of the Prime Minister and Cabinet (Protocol and International Visits Branch). The relevant authorities remain responsible for verification, and identifying discrepancies to Defence.
27. The *Schedule of Special Purpose Flights* is to list SPA usage attributable to Authorised Persons in a manner that will observe relevant security agency advice, limiting the release of pattern-of-life information to ensure ongoing safety and security of SPA operations.
28. It is expected that the *Schedule* will be published on the Defence website, every quarter in arrears at the same time as the parliamentary Expenditure Report are made public by IPEA. The IPEA website will provide a link to the *Schedule* information on the Defence website.
29. Defence will initiate a review into security and transparency advice within 12 months of the formation of each new Parliament to assess the level of data to be released in the Schedule.

### **Review**

30. Defence will initiate a review of the SPA Guidelines following each election of a new government party.