

## **Remuneration Tribunal**

### ***Determination 2015/15***

#### ***Members of Parliament – Entitlements***

### **REASONS FOR DETERMINATION**

#### **Legislative Framework**

Section 7A of the *Remuneration Tribunal Act 1973* (the Act) requires the Tribunal to notify its reasons for each determination made in relation to members of the Parliament of Australia to the Minister and to publish those reasons on the Tribunal's website.

#### **What *Determination 2015/15* Does**

*Determination 2015/15* amends Principal Determination *2012/04: Members of Parliament – Entitlements*. This Determination sets out various entitlements for members of the parliament (MPs).

The Determination amends existing family reunion provisions to provide an additional and specific provision for senators and members who are breastfeeding a child.

Specifically the new Clause 3.17A applies where the breastfeeding senator or member -

- has exhausted her entitlement to be accompanied or joined at Commonwealth expense on interstate travel by a spouse or nominee, dependent children or designated person(s); and
- is travelling interstate on parliamentary, electorate or official business at Commonwealth expense while breastfeeding her child.

The clause provides that she may be accompanied or joined by her spouse, nominee or designated person, travelling at economy class, to support her to breastfeed her child.

A separate amendment to Clause 3.19 has been made to clarify the application of those provisions by including references to the specific clause numbers that set out the entitlements referenced in the clause.

#### **The Tribunal's Reasons**

Earlier this year the Tribunal received a representation for it to consider providing flexibility within the current family reunion provisions to support senators and members who were breastfeeding their child ("breastfeeding MPs"). The Government supported changes to the provisions for this purpose.

Prior to the Tribunal making a decision on this matter the former Prime Minister announced the establishment of a committee to review the current parliamentary entitlements system. As a result the Tribunal deferred its consideration of the matter.

The Government recently requested the Tribunal to revisit this issue in light of the current need to support breastfeeding MPs.

Parliamentarians have no entitlement to maternity leave or related employment benefits - the expectation of the community is that MPs will continue to serve their constituency and the Parliament whilst they are an elected representative.

The Tribunal recognises that there are additional constraints on the ability of breastfeeding MPs to juggle their parliamentary, electorate or official business and family life that are unique to their circumstances.

It is not the Tribunal's function to provide support to ameliorate all constraints an MP might encounter. Nonetheless there are circumstances where their parliamentary, electorate or official business requires breastfeeding MPs to travel interstate away from the support that they might have in place in Canberra and the home locality. Essentially the breastfeeding MP must make alternative short term care arrangements for her child at the interstate location while she is undertaking her duties.

The existing family reunion provisions allow the MP, while on parliamentary, electorate or official business interstate, to be accompanied or joined by a spouse or nominee, dependent children or designated person on three occasions. In the case of a breastfeeding MP the Tribunal considers that this limitation could be unreasonably restrictive.

Accordingly the Tribunal has determined that where a breastfeeding MP is required to travel interstate on parliamentary, electorate or official business with more frequency additional support can be provided. Such travel will be at economy class.

The Tribunal will review this decision within twelve months in light of any Government recommendations arising from the report of the Committee of Review into An Independent Parliamentary Entitlements System.

The Tribunal's determination is available on its website - <http://www.remtribunal.gov.au/>.

Remuneration Tribunal  
25<sup>th</sup> November 2015