



## REMUNERATION TRIBUNAL

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### **Explanatory Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No.1) 2019**

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1. The determination is made under the *Parliamentary Business Resources Act 2017* (the PBR Act), which gives the Tribunal power to make determinations in relation to various matters for members, and former members, of the Parliament at least once each year in sections 45 and 46.
2. The Tribunal must determine the remuneration to be paid to members, the rates of travel allowances for domestic travel, and the allowances and expenses to be paid to former members. The Tribunal must publish its reasons for making a determination.
3. The Tribunal also has functions under section 35 of the PBR Act relating to travel expenses, travel and motor vehicle allowances and other public resources. The Tribunal must inquire annually into travel expenses and travel allowances for domestic travel (except rates of travel allowances for domestic travel which it determines), and may be asked by the Special Minister of State to inquire into other matters. Regulations must be made or amended in accordance with the Tribunal's recommendations.

#### **Consultation**

4. In August 2018, following a review of travel allowance rates for offices in its jurisdiction, the Tribunal formed a preliminary view about the Canberra Daily Allowance for parliamentarians. Between August and September 2018 the Tribunal consulted the Special Minister of State on its proposal to abolish the Canberra Daily Allowance.
5. In December 2018, the Tribunal recommended to the Government the abolition of the Canberra Daily Allowance. Amendments to the *Parliamentary Business Resources Regulations 2017* and this Determination implement the Tribunal's decision. The Tribunal's Reasons for Determination are available at [www.remtribunal.gov.au](http://www.remtribunal.gov.au).

#### **Retrospectivity**

6. Any retrospective application of this determination is in accordance with subsection 12(2) of the *Legislation Act 2003* as it does not affect the rights of a person (other than the Commonwealth or an authority of the Commonwealth) to that person's disadvantage, nor does it impose any liability on such a person.

## **The power to repeal, rescind and revoke, amend and vary**

7. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

### **Details of the determination are as follows:**

#### **PART 1 – LEGAL MATTERS AND EXPLANATION OF TERMS**

8. Section 1 specifies the name of the instrument.
9. Section 2 specifies when the instrument commences.
10. Section 3 specifies the authority for the instrument.
11. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.

#### **SCHEDULE 1 – AMENDMENTS**

##### **Part 1 – Repeals of items**

##### ***Remuneration Tribunal (Members of Parliament) Determination 2018***

12. Item 1 removes the provision for the Canberra Daily Allowance in Part 7.
13. Item 2 inserts the date that the repeal of Part 7 of the instrument took effect.

**Authority:** Sections 45 and 46  
*Parliamentary Business Resources Act 2017*