



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No.1) 2026

1. The determination is made under the *Parliamentary Business Resources Act 2017* (the PBR Act). Sections 45, 46 and 46A of the PBR Act require the Tribunal to make determinations in relation to various matters for members, and former members, of the Parliament at least once each year.
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, and the allowances to be paid to the estate of a member who dies in office. 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 private vehicle allowances and other public resources. The Tribunal must inquire annually into travel expenses and travel allowances for domestic travel (except travel on a special purpose aircraft) 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

Office holder salary

4. On 1 December 2025, the Tribunal wrote to Senator the Hon Don Farrell, the Special Minister of State in relation to remuneration for the Leader of the third largest party in the House of Representatives.
5. On 9 June 2026, the Special Minister of State wrote to the Tribunal advising that he had amended the Parliamentary Business Resources (Office Holder) Determination 2017 to establish the position of Leader of the third largest party in the House of Representatives with effect from 21 May 2022.
6. The Tribunal's Secretariat also consulted with the Department of Finance, Department of the Senate, Department of the House of Representatives and the Independent Parliamentary Expenses Authority.

Travel allowance

7. There was no consultation on this matter. In addition to establishing an entitlement to office holder's salary for the office of Leader of the third largest party in the House of Representatives the Tribunal agreed the office holder should be entitled to the higher rate of travel allowance. Both decisions reinstate arrangements which existed immediately prior to the implementation of the PBR Act.
8. The Tribunal's Reasons for Determination are available at www.remtribunal.gov.au.

Retrospectivity

9. 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.
10. The retrospective application of this determination does not disadvantage any person as it provides a greater entitlement than previously applied.

Exemption from disallowance

11. Subsection 47(7) of the PBR Act provides that this determination is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to it.
12. Exemption from disallowance is appropriate in the context of this instrument, as it amends the conditions for Parliamentarians.

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

13. 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:

Section 1 – Name

14. Section 1 specifies the name of the instrument as the Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 1) 2026.

Section 2 – Commencement

15. Section 2 specifies the commencement date of the instrument as the day after the instrument is registered on the Federal Register of Legislation.

Section 3 – Authority

16. Section 3 specifies the authority for the instrument, sections 45, 46 and 46A of the PBR Act.

Section 4 – Schedules

17. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.

SCHEDULE 1—AMENDMENTS

Remuneration Tribunal (Members of Parliament) Determination 2024

Part 1 – General amendments

18. Item 1 establishes new provisions so that the Leader of the third largest party in the House of Representatives is not entitled to additional salary for holding this office if they are also in receipt of additional salary as a Minister of State, and so that a leader of a minority party is entitled to additional salary for that

office only when they are not also entitled to additional salary as the Leader of the third largest party in the House of Representatives.

19. Item 2 amends paragraph 5.4 so that the office of Leader of the third largest party in the House of Representatives is an office to which a higher rate of travel allowance applies.
20. Item 3 establishes office holder's salary for the office of Leader of the third largest party in the House of Representatives in Schedule A.
21. Item 4 includes a note at the end of Schedule A to clarify that the leader of the third largest party in the House of Representatives may sit in either House of Parliament.

Part 2 – Transitional provisions

22. Item 5 establishes transitional provisions so that office holder's salary and the entitlement to the higher rate of travel allowance apply in the current principal determination on and from 1 July 2024, and in 4 previous principal determinations, on and from 21 May 2022.

Authority: Sections 45, 46 and 46A
Parliamentary Business Resources Act 2017