



REMUNERATION TRIBUNAL

Explanatory Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 3) 2019

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

Review of Travel and Motor Vehicle Allowances

4. There was no consultation as the determination is correcting an administrative error.
5. *Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 2) 2019*, which amended the principal determination, *Remuneration Tribunal (Members of Parliament) Determination 2019*, implemented the Tribunal's 2019 travel and motor vehicle allowance review decisions for Members of Parliament.
6. The determination corrects an amendment made by *Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 2) 2019* to incorporate travel allowance rates for Queanbeyan that were, due to an administrative error, inadvertently included in the new Schedule B. This determination removes the entry for Queanbeyan from Schedule B of the principal determination.
7. The Canberra travel allowance applies to stays in Queanbeyan. The *Parliamentary Business Resources Regulations 2017* define Canberra to mean locations within a 30 kilometre radius of Parliament House.
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.

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

10. 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

11. Section 1 specifies the name of the instrument.

Section 2 – Commencement

12. Section 2 specifies the commencement date of the instrument of 25 August 2019.

Section 3 – Authority

13. Section 3 specifies the authority for the instrument.

Section 4 – Schedules

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

SCHEDULE 1—AMENDMENTS

Remuneration Tribunal (Members of Parliament) Determination 2019

15. Section 1 amends Schedule B of *Remuneration Tribunal (Members of Parliament) Determination 2019*, which sets out travel allowance rates, by repealing the entry for Queanbeyan.

Authority: Sections 45 and 46
Parliamentary Business Resources Act 2017