



## Remuneration Tribunal

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### **Explanatory Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No.2) 2024**

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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**

##### *Deceased member allowance*

4. On 1 November 2024, the President of the Tribunal wrote to Senator the Hon Don Farrell, Special Minister of State, confirming the Tribunal's intention to finalise its consideration of the allowances to be paid to the estate of a member who dies in office, and welcoming any views on the subject.
5. On 15 November 2024, the Special Minister of State wrote to the Tribunal regarding the expansion of the Tribunal's responsibilities under the *Parliamentary Business Resources Act 2017*, and highlighting considerations the Tribunal may wish to have regard to in undertaking its inquiry.

##### *Correction*

6. On 24 October 2024, the Department of the House of Representatives advised the Tribunal's Secretariat that Schedule A of the determination referred incorrectly to the 'House of Representatives Standing Committee on Privileges' and the 'House of Representatives Committee of Members' Interests' but should instead refer only to the 'House of Representatives Standing Committee of Privileges and Members' Interests'. This determination corrects that error.
7. The Tribunal's Reasons for Determination are available at [www.remtribunal.gov.au](http://www.remtribunal.gov.au).

#### **Retrospectivity**

8. 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.

### **Exemption from disallowance**

9. 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.
10. Exemption from disallowance is appropriate in the context of this instrument, as it amends the conditions for Senators and Members of the House of Representatives.

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

11. 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**

12. Section 1 specifies the name of the instrument.

#### **Section 2 – Commencement**

13. Section 2 specifies the commencement date of the instrument.

#### **Section 3 – Authority**

14. Section 3 specifies the authority for the instrument.

#### **Section 4 – Schedules**

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

### **SCHEDULE 1—AMENDMENTS**

16. Item 1 creates a new section 4A in the determination which establishes an allowance to be paid to the estate of a person who dies while a member of parliament and provides for its method of calculation. New subsection 4A.3 clarifies that periods during which remuneration is payable under section 49 of the PBR Act are treated as within the relevant period of service.
17. Items 2 and 3 update references to the House of Representatives Standing Committee of Privileges to the House of Representatives Standing Committee of Privileges and Members' Interests, in Schedule A.
18. Item 4 removes the House of Representatives Committee of Members' Interests from Schedule A.

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