



# **Independent Parliamentary Expenses Authority Act 2017**

**No. 2, 2017**

## **Compilation No. 2**

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Independent Parliamentary Expenses Authority Act 2017* that shows the text of the law as amended and in force on 17 October 2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# An Act to establish the Independent Parliamentary Expenses Authority, and for related purposes

## Part 1—Preliminary

### 1 Short title

This Act is the *Independent Parliamentary Expenses Authority Act 2017*.

### 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	22 February 2017
2. Sections 3 to 64	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 July 2017 (F2017N00036)
Note:	This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.	

### Section 3

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Simplified outline of this Act

- This Act establishes the Independent Parliamentary Expenses Authority.
- The Authority has functions relating to:
  - (a) the work resources and travel resources (which are travel expenses and travel allowances) of members of parliament; and
  - (b) certain resources of former members of parliament; and
  - (c) the travel resources of persons employed under the *Members of Parliament (Staff) Act 1984*.
- Those functions include:
  - (a) giving advice about travel resources; and
  - (b) monitoring travel resources; and
  - (c) preparing regular reports relating to work resources and travel resources; and
  - (d) audits relating to work resources and travel resources; and
  - (e) processing claims relating to travel resources; and
  - (f) giving rulings relating to travel resources.
- The Authority has a CEO who is responsible for its administration and for assisting it to perform its functions.

### 4 Definitions

- (1) In this Act:

***appointed member of the Authority*** means a member of the Authority who is not the President of the Remuneration Tribunal.

**Authority** means the Independent Parliamentary Expenses Authority.

**CEO** means the Chief Executive Officer of the Authority.

**claim** includes request.

**Commonwealth judicial officer** means:

- (a) a Justice of the High Court; or
- (b) a judge or justice of a court created by the Parliament.

**engage in conduct** means:

- (a) do an act; or
- (b) omit to perform an act.

**harm** has the same meaning as in the Dictionary to the *Criminal Code*.

**incidentals** includes the cost of transport.

**legislative rules** means rules made under section 64.

**member of parliament** means:

- (a) a senator; or
- (b) a member of the House of Representatives; or
- (c) a Minister of State who is not a senator or member of the House of Representatives; or
- (d) a person who is taken to be the President of the Senate under the *Parliamentary Presiding Officers Act 1965* and who is not a senator or member of the House of Representatives; or
- (e) a person who is taken to be the Speaker of the House of Representatives under the *Parliamentary Presiding Officers Act 1965* and who is not a senator or member of the House of Representatives.

**member of the Authority** includes the Chair of the Authority.

**MOPS staff member** means a person employed under the *Members of Parliament (Staff) Act 1984*.

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***MOPS travel resource*** means:

- (a) an expense that is:
  - (i) incurred in connection with travel by a MOPS staff member at the expense of the Commonwealth; and
  - (ii) authorised by or under, or by an agreement made under, a law of the Commonwealth (other than this Act); or
- (b) an allowance that is:
  - (i) payable to a MOPS staff member in connection with travel by the MOPS staff member; and
  - (ii) authorised by or under, or by an agreement made under, a law of the Commonwealth (other than this Act).

***MP travel resource*** means:

- (a) a travel expense payable under section 30 of the *Parliamentary Business Resources Act 2017*; or
- (b) a travel allowance payable under section 31 of that Act; or
- (c) an allowance or expense in connection with the travel of a former member of parliament that is payable under section 15 of that Act; or
- (d) a Parliamentary Retirement Travel Entitlement under the *Parliamentary Retirement Travel Act 2002*.

***MP work resource*** means:

- (a) MP travel resource; or
- (b) an allowance or expense that is payable under section 15 of the *Parliamentary Business Resources Act 2017*; or
- (c) goods, services, premises, equipment or any other facility that is provided under section 16 of that Act; or
- (d) a public resource that is provided by the Commonwealth under Part 3 of that Act.

***paid work*** means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

***Secretary*** means the Secretary of the Department.

***staff of the Authority*** means the staff described in section 49.

***vacancy***, in relation to the office of a member of the Authority, has a meaning affected by section 6.

- (2) To avoid doubt, a reference in this Act to an amount or resource (however described) that is payable or provided under this or any other Act includes an amount or resource that is purportedly payable or provided under that Act.

## **5 Expenses or allowances in connection with travel**

- (1) For the purposes of this Act, expenses or allowances in connection with travel include expenses or allowances that relate to the following costs:
- (a) the cost of fares;
  - (aa) the cost of taxis or other local transport in connection with travel;
  - (b) the cost of the provision of charter services;
  - (c) the cost of accommodation;
  - (d) the cost of meals;
  - (e) the cost of incidentals.
- (2) Expenses or allowances in connection with travel overseas include expenses or allowances that relate to the following costs:
- (a) the cost of vaccinations and medical supplies essential for travel overseas;
  - (b) the cost of medical services (including emergency dental services) and hospital services received in the period covered by the official itinerary if the cost is not covered by insurance.

## **6 Vacancy in the office of a member of the Authority**

For the purposes of a reference in:

- (a) this Act to a ***vacancy*** in the office of a member of the Authority; or
- (b) the *Acts Interpretation Act 1901* to a ***vacancy*** in the membership of a body;

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there are taken to be 4 offices of members of the Authority in addition to the Chair of the Authority.

**7 Crown to be bound**

This Act binds the Crown in right of the Commonwealth.

**8 Extension to external Territories**

This Act extends to every external Territory.

**9 Extra-territorial operation**

This Act extends to acts, omissions, matters and things outside Australia, whether or not in a foreign country.

## **Part 2—Independent Parliamentary Expenses Authority**

### **Division 1—Introduction**

#### **10 Simplified outline of this Part**

- This Part establishes the Independent Parliamentary Expenses Authority.
- The Authority has functions relating to:
  - (a) the work resources and travel resources (which are travel expenses and travel allowances) of members of parliament; and
  - (b) certain resources of former members of parliament; and
  - (c) the travel resources of persons employed under of the *Members of Parliament (Staff) Act 1984*.
- Those functions include:
  - (a) giving advice about travel resources; and
  - (b) monitoring travel resources; and
  - (c) preparing regular reports relating to work resources and travel resources; and
  - (d) audits relating to work resources and travel resources; and
  - (e) processing claims relating to travel resources; and
  - (f) giving rulings relating to travel resources.
- The Authority consists of the following members:
  - (a) a Chair;
  - (b) the President of the Remuneration Tribunal;
  - (c) at least 2, and not more than 3, other members.

**Part 2** Independent Parliamentary Expenses Authority

**Division 1** Introduction

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- The members of the Authority (other than the President of the Remuneration Tribunal) are to be appointed by the Governor-General.
- The Authority is to hold meetings.
- The Authority may delegate its functions and powers.
- The Authority and the Secretary must share relevant information.

## **Division 2—Authority's establishment, functions, powers and liabilities**

### **11 Independent Parliamentary Expenses Authority**

- (1) The Independent Parliamentary Expenses Authority is established by this section.

Note 1: The Authority does not have a legal identity separate from the Commonwealth.

Note 2: In this Act, **Authority** means the Independent Parliamentary Expenses Authority—see section 4.

- (2) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
- (a) the Authority is a listed entity; and
  - (b) the CEO is the accountable authority of the Authority; and
  - (c) the following persons are officials of the Authority:
    - (i) the Chair of the Authority;
    - (ii) the other members of the Authority;
    - (iii) the CEO;
    - (iv) the staff of the Authority referred to in section 49;
    - (v) persons whose services are made available to the Authority under section 50;
    - (vi) consultants engaged under section 51; and
  - (d) the purposes of the Authority include:
    - (i) the functions of the Authority referred to in section 12; and
    - (ii) the functions of the CEO referred to in section 37.

### **12 Functions of the Authority**

- (1) The Authority has the following functions:
- (a) to give personal advice:
    - (i) to members and former members of parliament about matters relating to MP travel resources; and

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- (ii) to MOPS staff members about matters relating to MOPS travel resources;
- (b) to issue general advisory documents about matters relating to:
  - (i) MP travel resources; and
  - (ii) MOPS travel resources;
- (c) if the Authority considers that a particular general advisory document should be published—publish that general advisory document on the Authority's website;
- (d) to monitor matters relating to:
  - (i) MP travel resources; and
  - (ii) MOPS travel resources;
- (e) to prepare regular reports about matters relating to:
  - (i) MP work resources; and
  - (ii) MOPS travel resources;
- (f) to publish reports prepared under paragraph (e) on the Authority's website;
- (g) to prepare other such reports as the Authority considers appropriate about matters relating to:
  - (i) MP work resources; and
  - (ii) MOPS travel resources;
- (h) if the Authority considers that a particular report prepared under paragraph (g) should be published—publish that report on the Authority's website;
- (i) to conduct, or arrange for the conduct of, such audits as the Authority considers appropriate of matters relating to:
  - (i) MP work resources; and
  - (ii) MOPS travel resources;
- (j) to process claims, on behalf of the Commonwealth, for:
  - (i) MP travel resources; and
  - (ii) MOPS travel resources;
- (k) on behalf of the Commonwealth, to incur expenses relating to, to pay or to provide MP travel resources;

- (l) on behalf of the Commonwealth, to incur expenses relating to MOPS travel resources;
- (m) to give rulings relating to MP travel resources under section 37 of the *Parliamentary Business Resources Act 2017*;
- (n) if a law of the Commonwealth authorises the Authority to give rulings relating to MOPS travel resources—to give those rulings;
- (o) on behalf of the Commonwealth, to recover (whether by way of set-off or otherwise) overpayments, repayments and cost recovery payments relating to:
  - (i) MP travel resources; and
  - (ii) MOPS travel resources;
- (p) such functions (if any) as are conferred on the Authority by any other law of the Commonwealth;
- (q) such other functions (if any) as are prescribed by the legislative rules;
- (r) to do anything incidental to or conducive to the performance of any of the above functions.

*Reports may include personal information*

- (2) A report under any of paragraphs (1)(e) to (h) may include personal information (within the meaning of the *Privacy Act 1988*).

Note: Each of those paragraphs constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

*Certain agency functions are not exclusive*

- (3) Paragraphs (1)(k) and (l) do not, by implication, prevent an agent of the Commonwealth (other than the Authority) from having the authority to incur an expense of the kind referred to in those paragraphs on behalf of the Commonwealth.

**Part 2** Independent Parliamentary Expenses Authority

**Division 2** Authority's establishment, functions, powers and liabilities

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*Functions cover claims*

- (4) To avoid doubt, a reference to MP travel resources, MP work resources or MOPS travel resources includes a reference to a claim for such resources.

**13 Powers of the Authority**

The Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

**14 Authority has privileges and immunities of the Crown**

The Authority has the privileges and immunities of the Crown in right of the Commonwealth.

## **Division 3—Membership of the Authority**

### **15 Membership of the Authority**

The Authority consists of the following members:

- (a) a Chair;
- (b) the President of the Remuneration Tribunal;
- (c) at least 2, and not more than 3, other members.

### **16 Appointment of members of the Authority**

- (1) Each member of the Authority (other than a member who is the President of the Remuneration Tribunal) is to be appointed by the Governor-General by written instrument.

Note: A member of the Authority may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

- (2) One appointed member of the Authority must be:
  - (a) a former Commonwealth judicial officer; or
  - (b) a former judge of the Supreme Court of a State or Territory.
- (3) One appointed member of the Authority must be a former member of parliament.
- (4) One appointed member of the Authority must be a person who the Minister is satisfied has:
  - (a) substantial experience or knowledge; and
  - (b) significant standing;in the field of auditing.
- (5) If the Authority consists of 5 members, one appointed member of the Authority must be a person who the Minister is satisfied has:
  - (a) substantial experience or knowledge; and
  - (b) significant standing;in at least one of the following fields:
  - (c) public administration;

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- (d) corporate governance.
- (6) A member of the Authority holds office on a part-time basis.
- (7) The performance of the functions, or the exercise of the powers, of the Authority is not affected merely because its membership is not as required by subsection (2), (3) or (4) unless a continuous period of 3 months has elapsed since its membership ceased to be as so required.
- (8) An office of member of the Authority that is held by the President of the Remuneration Tribunal is taken not to be a public office for the purposes of paragraph 4(4)(c) of the *Remuneration Tribunal Act 1973*.

### 17 Period of appointment for members of the Authority

An appointed member of the Authority holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

### 18 Acting members of the Authority

#### *Acting Chair of the Authority*

- (1) The Minister may, by written instrument, appoint a person to act as the Chair of the Authority:
  - (a) during a vacancy in the office of the Chair of the Authority (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Chair of the Authority:
    - (i) is absent from duty or Australia; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

*Acting member of the Authority (other than the Chair of the Authority)*

- (2) The Minister may, by written instrument, appoint a person to act as a member of the Authority (other than the Chair of the Authority):
- (a) during a vacancy in the office of a member of the Authority (other than the Chair of the Authority), whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when a member of the Authority (other than the Chair of the Authority):
    - (i) is absent from duty or Australia; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

## **Division 4—Terms and conditions for members of the Authority**

### **19 Remuneration**

- (1) An appointed member of the Authority is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, an appointed member of the Authority is to be paid the remuneration that is prescribed by the legislative rules.
- (2) An appointed member of the Authority is to be paid the allowances that are prescribed by the legislative rules.
- (3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunal Act 1973*.
- (4) A member of the Authority who is the President of the Remuneration Tribunal is to be paid the fees and allowances that are prescribed by the legislative rules.

### **20 Disclosure of interests**

- (1) A disclosure by a member of the Authority under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Minister.
- (2) Subsection (1) applies in addition to any rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013*.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, a member of the Authority is taken not to have complied with section 29 of that Act if the member does not comply with subsection (1) of this section.

## **21 Paid work**

A member of the Authority must not engage in any paid work that conflicts or may conflict with the proper performance of his or her duties.

## **22 Leave of absence**

- (1) The Minister may grant leave of absence to the Chair of the Authority on the terms and conditions as to remuneration or otherwise that the Minister determines.
- (2) The Chair of the Authority may grant leave of absence to a member of the Authority on the terms and conditions that the Chair determines.

## **23 Resignation**

- (1) A member of the Authority may resign his or her appointment by giving the Governor-General a written resignation.
- (2) The resignation takes effect on the day it is received by the Governor-General or, if a later day is specified in the resignation, on that later day.

## **24 Termination of appointment**

- (1) The Governor-General may terminate the appointment of an appointed member of the Authority:
  - (a) for misbehaviour; or
  - (b) if the member is unable to perform the duties of his or her office because of physical or mental incapacity.
- (2) The Governor-General may terminate the appointment of an appointed member of the Authority if:
  - (a) the member:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

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- (iii) compounds with his or her creditors; or
- (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
- (b) the member engages in paid work that conflicts or may conflict with the proper performance of his or her duties (see section 21); or
- (c) the member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or
- (d) the member is absent, except on leave of absence, from 3 consecutive meetings of the Authority.

**25 Other terms and conditions**

A member of the Authority holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Governor-General.

## **Division 5—Decision-making by the Authority**

### **26 Holding of meetings**

- (1) The Authority is to hold such meetings as are necessary for the efficient performance of its functions.
- (2) The Chair of the Authority may convene a meeting at any time.

### **27 Presiding at meetings**

- (1) The Chair of the Authority presides at all meetings at which he or she is present.
- (2) If the Chair of the Authority is not present at a meeting, the members of the Authority present must appoint one of themselves to preside.

### **28 Quorum**

At a meeting of the Authority, 2 members of the Authority constitute a quorum.

### **29 Voting at meetings etc.**

- (1) A question arising at a meeting of the Authority is to be determined by a majority of the votes of the members of the Authority present and voting.
- (2) The person presiding at a meeting of the Authority has a deliberative vote and, if the votes are equal, a casting vote.

### **30 Conduct of meetings**

The Authority may, subject to this Division, regulate proceedings at its meetings as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* provides for participation in meetings by telephone etc.

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**31 Minutes**

The Authority must keep minutes of its meetings.

## **Division 6—Delegation**

### **32 Delegation by the Authority**

- (1) The Authority may, in writing, delegate any or all of its functions and powers to:
  - (a) a member of the Authority; or
  - (b) the CEO; or
  - (c) a member of the staff of the Authority; or
  - (d) a person assisting the Authority under section 50.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Authority.
- (3) The delegation continues in force despite a change in the membership of the Authority.
- (4) The delegation may be varied or revoked by the Authority (whether or not there has been a change in the membership of the Authority).

## Division 7—Other matters

### 33 Authority must give information to the Secretary

- (1) The Authority must give the Secretary such information or documents in relation to the Authority's functions as the Secretary reasonably requires for the performance of the Secretary's functions in relation to:
  - (a) matters relating to MP work resources; or
  - (b) matters relating to MOPS travel resources.
- (2) The information mentioned in subsection (1) may include personal information (within the meaning of the *Privacy Act 1988*).
- (3) A document mentioned in subsection (1) may contain personal information (within the meaning of the *Privacy Act 1988*).

Note: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

### 34 Secretary must give information to the Authority

- (1) The Secretary must give the Authority such information and documents as the Authority reasonably requires for the performance of the Authority's functions.
- (2) The information mentioned in subsection (1) may include personal information (within the meaning of the *Privacy Act 1988*).
- (3) A document mentioned in subsection (1) may contain personal information (within the meaning of the *Privacy Act 1988*).

Note: This section constitutes an authorisation for the purposes of the *Privacy Act 1988* and other laws.

## **Part 3—CEO of the Authority**

### **Division 1—Introduction**

#### **35 Simplified outline of this Part**

- There is to be a Chief Executive Officer of the Authority.
- The CEO's functions are to manage the Authority's administration and assist it in the performance of its functions.
- The CEO must comply with certain directions given by the Authority.
- The CEO is to be appointed by the Minister.

#### **36 CEO**

There is to be a Chief Executive Officer of the Independent Parliamentary Expenses Authority.

Note: In this Act, **CEO** means the Chief Executive Officer of the Authority—see section 4.

#### **37 Functions of the CEO**

The CEO's functions are:

- (a) to manage the administration of the Authority; and
- (b) to assist the Authority in the performance of its functions.

#### **38 Powers of the CEO**

The CEO has power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions.

### **39 Directions by the Authority**

- (1) The Authority may give written directions to the CEO about the performance of the CEO's function under paragraph 37(b) (assisting the Authority).

*Compliance with a direction*

- (2) The CEO must comply with a direction under subsection (1).

*When the CEO is not required to comply with a direction*

- (3) Subsection (2) does not apply to the extent that:
- (a) the direction deals with the allocation of resources for the performance of the Authority's functions; or
  - (b) compliance with the direction would be inconsistent with the CEO's performance of functions or exercise of powers under the *Public Governance, Performance and Accountability Act 2013* in relation to the Authority; or
  - (c) the direction relates to the CEO's performance of functions or exercise of powers under the *Public Service Act 1999* in relation to the Authority.

*Direction is not a legislative instrument*

- (4) A direction under subsection (1) is not a legislative instrument.

## **Division 2—Appointments**

### **40 Appointment of CEO**

- (1) The CEO is to be appointed by the Minister by written instrument.

Note: The CEO may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

- (2) A person must not be appointed as the CEO unless the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.
- (3) The CEO holds office on a full-time basis.
- (4) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

### **41 Appointment of acting CEO**

- (1) The Minister may, by written instrument, appoint a person to act as the CEO:
- (a) during a vacancy in the office of the CEO (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the CEO:
    - (i) is absent from duty or Australia; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (2) A person must not be appointed to act as the CEO unless the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.

## **Division 3—Terms and conditions for the CEO**

### **42 Remuneration of the CEO**

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the legislative rules.
- (2) The CEO is to be paid the allowances that are prescribed by the legislative rules.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

### **43 Leave of absence of the CEO**

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

### **44 Other employment of the CEO**

The CEO must not engage in paid work outside the duties of his or her office without the Minister's approval.

### **45 Resignation of the CEO**

- (1) The CEO may resign his or her appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

## **46 Termination of appointment of the CEO**

### *Misbehaviour or incapacity*

- (1) The Minister may terminate the appointment of the CEO:
  - (a) for misbehaviour; or
  - (b) if the CEO is unable to perform the duties of his or her office because of physical or mental incapacity.

### *Bankruptcy etc.*

- (2) The Minister may terminate the appointment of the CEO if:
  - (a) the CEO:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with his or her creditors; or
    - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  - (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  - (c) the CEO engages, except with the Minister's approval, in paid work outside the duties of his or her office (see section 44); or
  - (d) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section.

## **47 Other terms and conditions of the CEO**

The CEO holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

## Part 4—Staff of the Authority etc.

### 48 Simplified outline of this Part

- The staff of the Authority are to be persons engaged under the *Public Service Act 1999*.
- The Authority may also be assisted by certain officers and employees.
- The CEO may engage consultants.

### 49 Staff

- (1) The staff of the Authority are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the CEO and the staff of the Authority together constitute a Statutory Agency; and
  - (b) the CEO is the Head of that Statutory Agency.

### 50 Persons assisting the Authority

The Authority may also be assisted:

- (a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*); or
- (b) by officers and employees of authorities of the Commonwealth; or
- (c) by officers and employees of a State or Territory; or
- (d) by officers and employees of authorities of a State or Territory;

whose services are made available to the Authority in connection with the performance of any of its functions.

## **51 Consultants**

The CEO may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Authority's functions.

## Part 5—Information-gathering powers

### 52 Simplified outline of this Part

- The Authority may require a person to give the Authority information, or produce to the Authority a document, that is relevant to the performance of the Authority’s reporting or auditing functions.

### 53 Authority may obtain information and documents

#### *Scope*

- (1) This section applies to a person if the Authority has reason to believe that the person has information or a document that is relevant to the performance of a function conferred on the Authority by any of paragraphs 12(1)(e) to (i).

#### *Requirement*

- (2) The Authority may, by written notice given to the person, require the person:
  - (a) to give to the Authority, within the period and in the manner and form specified in the notice, any such information; or
  - (b) to produce to the Authority, within the period and in the manner specified in the notice, any such documents; or
  - (c) to make copies of any such documents and to produce to the Authority, within the period and in the manner specified in the notice, those copies.
- (3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.
- (4) A person commits an offence if:

- (a) the Authority has given a notice to the person under subsection (2); and
- (b) the person engages in conduct; and
- (c) the person's conduct contravenes a requirement in the notice.

Penalty: 30 penalty units.

- (5) A notice under subsection (2) must set out the effect of:
  - (a) subsection (4); and
  - (b) sections 137.1 and 137.2 of the *Criminal Code*.

#### **54 Copying documents—reasonable compensation**

A person is entitled to be paid by the Authority, on behalf of the Commonwealth, reasonable compensation for complying with a requirement covered by paragraph 53(2)(c).

#### **55 Self-incrimination**

A person is excused from giving information or producing a document or a copy of a document under this Part if the information or the production of the document or copy might tend to incriminate the person or expose the person to a penalty.

#### **56 Copies of documents**

- (1) The Authority may inspect a document or copy produced under this Part and may make and retain copies of, or take and retain extracts from, such a document.
- (2) The Authority may retain possession of a copy of a document produced in accordance with a requirement covered by paragraph 53(2)(c).

#### **57 Authority may retain documents**

- (1) The Authority may take, and retain for as long as is necessary, possession of a document produced under this Part.

**Section 58**

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- (2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Authority to be a true copy.
- (3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.
- (4) Until a certified copy is supplied, the Authority must, at such times and places as the Authority thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document.

**58 Relationship of information-gathering powers to other laws**

- (1) The operation of this Part is limited by laws of the Commonwealth relating to the powers, privileges and immunities of:
  - (a) each House of the Parliament; and
  - (b) the members of each House of the Parliament; and
  - (c) the committees of each House of the Parliament and joint committees of both Houses of the Parliament.
- (2) This Part does not affect the law relating to legal professional privilege.

## **Part 6—Miscellaneous**

### **59 Simplified outline of this Part**

- This Part deals with miscellaneous matters, such as the making of legislative rules.

### **60 Sensitive information not to be included in public reports**

- (1) The Authority must not include particular information in a public report if:
  - (a) the Authority is of the opinion that disclosure of the information would be contrary to the public interest because the disclosure would prejudice the security, defence or international relations of the Commonwealth; or
  - (b) the Attorney-General has issued a certificate to the Authority stating that, in the opinion of the Attorney-General, disclosure of the information would be contrary to the public interest because the disclosure would prejudice the security, defence or international relations of the Commonwealth; or
  - (c) the Authority is of the opinion that disclosure of the information would be likely to result in serious harm to the individual, or any of the individuals, to whom the information relates.
- (2) The Authority cannot be required, and is not permitted, to disclose to:
  - (a) a House of the Parliament; or
  - (b) a member of a House of the Parliament; or
  - (c) a committee of a House of the Parliament or a joint committee of both Houses of the Parliament;information that subsection (1) prohibits being included in a public report.

## Section 61

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- (3) If the Authority omits particular information from a public report because the Attorney-General has issued a certificate under paragraph (1)(b) in relation to the information, the Authority must state in the report:
- (a) that information (which does not have to be identified) has been omitted from the report; and
  - (b) that the Attorney-General issued the certificate because the Attorney-General was of the opinion that disclosure of the information would be contrary to the public interest because the disclosure would prejudice the security, defence or international relations of the Commonwealth.
- (4) If, because of subsection (1), the Authority:
- (a) decides not to prepare a public report; or
  - (b) omits particular information from a public report;
- the Authority may prepare a report under this subsection that includes the information concerned. The Authority must give a copy of each report under this subsection to:
- (c) the Prime Minister; and
  - (d) the Minister.
- (5) For the purposes of this section, **public report** means a report that is to be published on the Authority's website.

### 61 Proceedings in the name of the Authority

- (1) Proceedings brought by the Commonwealth in relation to the functions or powers of the Authority may be brought in the name of the Authority.
- (2) Proceedings brought against the Commonwealth in relation to the functions or powers of the Authority may be brought against the Commonwealth in the name of the Authority.

### 62 Independent review

- (1) The Minister must cause an independent review to be conducted of the operation of this Act and the legislative rules.

- (2) The review must be conducted as soon as practicable after the end of 3 years after this section commences.
- (3) The persons who conduct the review must give the Minister a written report of the review.
- (4) The Minister must cause copies of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

### 63 Transitional legislative rules

The legislative rules may prescribe matters of a transitional nature relating to the abolition of the body known as the Independent Parliamentary Expenses Authority that was established as an Executive Agency under section 65 of the *Public Service Act 1999*.

### 64 Legislative rules

- (1) The Minister may, by legislative instrument, make rules (*legislative rules*) prescribing matters:
  - (a) required or permitted by this Act to be prescribed by the legislative rules; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the legislative rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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Endnote 1—About the endnotes

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Independent Parliamentary Expenses Authority Act 2017	2, 2017	22 Feb 2017	s 3–64: 1 July 2017 (s 2(1) item 2) Remainder: 22 Feb 2017 (s 2(1) item 1)	
Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017	38, 2017	19 May 2017	Sch 1 (items 1–21) and Sch 3 (items 1–3, 7, 11): 1 Jan 2018 (s 2(1) items 2, 5)	Sch 3 (items 1–3, 7, 11)
Members of Parliament (Staff) Amendment Act 2023	71, 2023	19 Sept 2023	Sch 4 (items 12–14): 17 Oct 2023 (s 2(1) item 5)	—

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 3 .....	am No 38, 2017; No 71, 2023
s 4 .....	am No 38, 2017; No 71, 2023
s 5 .....	am No 38, 2017
<b>Part 2</b>	
<b>Division 1</b>	
s 10 .....	am No 38, 2017; No 71, 2023
<b>Division 2</b>	
s 12 .....	rs No 38, 2017
<b>Division 7</b>	
s 33 .....	am No 38, 2017
<b>Part 5</b>	
s 53 .....	am No 38, 2017
<b>Part 6</b>	
s 63 .....	rs No 38, 2017

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