Parliamentary Business Resources Act 2017

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About this compilation

This compilation

This is a compilation of the *Parliamentary Business Resources Act 2017* that shows the text of the law as amended and in force on 14 March 2026 (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. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

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.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

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. Any modifications affecting the law are accessible on the Register.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 provide resources to and in relation to persons who are, were or will be members of the Parliament, and for related purposes

Part 1—Preliminary

Division 1—General provisions

1 Short title

This Act is the *Parliamentary Business Resources 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. The whole of this Act	A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017* receives the Royal Assent. However, if the provisions do not commence within the period of 12 months beginning on the later of: (a) the day this Act receives the Royal Assent; and (b) the day the *Parliamentary Business*	1 January 2018 (F2017N00092)

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
	Resources (Consequential and Transitional Provisions) Act 2017 receives the Royal Assent; they commence on the day after the end of that period.	

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.

(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 Objects of this Act

(1) The main objects of this Act are to recognise the following:

(a) that members should be remunerated, and provided with resources, for being a member;

(b) that members should be able to use public resources for reasonable costs incurred for the dominant purpose of conducting parliamentary business;

(c) that members have obligations in relation to the use of those public resources.

(2) The other objects of this Act are to ensure that:

(a) on retirement, former members are provided with limited resources to facilitate their ceasing to be a member; and

(aa) if a person dies while a member, the person's estate may be paid an allowance in recognition that the resources mentioned in paragraph (a) will not be provided; and

(b) reasonable resources are provided to former Prime Ministers to support their continuing contribution to public life beyond their parliamentary service.

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4 Simplified outline of this Act

This Act creates a framework for the use of public resources by members of Parliament in connection with parliamentary business.

Members are paid remuneration determined by the Remuneration Tribunal. The Tribunal also determines the rates of travel allowances for domestic travel. Expenses and other allowances payable to members, and other public resources to be provided, are determined by the regulations. The Tribunal makes recommendations on these matters.

Members have obligations in relation to the use of public resources, including the requirement to use those resources for the dominant purpose of conducting parliamentary business and the requirement to ensure value for money. Contravention of a member's obligations may result in a penalty of 25% of the value of the public resources.

IPEA may give a ruling determining that conduct relating to a travel expense or travel allowance was or was not in accordance with this Act. A member may be protected from incurring a debt if a ruling determines that particular conduct was in accordance with this Act or if IPEA gives incorrect personal advice.

This Act also provides for an injury compensation scheme and for other resources to be provided to members.

Some resources may also be provided to former members and the estates of persons who die while a member.

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Division 2—Definitions

5 Definitions

In this Act:

administering authority means:

(a) for a person who is or will be a senator—the Clerk of the Senate; or

(b) for a person who is a member of the House of Representatives—the Clerk of the House of Representatives.

base salary means an annual allowance determined for the purposes of subsection 14(2).

chosen basic contributions fund, in relation to a person, means the fund, scheme or account (if any) specified in a notice given by the person that is in force under Division 2 of Part 2 of the *Parliamentary Superannuation Act 2004*.

claim means:

(a) a claim or request for public resources that is made to the Commonwealth; or

(b) the incurring of expenses that are payable by the Commonwealth.

commercial purpose means a purpose relating to the derivation of financial gain or reward.

complying superannuation fund has the meaning given by section 8.

constituent of a senator of a State or Territory or member of the House of Representatives means:

(a) for a senator of a State or Territory—a person enrolled to vote or resident in that State or Territory; or

(b) for a member of the House of Representatives—a person enrolled to vote or resident in the member's electorate.

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default basic contributions fund means the fund or scheme that is the default fund under Division 3 of Part 2 of the *Parliamentary Superannuation Act 2004*.

dependent child of a member means a person in relation to whom:

(a) both of the following apply:
  (i) the person is less than 16;
  (ii) the member is legally responsible (whether alone or jointly with another person) for the day-to-day care, welfare and development of the person; or

(b) both of the following apply:
  (i) the person is at least 16 and less than 18;
  (ii) the person is financially dependent on the member; or

(c) all of the following apply:
  (i) the person is 18 or older;
  (ii) the person is financially dependent on the member;
  (iii) the person is undertaking, and has been continuously undertaking, secondary education.

electorate allowance means an amount determined for the purposes of paragraph 14(3)(a).

electorate duties of a member has the meaning given by paragraph 6(1)(b).

former member means a person who was, but is no longer, a member.

IPEA means the Independent Parliamentary Expenses Authority.

member 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

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(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.

Ministerial salary means the salary of a Minister of State that is payable under section 66 of the Constitution.

new scheme contribution period, in relation to a person, has the same meaning as in the *Parliamentary Superannuation Act 2004*.

office holder means:

(a) the President of the Senate; or
(b) the Speaker of the House of Representatives; or
(c) the Deputy President and Chair of Committees of the Senate; or
(d) the Deputy Speaker of the House of Representatives; or
(e) a person who is an office holder because of a determination under section 7.

office holder's salary means an amount determined for the purposes of paragraph 14(3)(b).

official duties of a member has the meaning given by paragraph 6(1)(d).

parliamentary business has the meaning given by section 6.

parliamentary duties of a member has the meaning given by paragraph 6(1)(a).

Parliamentary injury compensation scheme has the meaning given by subsection 41(1).

party political duties of a member has the meaning given by paragraph 6(1)(c).

President of the Remuneration Tribunal has the meaning given by the *Remuneration Tribunal Act 1973*.

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presiding officer means:

(a) the President of the Senate; or

(b) the Speaker of the House of Representatives.

provides public resources: the Commonwealth ***provides*** public resources if:

(a) the Commonwealth pays any expenses or allowances under Part 3; or

(b) the Commonwealth provides goods, services, premises, equipment or any other facility under that Part; or

(c) the Commonwealth pays for the provision of goods, services, premises, equipment or any other facility by another person (whether or not under an arrangement between the Commonwealth and the other person) under that Part.

public resources means:

(a) any expenses or allowances paid under Part 3; or

(b) any goods, services, premises, equipment or any other facility provided or paid for under that Part.

relevant court means:

(a) the Federal Court of Australia; or

(b) the Federal Circuit and Family Court of Australia (Division 2); or

(c) a court of a State or Territory that has jurisdiction in relation to the matter.

remuneration means any remuneration determined for the purposes of subsection 14(2), (3) or (4).

Remuneration Tribunal Minister means the Minister who administers the *Remuneration Tribunal Act 1973*.

resources means the payment of expenses, or allowances, goods, services, premises, equipment or any other facility.

resources provider means any of the following:

(a) a Secretary of a Department;

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(b) IPEA;
(c) a presiding officer.

RSA has the same meaning as in the *Retirement Savings Accounts Act 1997*.

ruling means a ruling given under section 37.

Senate election means an election of senators for a State or Territory.

spouse includes de facto partner (within the meaning of the *Acts Interpretation Act 1901*).

this Act includes the regulations and other legislative instruments made under or for the purposes of this Act.

travel expenses: without limiting the ordinary meaning of the expression, the ***travel expenses*** of a member include:

(a) an expense incurred in connection with travel by the member; and
(b) an expense incurred in connection with travel by any person for the purpose of:
  (i) accompanying the member when the member is travelling; or
  (ii) joining the member; or
  (iii) representing the member at a funeral or function; or
  (iv) attending an official government, parliamentary or vice-regal function as an invitee.

Note: See section 9 for examples of expenses incurred in connection with travel.

value for money: expenses that are incurred, allowances that are claimed, or public resources that are claimed or provided, provide ***value for money*** if:

(a) the payment by the Commonwealth of the expenses that are incurred; or

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(b) the payment by the Commonwealth of the allowances that are claimed, or the provision of the public resources by the Commonwealth;

uses public money efficiently, effectively and economically.

vehicle allowance means an allowance determined for the purposes of paragraph 14(4)(b).

vice regal function means a function hosted by:

(a) the Governor-General; or
(b) a Governor of a State; or
(c) the Chief Minister of the Australian Capital Territory; or
(d) the Administrator of the Northern Territory; or
(e) an Administrator on behalf of the Governor-General or a Governor of a State.

6 Meaning of *parliamentary business*

*Meaning of **parliamentary business***

(1) The ***parliamentary business*** of a member means any of the following:

(a) the ***parliamentary duties*** of the member, being activities of the member that:
(i) relate directly to the member's role as a member; and
(ii) are determined for the purposes of paragraph (4)(a);

(b) the ***electorate duties*** of the member, being activities of the member that:
(i) support or serve the member's constituents; and
(ii) are determined for the purposes of paragraph (4)(b);

(c) the ***party political duties*** of the member, being activities determined for the purposes of paragraph (4)(c);

(d) for a member who is an office holder or a Minister of State—the ***official duties*** of the member, being activities that:
(i) relate to the member's role as an office holder or Minister of State; and

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(ii) are determined for the purposes of paragraph (4)(d).

(2) However, an activity is not the ***parliamentary business*** of a member if:

(a) the member carries it out for the dominant purpose of either or both of the following:

(i) providing a personal benefit to the member or another person;

(ii) pursuing commercial purposes of the member or another person; or

(b) the activity is determined under subsection (3) for the purposes of this paragraph.

(3) The Minister may make a determination for the purposes of paragraph (2)(b).

Determining parliamentary duties, *electorate duties*, *party political duties and official duties*

(4) The Minister must determine activities of a member that are:

(a) ***parliamentary duties*** of the member; or

(b) ***electorate duties*** of the member; or

(c) ***party political duties*** of the member; or

(d) ***official duties*** of the member.

(5) Without limiting this section or subsection 33(3A) of the *Acts Interpretation Act 1901*, a determination under subsection (3) or (4) may determine a matter for:

(a) particular members, office holders or Ministers of State; or

(b) classes of members, office holders or Ministers of State; or

(c) members, office holders or Ministers of State generally.

(6) A determination under subsection (3) or (4) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

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7 Meaning of *office holder*

The Minister may, by legislative instrument, determine the following:

(a) that a member who holds a specified position in, or in relation to, the Parliament or either House of the Parliament is an ***office holder***;

(b) that a member who performs functions of a kind specified in the determination in, or in relation to, the Parliament or either House of the Parliament is an ***office holder***.

8 Meaning of *complying superannuation fund*

(1) A fund or scheme is a ***complying superannuation fund*** at a particular time if, and only if:

(a) the fund or scheme is a complying superannuation fund for the purposes of the *Income Tax Assessment Act 1997* in relation to the year of income in which the time occurs; and

(b) the fund or scheme is a superannuation fund as defined by subsection 6(1) of the *Income Tax Assessment Act 1936*.

(2) In applying paragraph (1)(a) in relation to a fund or scheme and a particular time, the following are to be disregarded:

(a) any notice that is given after that time under section 40 of the *Superannuation Industry (Supervision) Act 1993* and that relates to the fund or scheme and the year of income in which the time occurs;

(b) any revocation or setting aside, after that time, of a notice given before that time under section 40 of the *Superannuation Industry (Supervision) Act 1993* and that relates to the fund or scheme and the year of income in which the time occurs or an earlier year of income.

9 Expenses incurred in connection with travel

(1) For the purposes of this Act, the following are examples of expenses incurred in connection with travel:

(a) the cost of fares;

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(b) the cost of taxis and other local transport in connection with travel;
(c) the cost of the provision of charter services;
(d) the cost of accommodation;
(e) the cost of meals;
(f) the cost of incidentals.

(2) The following are examples of expenses incurred in connection with travel overseas:
(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.

(3) This section does not limit the regulations that may be made for the purposes of section 31 (travel allowances).

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Division 3—Other matters

10 Act binds the Crown

This Act binds the Crown in right of the Commonwealth.

11 Extension to external Territories

This Act extends to every external Territory.

12 Extra-territorial operation

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

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Part 2—Remuneration etc. for members and former members

Division 1—Simplified outline of this Part

13 Simplified outline of this Part

Remuneration for a senator or member of the House of Representatives is to be paid as determined by the Remuneration Tribunal. The remuneration must include a base salary and may include several other components, including additional salary for an office holder.

The rules relating to when remuneration is to be paid are in Division 2 of Part 7.

A person may elect to sacrifice part of the base salary and instead have contributions made to a superannuation fund or retirement savings account.

A former member may be paid allowances and expenses relating to ceasing to be a member, as determined by the Remuneration Tribunal.

The estate of a person who dies while a member may be paid an allowance, as determined by the Remuneration Tribunal.

A former Prime Minister may be provided with resources as determined by the Prime Minister.

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Division 2—Remuneration etc. for members and former members

14 Remuneration of members

(1) A person who is a senator or member of the House of Representatives is to be paid the remuneration determined from time to time, under section 45, by the Remuneration Tribunal.

Note 1: The Remuneration Tribunal does not determine Ministerial salaries (see sections 44 and 45).

Note 2: For the period during which a senator or member of the House of Representatives is to be paid, see section 49.

Salaries and electorate allowance

(2) The remuneration must include a determination of an annual allowance payable for the purposes of section 48 of the Constitution known as ***base salary***.

(3) The remuneration may include:

(a) an amount determined as ***electorate allowance***; and

(b) if the person is an office holder—an amount determined as ***office holder's salary***.

Note: A person who is taken to be a presiding officer but who has ceased to be a senator or member of the House of Representatives might still be paid an office holder's salary under section 50.

Other remuneration

(4) The remuneration may include:

(a) a determination that the person is to be provided with a private plated vehicle; or

(b) a determination of an allowance (***vehicle allowance***) that is payable instead of the person being provided with a private plated vehicle; or

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(c) a determination that an allowance or expenses are payable in relation to internet or telephone services provided to the private residence of the person.

Fortnightly payments

(5) This section has effect subject to Division 2A of Part 7.

Note: That Division deals with fortnightly payments of base salary, electorate allowance, office holder's salary and vehicle allowance.

15 Allowances and expenses etc. for former members and the estates of persons who die while a member

(1) A person who is a former member is to be paid the allowances, and expenses, relating to the person ceasing to be a member that are determined from time to time, under section 46, by the Remuneration Tribunal.

(2) The estate of a person who dies while the person is a member is to be paid any allowance determined from time to time, under section 46A, by the Remuneration Tribunal in recognition that allowances are not payable to such persons under subsection (1) of this section.

16 Resources for former Prime Ministers etc.

(1) The Prime Minister may, by writing, determine that the Commonwealth must provide specified goods, services, premises, equipment or facilities, or pay specified allowances or expenses:

(a) to a person who is a former Prime Minister; or

(b) to a person who is:

(i) a spouse or dependent child of a former Prime Minister; or

(ii) employed by a former Prime Minister under the *Members of Parliament (Staff) Act 1984*;

for a purpose relating to a person who is a former Prime Minister.

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(2) Without limiting subsection (1) or subsection 33(3A) of the *Acts Interpretation Act 1901*, a determination under subsection (1) of this section may:

(a) impose one or more limits or other conditions (whether on a former Prime Minister or any other person), including a requirement for the provision or payment of resources referred to in subsection (1) of this section to be dependent on a decision of a specified person; or

(b) relate to:

(i) particular former Prime Ministers, spouses or dependent children of former Prime Ministers, or persons employed by former Prime Ministers under the *Members of Parliament (Staff) Act 1984*; or

(ii) classes of former Prime Ministers, spouses or dependent children of former Prime Ministers, or persons employed by former Prime Ministers under that Act; or

(iii) former Prime Ministers, spouses or dependent children of former Prime Ministers, or persons employed by former Prime Ministers under that Act, generally.

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Division 3—Salary sacrifice

17 When may a person elect to salary sacrifice?

A person who is or will be a senator, or who is a member of the House of Representatives, may make an election as described in section 18 if, and only if:

(a) the election is made during a new scheme contribution period of the person; or

(b) the election is made before the start of a new scheme contribution period of the person and at a time when:

(i) the person has been elected to the Senate, but base salary as a senator is not yet payable to the person; or

(ii) the person has been chosen or appointed to hold the place of a senator in accordance with section 15 of the Constitution, but base salary as a senator is not yet payable to the person.

18 The nature of the salary sacrifice election

(1) The person may elect to forgo a percentage or amount of the base salary that he or she would otherwise expect to receive and instead have contributions (the ***additional contributions***) made to a specified fund, scheme or account (the ***additional contributions fund***).

Note: An election can be varied or revoked (see sections 22 and 23).

(2) The specified fund, scheme or account must, at the time the election is made, be either:

(a) a complying superannuation fund; or

(b) an RSA.

(3) There can only be one additional contributions fund at any particular time in relation to the person.

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19 How to make an election

(1) An election must be in writing and be signed by the person.

(2) The election must:

(a) specify the percentage or amount (the ***specified salary sacrifice***) of base salary that is forgone; and

(b) specify the name of, and contact details for, the additional contributions fund; and

(c) specify the date (the ***start date***) from which the election is to have effect, being a date:

(i) that is the first day of the next fortnight following the fortnight in which the election is made, or the first day of a later fortnight; and

(ii) if the election is made before the start of a new scheme contribution period of the person as permitted by paragraph 17(b)—that is not before the start of the new scheme contribution period; and

(d) contain such other information (if any) as is required by the regulations.

(3) The specified salary sacrifice must be either:

(a) a specified percentage of the fortnightly amount of base salary worked out under regulations made for the purposes of subsection 52A(2); or

(b) a specified amount per fortnight.

Note: In deciding what amount or percentage to specify, consideration should be given to the effect of subsection 21(3).

(4) The election must be accompanied by evidence that the additional contributions fund will accept the additional contributions. However such evidence is not required if:

(a) the additional contributions fund is the default basic contributions fund; or

(b) the additional contributions fund is the chosen basic contributions fund of the person, and the evidence that

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accompanied the notice choosing that fund indicates that the fund will accept the additional contributions.

(5) The election must be given to the administering authority.

(6) For the purposes of subparagraphs (2)(c)(i) and (ii), the election is ***made*** when it is given to the administering authority.

20 Duration of an election

An election comes into force on the start date for the election and remains in force until whichever of the following occurs first:

(a) the contribution payable under this Division in respect of the fortnight in which base salary next ceases to be payable to the person;

(b) a revocation of the election takes effect (see section 23).

21 Effect of an election

(1) If the person makes an election in accordance with sections 17, 18 and 19, then this section has effect in relation to each fortnight during the period when the election is in force.

(2) Subject to subsections (3) and (5), the amount (the ***basic amount***) of base salary that would otherwise be payable to the person for a fortnight, worked out under regulations made for the purposes of subsection 52A(2), is reduced (but not below zero) by whichever of the following amounts (the ***reduction amount***) is applicable:

(a) if the specified salary sacrifice is a percentage—the amount that is that percentage of the basic amount;

(b) if the specified salary sacrifice is an amount—that amount.

(3) If the reduction amount for a fortnight is greater than the amount (the ***maximum reduction***) that is 50% of the sum of:

(a) the basic amount; and

(b) the amount (if any) of Ministerial salary that is payable to the person for the fortnight; and

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(c) the amount (if any) of office holder's salary that is payable to the person for the fortnight;

the basic amount for the fortnight is instead reduced by the maximum reduction.

(4) Subject to subsection (5), the Commonwealth must, in respect of each fortnight, make a contribution to the additional contributions fund, in respect of the person, of an amount equal to the amount by which the basic amount for the fortnight is reduced under subsection (2) or (3).

(5) If either:

(a) the additional contributions fund:

(i) ceases to exist; or

(ii) ceases to accept the additional contributions; or

(iii) ceases to be a complying superannuation fund or an RSA; or

(b) the person dies;

before the Commonwealth makes a contribution as required by subsection (4) in respect of a fortnight, then:

(c) no reduction under subsection (2) or (3) is to be made in respect of that fortnight; and

(d) no contribution under subsection (4) is to be made in respect of that fortnight.

22 Variation of an election

(1) The person may vary an election he or she has made by notice in writing signed by the person and given to the administering authority.

(2) The only variations that are permitted are:

(a) to change the additional contributions fund to another fund or scheme that is, at the time notice is given:

(i) a complying superannuation fund; or

(ii) an RSA; or

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(b) to change the specified salary sacrifice to another specified percentage or amount that complies with subsection 19(3); or

(c) to change the start date to a later date (but only if the start date has not already occurred).

(3) The notice of variation must specify a date (the ***variation date***) from which the variation is to take effect, being a date that is the first day of the next fortnight following the giving of the notice, or the first day of a later fortnight.

(4) A notice of variation to change the additional contributions fund to another complying superannuation fund or RSA (the ***new fund***) must:

(a) specify the name of, and contact details for, the new fund; and

(b) be accompanied by evidence that the new fund will accept the additional contributions.

(5) However, evidence referred to in paragraph (4)(b) is not required if:

(a) the new fund is the default basic contributions fund; or

(b) the new fund is the chosen basic contributions fund of the person, and the evidence that accompanied the notice choosing that fund indicates that the fund will accept the additional contributions.

(6) If the notice of variation complies with this section, it varies the election accordingly (subject to any later variations) in relation to fortnights starting on or after the variation date.

23 Revocation of an election

(1) The person may revoke an election he or she has made by notice in writing signed by the person and given to the administering authority.

(2) The notice of revocation must specify a date from which the revocation is to take effect, being a date that is the first day of the

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next fortnight following the giving of the notice, or the first day of a later fortnight.

(3) If the notice of revocation complies with this section, the revocation takes effect on the specified date.

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Part 3—Work expenses, allowances and other public resources

Division 1—Simplified outline of this Part

24 Simplified outline of this Part

Members are personally responsible and accountable for their use of public resources for conducting their parliamentary business. In addition, claimed expenses, allowances and public resources must (subject to limited exceptions) be for the dominant purpose of conducting parliamentary business.

A member must ensure that expenses incurred, and allowances and public resources claimed, provide value for money, and that all the relevant conditions for a claim or the payment of expenses incurred are met.

The travel expenses, travel allowances, work expenses and other public resources to be provided to members are to be prescribed by the regulations (although the rates of travel allowances for domestic travel are determined by the Remuneration Tribunal). In some cases, the Minister may determine when resources are to be provided, including when this is justified by exceptional circumstances.

The Remuneration 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 Minister to inquire into other matters. Regulations must be made or amended in accordance with the Tribunal's recommendations.

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Public resources are to be provided to a member under this Part if base salary, office holder's salary or Ministerial salary is payable to the member (see section 52).

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Division 2—Obligations in relation to the use of public resources

25 Obligations in relation to the use of public resources for conducting parliamentary business

(1) This section sets out the obligations on members in relation to the use of public resources for conducting the members' parliamentary business.

Personal responsibility and accountability

(2) Members are personally responsible and accountable for their use of public resources for conducting their parliamentary business.

(3) Members must be prepared to justify publicly their use of public resources for conducting their parliamentary business.

Good faith

(4) Members must act ethically and in good faith in using, and accounting for the use of, public resources for conducting their parliamentary business.

26 Dominant purpose test

Claiming expenses, allowances and public resources

(1) A member must not claim expenses, an allowance or any other public resources under this Part unless the expenses are incurred, or the allowance or resources are claimed, for the dominant purpose of conducting the member's parliamentary business.

Note: A person who contravenes this section may be liable to pay a loading under section 38.

(2) However, subsection (1) does not apply to the extent that an expense is incurred, or an allowance or any other public resources are claimed, in relation to:

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(a) a spouse or dependent child of a member; or
(b) any other person prescribed by the regulations.

Using public resources provided by the Commonwealth

(3) A member must not use public resources provided by the Commonwealth under subsection 33(1) other than for the dominant purpose of conducting the member's parliamentary business.

(4) A member must not use public resources provided by the Commonwealth under subsection 33(1) for commercial purposes.

27 Obligation to ensure value for money in incurring expenses or claiming allowances or other public resources

A member must ensure that expenses that are incurred, or allowances or other public resources that are claimed, in relation to the conduct of the member's parliamentary business provide value for money, taking into account the need to conduct the member's parliamentary business.

Note 1: A person who contravenes this section may be liable to pay a loading under section 38.

Note 2: See section 5 for the definition of ***value for money***.

28 Obligation not to make claims or incur expenses in breach of conditions

(1) A member must not make a claim, or incur expenses, under this Act in relation to public resources if:
(a) one or more conditions must be met (whether or not by the member) for the public resources to be provided in relation to the claim or expenses; and
(b) not all of the conditions have been met.

Note: A person who contravenes this section may be liable to pay a loading under section 38.

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(2) A contravention of subsection (1) in relation to a claim or expenses incurred does not of itself prevent public resources from being provided in relation to the claim or expenses.

29 Commonwealth not liable to provide resources if there is a contravention

The Commonwealth is not liable to provide public resources to a member if the member contravenes section 26, 27 or 28 in relation to the resources.

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Division 3—Work expenses, allowances and other public resources

30 Commonwealth must pay travel expenses

The Commonwealth must pay the travel expenses of a member that are prescribed by the regulations.

Note: Public resources are to be provided to a member under this Part if base salary, office holder's salary or Ministerial salary is paid to the member (see section 52).

31 Commonwealth must pay travel allowances

(1) The Commonwealth must pay the travel allowances for a member that are prescribed by the regulations.

(2) For domestic travel, the allowances are payable at the rates determined from time to time by the Remuneration Tribunal under section 45.

Note: For travel overseas, allowances (if any) are payable at the rates prescribed by the regulations.

32 Commonwealth must pay work expenses and provide other public resources

(1) The Commonwealth must pay the expenses that are prescribed by the regulations relating to the conduct of a member's parliamentary business.

(2) The Commonwealth must provide any other public resources that are prescribed by the regulations relating to the conduct of a member's parliamentary business.

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33 Commonwealth must provide public resources determined by the Minister

Public resources determined in accordance with the regulations

(1) The Minister may determine, in writing, that the Commonwealth must provide the public resources that are prescribed by the regulations relating to the conduct of a member's parliamentary business.

Exceptional circumstances determinations

(2) The Minister may determine, in writing, that the Commonwealth must provide specified public resources relating to the conduct of a member's parliamentary business if the Minister is satisfied that exceptional circumstances justify the determination.

(3) However, the Minister may not determine under subsection (2) that the Commonwealth pay expenses that have already been incurred.

(4) Subsection (2) is not limited by any other provision of this Division.

Value for money

(5) In making a determination under this section, the Minister must ensure that the expenses that are incurred, or the public resources that are provided, relating to the conduct of a member's parliamentary business provide value for money, taking into account the need to conduct the member's parliamentary business.

(6) Section 71 of the *Public Governance, Performance and Accountability Act 2013* (approval of proposed expenditure by a Minister) does not apply in relation to a determination made under this section.

Instruments

(7) The regulations may make provision in relation to determinations made under this section.

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Note: The regulations may provide conditions in relation to the Minister's determinations (see paragraph 34(g)).

(8) A determination made under subsection (1) or (2) is not a legislative instrument.

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Division 4—Powers of regulations

34 Powers of regulations

Without limiting this Part, regulations may do any one or more of the following things:

(a) specify requirements in relation to making a claim or providing evidence in relation to expenses incurred;

(b) impose limits and other conditions (whether on a member or any other person) in relation to the provision or payment of public resources, including a requirement for the provision or payment of public resources to be dependent on a decision of a specified person;

(c) provide for a method for increasing or decreasing the amounts of expenses or allowances that are payable;

(d) provide that public resources (including travel allowance) are to be provided to a person other than a member;

(e) provide that costs may be recovered by a specified person or entity from a member or any other person;

(f) provide in relation to:

(i) particular members, office holders or Ministers of State; or

(ii) classes of members, office holders or Ministers of State; or

(iii) members, office holders or Ministers of State generally;

(g) provide conditions relating to the making of a determination under subsection 33(1) or (2).

35 Remuneration Tribunal inquiries into matters

Annual inquiry into travel expenses and allowances for most domestic travel

(1) At least once each year, the Remuneration Tribunal must inquire into, and report to the Minister on, matters (the ***relevant domestic***

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travel matters) relating to travel expenses, and travel allowances, for domestic travel, except travel on a special purpose aircraft.

Note: The Remuneration Tribunal must also determine the rates of travel allowances for domestic travel under section 45.

Minister may request inquiry

(2) The Minister may request the Remuneration Tribunal to inquire into, and report to the Minister on, a matter (including a relevant domestic travel matter) in relation to which regulations could be made for the purposes of any provision of this Part.

Recommendations by Remuneration Tribunal

(3) If the Remuneration Tribunal reports under subsection (1) or (2) that regulations should be made or amended for the purposes of this Part, it must, in its report, make recommendations in relation to the content of those regulations or amendments.

(4) If the Remuneration Tribunal has made recommendations in relation to a matter under subsection (1) or (2):
  (a) regulations must be made or amended to deal with the matter; and
  (b) the regulations or amendments must deal with the matter in accordance with the recommendations.

(5) Subsection (4) does not prevent regulations that are made or amended to deal with a matter other than a relevant domestic travel matter from being later amended or repealed in a way that is not in accordance with the recommendations.

Note: However, regulations dealing with relevant domestic travel matters may be amended or repealed only in accordance with recommendations of the Remuneration Tribunal.

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Part 4—Compliance with and enforcement of Part 3

Division 1—Simplified outline of this Part

36 Simplified outline of this Part

IPEA may give a ruling determining that conduct relating to a travel expense or travel allowance was or was not in accordance with this Act. A member may be protected from incurring a debt as a result of a ruling.

If a member's claim for public resources contravenes the obligations under Part 3, the member is liable to pay a penalty of 25% of the value of the public resources provided. This does not apply to any amount repaid to the Commonwealth within 28 days of the claim.

An alternative method of recovering the penalty is to reduce future payments of public resources to the member.

Generally, provisions of this Part that apply to members also apply to former members in relation to conduct engaged in while they were members.

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Division 2—Rulings in relation to travel expenses and travel allowances

37 Rulings in relation to travel expenses and travel allowances

(1) IPEA may give a ruling, in writing, determining that:

(a) conduct engaged in by a particular member or any other person in relation to travel expenses of, or travel allowances for, the member was or was not in accordance with this Act; and

(b) as a result of the conduct, the member contravened section 26, 27 or 28.

Note: A ruling may be relied on to determine that a loading is payable under section 38.

(1A) However, IPEA cannot give a ruling under subsection (1) in relation to travel expenses or travel allowances specified by the Minister, by legislative instrument, for the purposes of this subsection.

(1B) Without limiting subsection 33(3A) of the *Acts Interpretation Act 1901*, an instrument made for the purposes of subsection (1A) of this section may make different provision in relation to travel expenses or travel allowances depending on the circumstances in which a travel expense or travel allowance is incurred or claimed, or any other circumstances.

(2) Without limiting subsection (1) (but subject to subsection (1A)), a ruling may determine that:

(a) a member's travel expenses were or were not incurred for the dominant purpose of conducting the member's parliamentary business; or

(b) a member's travel allowance was or was not claimed for the dominant purpose of conducting the member's parliamentary business; or

(c) a member's incurring of travel expenses, or claiming of travel allowance, did or did not provide value for money; or

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(d) particular conduct of a member or other person did or did not breach a condition relating to the provision of travel expenses or travel allowances; or

(e) if a member was given personal advice under paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017* in relation to conduct that the member or any other person intended to engage in—the personal advice was or was not correct.

Note: Personal advice IPEA gives under paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017* to a person appointed by a member under subsection 12(1C) of that Act is taken to have been given to the member (see subsection 12(1E) of that Act).

(3) A ruling may be given:

(a) on application by the member to whom the ruling relates; or

(b) on IPEA's own initiative.

Effect of ruling

(4) A ruling given in relation to a member is, subject to subsection (5), conclusive evidence of the matters stated in the ruling.

(5) A ruling given in relation to conduct engaged in by a member or any other person ceases to be conclusive evidence of the matters stated in the ruling to the extent that:

(a) the contrary is established by the member; or

(b) the Chief Executive Officer of IPEA establishes, on behalf of the Commonwealth, that the ruling was given on the basis of information that was false or misleading (whether or not the person giving the information knew or intended the information to be false or misleading).

(6) Without limiting subsection 33(3) of the *Acts Interpretation Act 1901*, IPEA may make another ruling in relation to conduct engaged in if a matter relating to the conduct is established as referred to in paragraph (5)(a) or (b).

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Legislative instrument status

(7) A ruling given under this section is not a legislative instrument.

Regulations may provide in relation to rulings

(8) The regulations may make provision in relation to rulings given under this section.

Former members

(9) This section applies after a person ceases to be a member in relation to conduct engaged in while the person was a member as if:
   (a) a reference to a member included a reference to a former member; and
   (b) paragraph (3)(b) were omitted.

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Division 3—Public resources penalty scheme

38 Loading in respect of contraventions of section 26, 27 or 28

When this section applies

(1) This section applies if:

(a) the Commonwealth provides public resources of a particular amount or value (the ***resource amount***) to or in relation to a member purportedly under this Act; and

(b) the member contravenes section 26, 27 or 28 in relation to the resources.

(2) Without limiting subsection (1):

(a) this section applies in relation to the public resources if, under subsection 37(4), a ruling is conclusive evidence of the fact that the member (whether or not the recipient) contravened section 26, 27 or 28 in relation to the provision of the public resources; and

(b) this section does not apply in relation to the public resources if, under subsection 37(4), a ruling is conclusive evidence of the fact that the member did not contravene section 26, 27 or 28 in relation to the provision of the public resources.

Note: The ruling may have been given after the member ceased to be a member (see subsection 37(9)).

Resource amount to be reduced by any repayment made to Commonwealth within 28 days of claim

(3) This section applies to the resource amount, reduced by any part of that amount that is repaid to the Commonwealth, by or on behalf of the member, before the end of 28 days after the day of the claim.

Note: No amount is repayable if the whole of the resource amount is repaid within the 28 day period.

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Loading payable as a penalty for contravention

(4) The member is liable to pay the Commonwealth, by way of penalty for the contravention of section 26, 27 or 28, an amount equal to 25% of the amount to which this section applies.

Note 1: Despite this section, a member is not generally liable for a debt if IPEA gives personal advice under paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017* that the member would not contravene section 26, 27 or 28 of this Act and the advice is incorrect (see section 58 of this Act).

Note 2: As a member is liable to pay a loading only if the member contravenes section 26, 27 or 28, a loading would not be payable for an overpayment made because of an administrative error within the Commonwealth. However, a debt may arise under section 57 because of an administrative error within the Commonwealth.

(5) The amount of the penalty:

(a) is a debt due to the Commonwealth by the member; and

(b) may be recovered, on behalf of the Commonwealth, by the resources provider who provided the public resources, by action in a relevant court.

Alternative method of recovery: reduction of future amounts

(6) A resources provider may determine, in writing, that an amount of public resources that is payable to the member by the resources provider is reduced by all or part of any amount that is recoverable as a debt under subsection (5) from the member. The determination has effect accordingly.

(7) The resources provider must consult the member before making the determination.

Former members

(8) Subsections (3) to (5) continue to apply to a person who ceases to be a member as if a reference to the member included a reference to the former member.

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39 Loading in respect of voluntary repayments

When this section applies

(1) This section applies if:

(a) the Commonwealth provides public resources to or in relation to a member purportedly under this Act; and

(b) the member, or a person acting on behalf of the member, makes a repayment to the Commonwealth of some or all of the amount or value of the resources; and

(c) the repayment is made more than 28 days after the day of the claim; and

(d) the resources are not of an amount attributable, to any extent, to an administrative error within the Commonwealth; and

(e) section 38 does not apply.

Reduction of future amounts

(2) A resources provider may determine, in writing, that an amount of public resources that is payable to the member by the resources provider is reduced by an amount (the ***loading amount***) that is equal to 25% or any specified lower percentage of the repayment. The determination has effect accordingly.

(3) The resources provider must consult the member before making the determination.

Effect of voluntary payment of loading amount

(4) If an amount is paid to the Commonwealth, by or on behalf of the member, in respect of the loading amount, the loading amount is reduced by the amount of the payment.

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Part 5—Other resources

40 Simplified outline of this Part

The Minister may determine a Parliamentary injury compensation scheme, to provide coverage for members and the spouse of the Prime Minister. The scheme may apply to an injury, disease, aggravation, loss or damage occurring on or after 1 January 2016.

The regulations may provide for additional resources to be provided to members, including the provision of legal assistance and insurance.

41 Parliamentary injury compensation scheme

(1) The Minister may, by legislative instrument, determine a ***Parliamentary injury compensation scheme***.

(2) The scheme may provide for one or more of the following:

(a) compensation or other benefits in relation to an injury or disease, or an aggravation of an injury or disease, suffered by:

(i) a member in connection with the conduct of the member's parliamentary business, or in any other circumstances provided by the scheme; or

(ii) the spouse of the Prime Minister in connection with the spouse's official activities as the spouse of the Prime Minister, or in any other circumstances provided by the scheme;

(b) compensation or other benefits in relation to loss of or damage to an artificial limb or other artificial substitute, or a medical, surgical or other similar aid or appliance:

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(i) used by a member, that occurs in the course of the conduct of the member's parliamentary business, or in any other circumstances provided by the scheme; or

(ii) used by the spouse of the Prime Minister, that occurs in the course of the spouse's official activities as the spouse of the Prime Minister, or in any other circumstances provided by the scheme;

(c) the provision of services, facilities or equipment to eliminate or minimise risks to health or safety occurring in connection with:

(i) the conduct of the member's parliamentary business, or in any other circumstances provided by the scheme; or

(ii) the spouse's official activities as the spouse of the Prime Minister, or in any other circumstances provided by the scheme;

(d) incidental or ancillary matters.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(3) Without limiting subsection (2), the scheme may do one or more of the following:

(a) confer functions and powers on Comcare in relation to the scheme;

(b) provide for conditions and restrictions on eligibility or continuing eligibility for compensation or other benefits under the scheme (such as conditions requiring a person to undergo rehabilitation or medical examination);

(c) apply in relation to an injury or disease, or an aggravation of an injury or disease, suffered by a person who is or has been a member, or the spouse of the Prime Minister, in connection with an activity engaged in in accordance with the scheme;

(d) provide for compensation or other benefits under the scheme to be payable to persons other than members;

(e) require an amount of money paid under the scheme to be repaid in the circumstances set out in the scheme;

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(f) provide for Comcare, on behalf of the Commonwealth, to recover, set off, write off or waive debts arising under the scheme;

(g) require a person to give information or documents to Comcare for the purposes of the scheme;

(h) require a person to notify Comcare of a matter or event set out in the scheme;

(i) prescribe penalties, not exceeding 10 penalty units, for offences relating to failing to notify Comcare of matters or events set out in the scheme;

(j) provide for review of decisions made under the scheme, including by providing for the *Administrative Review Tribunal Act 2024* to apply in relation to decisions made under the scheme with the modifications specified in the scheme;

(k) in relation to an injury, disease or aggravation, or loss or damage, referred to in paragraph (2)(a) or (b):

(i) limit the right of a person to bring an action or other proceeding for damages, against the Commonwealth or a person specified in the scheme, in respect of the injury, disease, aggravation, loss or damage; or

(ii) provide for Comcare to make a claim for damages in the name of a person, or to take over the conduct of an action or other proceeding, in respect of the injury, disease, aggravation, loss or damage; or

(iii) require that an amount that has been, or is to be, paid (otherwise than under the scheme) to a person in respect of the injury, disease, aggravation, loss or damage be paid to the Commonwealth;

(l) confer on the Minister a power to make a legislative instrument for the purposes of the scheme.

(4) For the purposes of the *Safety, Rehabilitation and Compensation Act 1988*, a function conferred on Comcare by the scheme is taken to be a function conferred by this Act.

Note: See paragraph 69(g) of the *Safety, Rehabilitation and Compensation Act 1988*.

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(5) The scheme may apply in relation to:

(a) an injury or disease referred to in subparagraph (2)(a)(i) or (ii) that is suffered in connection with an activity occurring on or after 1 January 2016; or

(b) an aggravation, referred to in subparagraph (2)(a)(i) or (ii), of an injury or disease, if the aggravation is suffered in connection with an activity occurring on or after 1 January 2016 (whether the injury or disease was suffered in connection with an activity occurring before, on or after that day); or

(c) loss or damage referred to in subparagraph (2)(b)(i) or (ii) that occurs on or after 1 January 2016.

42 Other resources

(1) The regulations may provide that resources are to be provided to a member by the Commonwealth.

Note: Resources are to be provided to a member under this Part if base salary, office holder's salary or Ministerial salary is paid to the member (see section 52).

(2) Without limiting subsection (1), the regulations may provide for a scheme in relation to:

(a) resources to be provided by the Commonwealth in relation to legal proceedings in which a Minister of State or former Minister of State is a party; or

(b) the provision of insurance to members or any other person in connection with a member.

(3) Without limiting subsection (1), regulations may do any one or more of the following things:

(a) specify requirements in relation to making a claim or providing evidence in relation to expenses incurred;

(b) impose, or provide for a specified person by writing to impose in a particular case, limits and other conditions (whether on a member or any other person) in relation to the payment or provision of resources, including a requirement

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for the payment or provision to be dependent on a decision of a specified person;

(c) provide for a method for increasing or decreasing the amounts of expenses or allowances that are payable;

(d) provide that resources are to be paid or provided to a person other than a member;

(e) provide that costs may be recovered by a specified person or entity from a member or any other person;

(f) provide in relation to:

(i) particular members, office holders or Ministers of State; or

(ii) classes of members, office holders or Ministers of State; or

(iii) members, office holders or Ministers of State generally.

(4) This section and Part 3 do not limit each other.

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Part 6—Functions of the Remuneration Tribunal

43 Simplified outline of this Part

The Remuneration Tribunal reports at least once each year on Ministerial salaries (which are paid under section 66 of the Constitution).

The Remuneration 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, at least once each year. The Tribunal must also at least once each year inquire into the allowances to be paid to the estates of persons who die while a member, and may determine such allowances following the inquiry. The Tribunal must publish its reasons for making a determination.

The Remuneration Tribunal also has functions under section 35 relating to travel expenses, travel allowances and other public resources provided under Part 3.

44 Inquiries and reports by Tribunal on Ministerial salaries

(1) At least once each year, the Remuneration Tribunal must inquire into, and report to the Remuneration Tribunal Minister on, the question of whether any alterations are desirable in the Ministerial salaries that are payable out of public money of the Commonwealth.

Note: There is an annual limit on the sum payable for Ministerial salaries (see section 55).

(2) If the Remuneration Tribunal reports under subsection (1) that alterations are desirable in respect of a matter, it must, in its report, recommend the nature and extent of the alterations that should be made.

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(3) The Remuneration Tribunal Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by the Remuneration Tribunal Minister.

45 Inquiries and determinations by Tribunal on members' remuneration and rates of domestic travel allowances

Members

(1) At least once each year, the Remuneration Tribunal must inquire into, and determine, the remuneration, and the rates of travel allowances (or a method for determining the rates) for domestic travel, to be paid out of the public money of the Commonwealth to members by reason of being members of the Parliament or particular office holders.

Note: The Remuneration Tribunal may also report on other matters related to travel allowances for domestic travel under section 35.

Determinations relating to remuneration

(2) Remuneration determined under subsection (1):
  (a) includes allowances payable in accordance with section 48 of the Constitution; but
  (b) excludes Ministerial salaries.

(3) The Tribunal may determine that:
  (a) a portion of base salary is not ***parliamentary allowance*** for the purposes of the *Parliamentary Contributory Superannuation Act 1948*; and
  (b) a portion of office holder's salary is not ***allowance by way of salary*** for the purposes of the *Parliamentary Contributory Superannuation Act 1948*.

(4) Without limiting paragraph (3)(b), the Tribunal may determine under that paragraph that, in the circumstances specified in the determination, a different portion (which may be a portion equal to

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100%) of office holder's salary is not ***allowance by way of salary*** for the purposes of that Act in those circumstances.

Determinations relating to Ministerial salaries

(5) The Tribunal may determine that a portion of Ministerial salary is not ***salary*** for the purposes of the *Parliamentary Contributory Superannuation Act 1948*.

46 Inquiries and determinations into allowances and expenses for former members

At least once each year, the Remuneration Tribunal must inquire into, and determine, the allowances and expenses to be paid out of the public money of the Commonwealth to former members.

46A Inquiries and determinations into allowances payable on death of a member

(1) At least once each year, the Remuneration Tribunal must inquire into the allowances to be paid out of the public money of the Commonwealth to the estates of persons who die while a member, and may determine such allowances following the inquiry.

(2) In performing its function under subsection (1), the Remuneration Tribunal must have regard to the principle that any such allowances are to be paid in recognition that allowances are not payable under subsection 15(1) to persons who die while a member.

(3) Subsection (2) does not limit the matters to which the Remuneration Tribunal may have regard.

47 Requirements for determinations

(1) A determination of the Remuneration Tribunal under this Part must be in writing.

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Content of the determination

(2) The determination may:

(a) impose one or more limits or other conditions; and

(b) relate to:

(i) particular members, office holders, Ministers of State or former members; or

(ii) classes of members, office holders, Ministers of State or former members; or

(iii) members, office holders, Ministers of State or former members generally; or

(iv) in relation to the estates of persons who die while a member—particular estates, classes of estates or estates generally.

Examples: A condition may be that only one office holder's salary is payable to a person who holds more than one office, or a condition may impose a cap on the total amount of office holder's salary that is payable to a person.

(3) Subsection (2) does not limit:

(a) this Part; or

(b) subsection 33(3A) of the *Acts Interpretation Act 1901*.

Commencement of the determination

(4) The determination comes into operation on:

(a) the day specified in the determination; or

(b) the day an event specified in the determination occurs or occurred.

Dealing with the determination once made

(5) The Tribunal must give the Remuneration Tribunal Minister a copy of the determination.

(6) The Tribunal must ensure that its reasons for making the determination are published on its website and notified to the Remuneration Tribunal Minister.

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Legislative instrument

(7) The determination is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

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Part 7—Miscellaneous

Division 1—Simplified outline of this Part

48 Simplified outline of this Part

This Part sets out when the payment of remuneration and the provision of public resources to a member starts and ends, taking into account elections. It also deals with the application of annual amounts to a shorter period.

A person who is a senator or member of the House of Representatives is to be paid the following fortnightly:

(a) base salary;
(b) electorate allowance;
(c) office holder's salary (if any);
(d) vehicle allowance (if any).

Generally, a member does not incur a debt if IPEA gives incorrect personal advice that relates to the debt.

There is an annual limit on the total amount of Ministerial salaries payable under section 66 of the Constitution.

This Part also provides for the appropriation of money for the purposes of this Act, the delegation of powers under this Act and the making of regulations.

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Division 2—When remuneration and public resources are to be provided

49 When remuneration is to be paid to senators and members of the House of Representatives

(1) This section applies in relation to the following remuneration of a person who is a senator or member of the House of Representatives:

(a) remuneration of the person (except office holder's salary);

(b) if the person is an office holder prescribed by the regulations—office holder's salary for the person.

Note 1: For the payment of office holder's salary for other office holders, see section 51.

Note 2: Resources are to be provided to a member under this Act if base salary, office holder's salary or Ministerial salary is paid to the member (see section 52).

Start of remuneration

(2) The remuneration is to be paid to the person from the start of:

(a) for a senator of a State chosen at the first election after a dissolution of the Senate, a senator of a Territory chosen at an election, or a member of the House of Representatives—the day of his or her election; or

(b) for a senator of a State chosen to fill a place that is to become vacant in rotation—the first 1 July after the day of his or her election; or

(c) for a senator of a State or Territory chosen or appointed to fill a casual vacancy—the day of his or her choice or appointment.

Cessation of remuneration—State senators

(3) If the person is a senator of a State, the remuneration is to be paid to the person until the end of the last day of the person's term of

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service as a senator (unless the person ceases to be a senator or the Senate is dissolved earlier).

(4) If the Senate is dissolved earlier, remuneration is to be paid to the person until the end of:

(a) if the person is a candidate at the first Senate election for the State after that dissolution—the day before the polling day for the election; or

(b) if the person is not a candidate at the election—the day of the dissolution.

Cessation of remuneration—Territory senators

(4A) If the person is a senator of a Territory immediately before the dissolution or expiry of the House of Representatives, remuneration is to be paid to the person until the end of the day before the polling day for the first Senate election for the Territory after the dissolution or expiry, unless subsection (4B) applies.

(4B) If:

(a) the person is a senator of a Territory immediately before the Senate is dissolved; and

(b) the person is not a candidate at the first Senate election for the Territory after the dissolution;

remuneration is to be paid to the person until the end of the day of the dissolution.

Cessation of remuneration—members of the House of Representatives

(5) If a person is a member of the House of Representatives immediately before the dissolution or expiry of the House of Representatives, remuneration is to be paid to the person until the end of:

(a) if the person is a candidate at the first election of the House of Representatives after the dissolution or expiry and the person is re-elected—the day before the day of his or her election; or

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(b) if the person is a candidate at the election and is not re-elected—the day before the polling day for the election; or

(c) if the person is not a candidate at the election—the day of the dissolution or expiry.

Interpretation

(6) A person who is a senator or member of the House of Representatives is ***elected*** (including by re-election) on:

(a) if the person is elected as the result of a polling—the polling day for the election; or

(b) otherwise—the day the person is declared duly elected.

50 When office holder's salary is to be paid to certain presiding officers and deputies

Persons who are taken to be presiding officers

(1) Office holder's salary is to be paid to a person during a period if:

(a) the person is taken to continue to be a presiding officer under section 3, 4 or 6 of the *Parliamentary Presiding Officers Act 1965* during that period; or

(b) both of the following apply:

(i) the person is taken to be a presiding officer under section 5 or 7 of that Act during that period;

(ii) office holder's salary is not payable to the person as Deputy President and Chair of Committees of the Senate, or Deputy Speaker of the House of Representatives, during that period.

Note: Public and other resources are also provided to the person during the same period (see section 52).

Deputy presiding officers

(2) Office holder's salary is to be paid to a Deputy President and Chair of Committees of the Senate, or Deputy Speaker of the House of Representatives, who is re-elected as a member of the same House

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until the end of the day before his or her successor as Deputy President or Deputy Speaker is chosen.

51 When office holder's salary is to be paid to certain office holders

Office holder's salary is to be paid to a person who is an office holder that is not prescribed for the purposes of paragraph 49(1)(b) only so long as the person is an office holder.

Note: Public and other resources are also provided to the person during the same period (see section 52).

52 When public resources are to be provided

Public resources, and resources provided under Part 5, are to be provided to a member if any of the following is payable to the member:

(a) base salary;

(b) office holder's salary;

(c) Ministerial salary.

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Division 2A—Fortnightly payments to senators and members

52A Fortnightly payments to senators and members

(1) For a person who is a senator or member of the House of Representatives, the following components of remuneration are to be paid to the person on a fortnightly basis in arrears:

(a) base salary;

(b) electorate allowance;

(c) office holder's salary (if any);

(d) vehicle allowance (if any).

Note: For the period during which a senator or member of the House of Representatives is to be paid, see section 49.

(2) The amount to be paid to the person per fortnight is to be worked out in accordance with a method (the ***relevant method***) prescribed by the regulations for the purposes of this subsection.

(3) The relevant method must be based on the amount of each component of remuneration referred to in subsection (1) that is determined under subsection 45(1).

(4) If the Remuneration Tribunal has made a determination under subsection 45(1) about remuneration that specifies a period, the relevant method may result in the person being paid, for that period, less or more than the amount of remuneration so determined that applies for that period.

Note: Subsection (4) accounts for arithmetical discrepancies when amounts determined for a period other than a fortnight are paid fortnightly. This will be the case if an annual amount of remuneration is determined since there is not a whole number of fortnights in a 12-month period.

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Division 3—Annual amounts of resources

53 Annual amounts reduced if a person begins to be a member during a year

(1) This section applies if:

(a) an annual dollar amount (whether relating to a calendar or financial year) of public resources, or resources under Part 5, is to be provided to a person under this Act; and

(b) the person becomes a member during a year.

(2) The annual dollar amount is worked out using the following formula:

$$\text{Annual dollar amount for the year} \times \frac{\text{Number of days left in the year}}{365}$$

(3) The amount must be rounded to the nearest whole number that is more than zero.

54 Using full annual limits

A member may make use of the full annual limit of public resources, or resources under Part 5, under this Act before the end of the relevant year.

Note: An annual limit may be expressed in dollars or in other ways, such as a limit on the number of flights per year.

55 Annual limit on Ministerial salaries

(1) The annual sum payable under section 66 of the Constitution for Ministerial salaries must not exceed the following amount in a financial year:

(a) $5,000,000;

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(b) if a higher amount, or a method for working out a higher amount, is prescribed by the regulations—that higher amount.

(2) Despite subsection 14(2) of the *Legislation Act 2003*, the regulations may provide in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in any determination or report of the Remuneration Tribunal under this Act as in force or existing from time to time.

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Division 4—Other miscellaneous provisions

56 Independent periodic review of this Act

(1) The Minister must cause an independent review of the operation of this Act, and of whether this Act should be amended, to be conducted as soon as practicable after:
  (a) 22 March 2026; and
  (b) the end of the period of 5 years beginning on 23 March 2026; and
  (c) the end of each later 5-year period.

(2) The persons who conduct the review must give the Minister a written report of the review.

(3) 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.

57 Recoverable payments

Application of this section

(1) This section applies if:
  (a) the Commonwealth makes a payment for the purposes of providing any of the following resources to a person (the ***recipient***):
    (i) remuneration or resources under Part 2;
    (ii) public resources;
    (iii) resources under Part 5; and
  (b) apart from this subsection and paragraph 59(b), the Commonwealth does not have power under this Act to make the payment.

(2) Without limiting subsection (1):

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(a) this section applies in relation to the public resources referred to in subparagraph (1)(a)(ii) if, under subsection 37(4), a ruling is conclusive evidence of the fact that a person who is or was a member (whether or not the recipient) contravened section 26, 27 or 28 in relation to the provision of the public resources; and

(b) this section does not apply in relation to the public resources referred to in subparagraph (1)(a)(ii) if, under subsection 37(4), a ruling is conclusive evidence of the fact that a person who is or was a member did not contravene section 26, 27 or 28 in relation to the provision of the public resources.

Payments of amounts of money purportedly under this Act

(3) If this section applies in relation to a payment, the following provisions apply in relation to the payment:

(a) the Commonwealth has the power to make the payment;

(b) for the purpose of section 59, the payment is taken to be a payment under, or for the purposes of, this Act;

(c) the amount of the payment:

(i) is a debt due to the Commonwealth by the recipient; and

(ii) may be recovered, on behalf of the Commonwealth, by the resources provider who made the payment, by action in a relevant court.

Note 1: A loading may also apply in relation to the payment (see Division 3 of Part 4).

Note 2: Despite this subsection, the recipient is not generally liable for a debt if IPEA gave personal advice under paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017* that the recipient would not contravene section 26, 27 or 28 of this Act and the advice is incorrect (see section 58 of this Act).

(4) The reference in subsection (1) to the Commonwealth not having power to make a payment includes a reference to the Commonwealth only having power to make a payment of a lesser amount. In this situation, paragraph (3)(c) applies to the amount by

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which the payment exceeds what it would have been if the payment of the lesser amount had instead been paid.

Alternative method of recovery: reduction of future amounts

(5) A resources provider may determine, in writing, that an amount of:
(a) if the payment was of remuneration—remuneration; or
(b) otherwise—public resources, or resources under Part 2 or 5;
that is payable to the recipient by the resources provider is reduced by all or part of any amount that is recoverable as a debt under paragraph (3)(c) from the recipient. The determination has effect accordingly.

(6) The resources provider must consult the recipient before making the determination.

How this section applies to resources that relate to activities of another person (except a member of staff)

(7) For the purpose of this section, a payment is made for the purposes of providing resources referred to in paragraph (1)(a) even if the resources relate to the activities of another person, except activities as a member of staff of the recipient.

Note: For example, any debt relating to the travel of the recipient's spouse is recoverable from the recipient rather than the spouse.

58 No debts arise as a result of incorrect personal advice given by IPEA

(1) A member is not liable for a debt under section 38 or 57 in relation to public resources provided to or in relation to the member if:
(a) the member or any other person engaged in conduct; and
(b) as a result of the conduct, the member contravened section 26, 27 or 28 in relation to the public resources; and
(c) before the resources were provided or the conduct was engaged in, the member was given personal advice under paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017* in relation to the conduct; and

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(d) the advice was that the conduct would not result in a contravention of section 26, 27 or 28; and

(e) the advice was not given on the basis of information that was false or misleading (whether the information was given by the member or any other person).

Note: Personal advice IPEA gives under paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017* to a person appointed by a member under subsection 12(1C) of that Act is taken to have been given to the member (see subsection 12(1E) of that Act).

(2) However, subsection (1) does not apply if the conduct was engaged in after a ruling in relation to the member had been given under section 37 determining that the personal advice was not correct.

Former members

(3) This section applies after a person ceases to be a member in relation to conduct engaged in while the person was a member as if a reference to a member included a reference to a former member.

59 Appropriation

(1) Subject to subsection (2), the Consolidated Revenue Fund is appropriated for the purposes of:

(a) making payments under, or for the purposes of, this Act; and

(b) making other payments in the course of administering this Act.

(2) Subsection (1) does not apply to payments determined by the Minister, by legislative instrument, for the purposes of this subsection.

60 Delegations

Minister

(1) The Minister may, by written instrument, delegate any of the Minister's powers, functions or duties under this Act to:

(a) the President of the Senate; or

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(b) the Speaker of the House of Representatives; or
(c) the Secretary or a Deputy Secretary of the Department; or
(d) an SES employee or acting SES employee in the Department; or
(e) the Chief Executive Officer of IPEA; or
(f) an SES employee, or acting SES employee, who is a member of the staff described in section 49 of the *Independent Parliamentary Expenses Authority Act 2017*.

Secretary

(2) The Secretary of the Department may, by written instrument, delegate any of the Secretary's powers, functions or duties under this Act to a Deputy Secretary of, or an SES employee or acting SES employee in, the Department.

President of the Senate

(3) The President of the Senate may, by written instrument, delegate any of the President's powers, functions or duties under this Act to any of the following (all within the meaning of the *Parliamentary Service Act 1999*):
(a) the Clerk of the Senate;
(b) the Secretary of the Department of Parliamentary Services;
(c) an SES employee or acting SES employee in the Department of the Senate or the Department of Parliamentary Services.

Speaker of the House of Representatives

(4) The Speaker of the House of Representatives may, by written instrument, delegate any of the Speaker's powers, functions or duties under this Act to any of the following (all within the meaning of the *Parliamentary Service Act 1999*):
(a) the Clerk of the House of Representatives;
(b) the Secretary of the Department of Parliamentary Services;

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(c) an SES employee or acting SES employee in the Department of the House of Representatives or the Department of Parliamentary Services.

Directions

(5) In exercising powers or performing functions or duties under a delegation by a person under this section, the delegate must comply with any written direction given by the person to the delegate.

61 Regulations

The Governor-General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed by the regulations; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Note: See also section 34 (powers of regulations).

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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

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.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Parliamentary Business Resources Act 2017 (C2017A00037)	37, 2017	19 May 2017	1 Jan 2018 (s 2(1) item 1)	
Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021 (C2021A00013)	13, 2021	1 Mar 2021	sch 2 (item 669): 1 Sept 2021 (s 2(1) item 5)	—
Parliamentary Business Resources Legislation Amendment (Review Implementation and Other Measures) Act 2024 (C2024A00031)	31, 2024	30 May 2024	sch 1 (items 23, 26, 33, 35-41, 64): 1 July 2026 (s 2(1) item 2) sch 2 (items 8-49): 31 May 2024 (s 2(1) item 3) sch 4 (items 1-24): 1 July 2024 (s 2(1) item 4)	sch 1 (item 64), sch 2 (items 45-49), sch 4 (items 23, 24)
as amended by				
Parliamentary Business Resources Legislation Amendment (Machinery of Government Change) Act 2025 (C2025A00024)	24, 2025	27 Mar 2025	28 Mar 2025 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024 (C2024A00038)	38, 2024	31 May 2024	sch 10 (item 5): 14 Oct 2024 (s 2(1) item 2)	—
Parliamentary Frameworks Legislation Amendment (Reviews) Act 2026 (C2026A00011)	11, 2026	13 Mar 2026	sch 1 (item 2): 14 Mar 2026 (s 2(1) item 1)	—

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Division 1	
s 3	am No 31, 2024
s 4	am No 31, 2024 (sch 1 item 23)
Division 2	
s 5	am No 13, 2021; No 31, 2024 (sch 1 item 26)
Part 2	
Division 1	
s 13	am No 31, 2024
Division 2	
s 14	am No 31, 2024
s 15	am No 31, 2024
s 16	rs No 31, 2024
Division 3	
s 19	am No 31, 2024
s 20	am No 31, 2024
s 21	am No 31, 2024
s 22	am No 31, 2024
s 23	am No 31, 2024
Part 4	
Division 1	
s 36	am No 31, 2024 (sch 1 item 33)
Division 2	
Division 2 heading	am No 31, 2024
s 37	am No 31, 2024 (sch 1 items 36-41)
Division 3	
s 38	am No 31, 2024

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Endnote 4—Amendment history

Provision affected	How affected
Part 5	
s 41	am No 38, 2024
s 42	am No 31, 2024
Part 6	
s 43	am No 31, 2024
Part 6	
s 46A	ad No 31, 2024
s 47	am No 31, 2024
Part 7	
Division 1	
s 48	am No 31, 2024
Division 2	
s 49	am No 31, 2024
Division 2A	
Division 2A	ad No 31, 2024
s 52A	ad No 31, 2024
Division 3	
s 53	am No 31, 2024
Division 4	
s 56	am No 31, 2024; No 11, 2026
s 57	am No 31, 2024
s 58	am No 31, 2024
s 59	am No 31, 2024
s 60	am No 31, 2024

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