

EXPLANATORY STATEMENT

Issued by the authority of the Special Minister of State

Parliamentary Business Resources Act 2017

Parliamentary Business Resources Amendment (2018 Measures No. 2) Regulations 2018

Outline

The *Parliamentary Business Resources Amendment (2018 Measures No. 2) Regulations 2018* (the Regulations) are made under section 61 of the *Parliamentary Business Resources Act 2017* (the Act). The Act together with the *Parliamentary Business Resources Regulations 2017* (the Principal Regulations) establishes a framework for providing resources to parliamentarians in respect of their parliamentary business.

The Regulations amend the Principal Regulations to:

- enable the Prime Minister to approve one employee to accompany a member on international travel where the member is representing a Minister under section 45 of the Principal Regulations, or the government or Australia under section 46 of the Principal Regulations;
- provide that the international travel equipment allowance, prescribed under subsection 60(2) of the Principal Regulations, is to be payable no more than once in any consecutive 36 month period, rather than once in any period of 3 consecutive financial years;
- prescribe expenses for wreaths as office expenses for the conduct of a member's parliamentary business under section 66 of the Principal Regulations;
- prescribe expenses for cloud-based services as office expenses for the conduct of a member's parliamentary business under section 66 of the Principal Regulations; and
- prescribe, with the approval of the Minister, other resources or expenses reasonably required for the conduct of the member's parliamentary business, as office expenses under section 66 of the Principal Regulations.

A Statement of Compatibility with Human Rights is included in [Attachment A](#). Details of the Regulations are included in [Attachment B](#).

Commencement

The Regulations commence the day after the instrument is registered on the Federal Register of Legislation.

Consultation

Consultation was undertaken with the Department of the Prime Minister and Cabinet in relation to employees accompanying members on representational international travel. The Independent Parliamentary Expenses Authority was consulted in relation to the proposed amendment to the international travel equipment allowance.

Regulatory impact

The Office of Best Practice Regulation (OBPR) has agreed that amendments to the Principal Regulations have no regulatory impact on businesses, individuals or organisations and therefore the regulatory costs are nil.

OBPR ID Number: 23989.

Authority: Section 61 of the
*Parliamentary Business
Resources Act 2017*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Parliamentary Business Resources Amendment (2018 Measures No. 2) Regulations 2018

These Regulations are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Parliamentary Business Resources Amendment (2018 Measures No. 2) Regulations 2018* (the Regulations) amend the *Parliamentary Business Resources Regulations 2017* to:

- enable the Prime Minister to approve one employee to accompany a member on international travel where the member is representing a Minister under section 45 of the Principal Regulations, or the government or Australia under section 46 of the Principal Regulations;
- provide that the international travel equipment allowance, prescribed under subsection 60(2) of the Principal Regulations, is to be payable no more than once in any consecutive 36 month period, rather than once in any period of 3 consecutive financial years;
- prescribe expenses for wreaths as office expenses for the conduct of a member's parliamentary business under section 66 of the Principal Regulations;
- prescribe expenses for cloud-based services as office expenses for the conduct of a member's parliamentary business under section 66 of the Principal Regulations; and
- prescribe, with the approval of the Minister, other resources or expenses reasonably required for the conduct of the member's parliamentary business, as office expenses under section 66 of the Principal Regulations.

Human rights implications

The Regulations substantially engage the right to work and rights at work (Articles 6 and 7 of the *International Covenant on Economic Social and Cultural Rights* (ICESCR)).

Right to work and rights at work

Article 6(1) of the ICESCR recognises ‘...the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.’

Article 6(2) further provides:

The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedom to the individual.

Article 7 of the ICESCR further recognises:

...the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Effect of the Regulations in enhancing human rights

While the work expenses prescribed under the Regulations are not in the nature of remuneration, providing such work expenses ensures that parliamentarians do not personally have to meet the sorts of costs that a reasonable person would expect their employer to meet. This ensures that parliamentarians continue to be fairly remunerated in respect of the work they undertake and that individuals from all parts of the Australian community can afford to enter and participate in political life.

Therefore, these Regulations promote the applicable rights and freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it promotes the protection of human rights.

Alex Hawke

Special Minister of State

Details of the *Parliamentary Business Resources Amendment (2018 Measures No. 2) Regulations 2018*

Section 1 - Name

1. This section provides that the title of the Regulations is the *Parliamentary Business Resources Amendment (2018 Measures No. 2) Regulations 2018* (the Regulations).

Section 2 - Commencement

2. This section provides that the Regulations commence the day after the instrument is registered on the Federal Register of Legislation.

Section 3 - Authority

3. This section confirms that the Regulations are made under the *Parliamentary Business Resources Act 2017* (the Act).

Section 4 – Schedules

4. This section provides that each instrument specified in the Schedule to these Regulations is amended or repealed as set out in the items in that Schedule, and that any other item in the Schedule has effect according to its terms.

Schedule 1 – Amendments

Parliamentary Business Resources Regulations 2017 (the Principal Regulations)

Item 1 – Subsection 45(2)

5. Item 1 repeals and substitutes subsection 45(2) of the Principal Regulations, which relates to international travel expenses prescribed for a member representing a Minister (the representative), to prescribe international travel expenses for both the representative and one staff member accompanying the representative.

6. Prior to this amendment, in instances of international travel by members representing Ministers, international travel expenses were prescribed only for the representative.

Item 2 – Paragraph 46(2)(b)

7. Item 2 repeals and substitutes paragraph 46(2)(b) of the Principal Regulations, which relates to international travel expenses of members representing the government or Australia, to prescribe international travel expenses for one staff member accompanying the member.

8. Prior to this amendment, in instances of international travel by members representing the government of Australia, international travel expenses were prescribed for the member and a staff member – taken to have been approved by the Prime Minister under subsection 42(3) of the Principal Regulations – only if the member is the Leader or Deputy Leader of the Opposition in the House of Representatives and is representing Australia.

Item 3 – Subsection 60(2)

9. Item 3 omits the phrase ‘3 consecutive financial years’ and substitutes it with ‘36 consecutive months’.

10. This amendment reflects arrangements under the legislative framework that preceded the Act and the Principle Regulations.

Item 4 – After paragraph 66(1)(h)

11. Item 4 inserts a new paragraph 66(1)(ha) prescribing expenses for wreaths for the conduct of a member’s parliamentary business.

12. This item allows wreaths (used, for example, for ceremonial purposes) to be available to members as an office expense.

13. The cost of items procured for this purpose is deducted from the annual budget for office expenses in section 67 of the Principal Regulations, and the procurement of items is subject to the obligations in the Act (including ensuring value for money).

Item 5 – After paragraph 66(1)(l)

14. Item 5 inserts a new paragraph 66(1)(la) prescribing expenses for cloud-based services, including storage and software, as office expenses for the conduct of a member’s parliamentary business.

15. The cost of items procured for this purpose is deducted from the annual budget for office expenses in section 67 of the Principal Regulations, and the procurement of items is subject to the obligations in the Act (including ensuring value for money).

Item 6 – After paragraph 66(1)(pc)

16. Item 6 inserts a new paragraph 66(1)(pd) prescribing, with the approval of the Minister, other resources or expenses reasonably required for the conduct of the member’s parliamentary business.

17. The cost of items procured under this subsection is deducted from the annual budget for office expenses in section 67 of the Principal Regulations, and the procurement of items is subject to the obligations in the Act (including ensuring value for money).

Item 7 – Paragraph 66(1)(q)

18. Item 7 amends paragraph 66(1)(q), to omit ‘(pc)’ and insert ‘(pd)’. This amendment is consequential to the insertion of the new paragraph 66(1)(pd) by item 6 above, as it ensures that the incidental fees and charges associated with this new provision are also prescribed.