



REMUNERATION TRIBUNAL

Explanatory Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 3) 2022

1. The determination is made under section 45 of the *Parliamentary Business Resources Act 2017* (the PBR Act), which gives the Tribunal power to make determinations in relation to various matters for members of the Parliament at least once each year.
2. The Tribunal must determine the remuneration to be paid to members, the rates of travel allowances for domestic travel, and the allowances and expenses to be paid to former members. The Tribunal must publish its reasons for making a determination.
3. The Tribunal also has functions under section 35 of the PBR Act relating to travel expenses, travel and motor vehicle allowances and other public resources. The Tribunal must inquire annually into travel expenses and travel allowances for domestic travel (except rates of travel allowances for domestic travel which it determines), and may be asked by the Special Minister of State to inquire into other matters. Regulations must be made or amended in accordance with the Tribunal's recommendations.

Consultation

Provision of additional private plated vehicles

4. On 18 October 2022, the Special Minister of State, Senator the Hon Don Farrell, wrote to the Tribunal requesting it consider agreeing to provide the Member for Lingiari, Ms Marion Scrymgour MP with an additional private plated vehicle for use in servicing her electorate.
5. The Tribunal's Reasons for Determination are available at www.remtribunal.gov.au.

Retrospectivity

6. Any retrospective application of this determination is in accordance with subsection 12(2) of the *Legislation Act 2003* as it does not affect the rights of a person (other than the Commonwealth or an authority of the Commonwealth) to that person's disadvantage, nor does it impose any liability on such a person.

Exemption from disallowance

7. Subsection 47(7) of the PBR Act provides that this determination is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to it.
8. Exemption from disallowance is appropriate in the context of this instrument, as it amends the entitlements of Senators and Members of the House of Representatives.

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

9. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Details of the determination are as follows:

Section 1 – Name

10. Section 1 specifies the name of the instrument.

Section 2 – Commencement

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

Section 3 – Authority

12. Section 3 specifies the authority for the instrument.

Section 4 – Schedules

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

SCHEDULE 1—AMENDMENTS

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14. Item 1 repeals clauses 3.6 and 3.7 in their entirety and replaces them with new provisions that mirror the previous provisions in all respects, except that clause 3.6 now enables a senator for the Northern Territory or a member of the House of Representatives for an electoral division the area of which is 300,000km² or more to request up to two additional private plated four-wheel-drive vehicles and clause 3.7 ensures the costs of all additional vehicles are funded from existing provisions.

Authority: Section 45
Parliamentary Business Resources Act 2017