



# **Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017**

**No. 38, 2017**

**An Act to deal with consequential and transitional matters in connection with the enactment of the *Parliamentary Business Resources Act 2017*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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**No. 38, 2017**

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**An Act to deal with consequential and transitional  
matters in connection with the enactment of the  
*Parliamentary Business Resources Act 2017*, and for  
related purposes**

*[Assented to 19 May 2017]*

The Parliament of Australia enacts:

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*No. 38, 2017      Parliamentary Business Resources (Consequential and Transitional  
Provisions) Act 2017      1*

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## 1 Short title

This Act is the *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017*.

## 2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	19 May 2017
2. Schedule 1, Part 1	The later of: (a) immediately after the commencement of section 3 of the <i>Independent Parliamentary Expenses Authority Act 2017</i> ; and (b) the commencement of section 3 of the <i>Parliamentary Business Resources Act 2017</i> .  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	1 January 2018 (paragraph (b) applies)
3. Schedule 1, Part 2	At the same time as section 3 of the <i>Parliamentary Business Resources Act 2017</i> commences.  However, the provisions do not commence at all if that section does not commence.	1 January 2018
4. Schedule 1, Part 3	The later of: (a) immediately after the commencement of Schedule 1 to the <i>Independent</i>	1 January 2018 (paragraph (b) applies)

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
	<i>Parliamentary Expenses Authority (Consequential Amendments) Act 2017;</i> and (b) the commencement of section 3 of the <i>Parliamentary Business Resources Act 2017</i> .  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
5. Schedules 2 and 3	At the same time as section 3 of the <i>Parliamentary Business Resources Act 2017</i> commences.  However, the provisions do not commence at all if that section does not commence.	1 January 2018

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 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Amendment of the Independent Parliamentary Expenses Authority Act 2017

#### *Independent Parliamentary Expenses Authority Act 2017*

#### 1 Section 3

Omit:

- The Authority has functions relating to:
  - (a) the work expenses, travel expenses and travel allowances of members of parliament; and
  - (b) certain travel expenses of former members of parliament; and
  - (c) the travel expenses and travel allowances of persons employed under Part III or IV of the *Members of Parliament (Staff) Act 1984*.
- Those functions include:
  - (a) giving advice about travel expenses and travel allowances; and
  - (b) monitoring travel expenses and travel allowances; and
  - (c) preparing regular reports relating to work expenses, travel expenses and travel allowances; and
  - (d) audits relating to work expenses, travel expenses and travel allowances; and
  - (e) processing claims relating to travel expenses and travel allowances.

substitute:

- The Authority has functions relating to:
  - (a) the work resources and travel resources (which are travel expenses and travel allowances) of members of parliament; and
  - (b) certain resources of former members of parliament; and



- (c) the travel resources of persons employed under Part III or IV of the *Members of Parliament (Staff) Act 1984*.
- Those functions include:
  - (a) giving advice about travel resources; and
  - (b) monitoring travel resources; and
  - (c) preparing regular reports relating to work resources and travel resources; and
  - (d) audits relating to work resources and travel resources; and
  - (e) processing claims relating to travel resources; and
  - (f) giving rulings relating to travel resources.

## 2 Section 4

Before “In this Act:”, insert “(1)”.

## 3 Section 4

Repeal the following definitions:

- (a) the definition of *designated parliamentary benefit*;
- (b) the definition of *designated parliamentary travel benefit*.

## 4 Section 4 (definition of *member of parliament*)

Repeal the definition, substitute:

*member of parliament* means:

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

## 5 Section 4

Repeal the following definitions:

- (a) the definition of *MOPS travel allowance*;
- (b) the definition of *MOPS travel expenditure matter*;
- (c) the definition of *MOPS travel expense*.

## 6 Section 4

Insert:

*MOPS travel resource* means:

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

## 7 Section 4

Repeal the following definitions:

- (a) the definition of *MP travel allowance*;
- (b) the definition of *MP travel expenditure matter*;
- (c) the definition of *MP travel expense*;
- (d) the definition of *MP travel expenses law*.

## 8 Section 4

Insert:

*MP travel resource* means:

- (a) a travel expense payable under section 30 of the *Parliamentary Business Resources Act 2017*; or
- (b) a travel allowance payable under section 31 of that Act; or

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

#### **9 Section 4**

Repeal the following definitions:

- (a) the definition of *MP work expense*;
- (b) the definition of *MP work expense matter*;
- (c) the definition of *MP work expenses law*.

#### **10 Section 4**

Insert:

*MP work resource* means:

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

#### **11 Section 4**

Repeal the following definitions:

- (a) the definition of *spouse*;
- (b) the definition of *transition time*.

#### **12 At the end of section 4**

Add:

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

### 13 Section 5 (heading)

Repeal the heading, substitute:

### 5 Expenses or allowances in connection with travel

#### 14 Subsection 5(1)

Omit “the following are examples of benefits or expenses in connection with travel”, substitute “expenses or allowances in connection with travel include expenses or allowances that relate to the following costs”.

#### 15 After paragraph 5(1)(a)

Insert:

- (aa) the cost of taxis or other local transport in connection with travel;

#### 16 Subsection 5(2)

Omit “The following are examples of benefits or expenses in connection with travel overseas”, substitute “Expenses or allowances in connection with travel overseas include expenses or allowances that relate to the following costs”.

### 17 Section 10

Omit:

- The Authority has functions relating to:
  - (a) the work expenses, travel expenses and travel allowances of members of parliament; and
  - (b) certain travel expenses of former members of parliament; and
  - (c) the travel expenses and travel allowances of persons employed under Part III or IV of the *Members of Parliament (Staff) Act 1984*.
- Those functions include:
  - (a) giving advice about travel expenses and travel allowances; and
  - (b) monitoring travel expenses and travel allowances; and

- (c) preparing regular reports relating to work expenses, travel expenses and travel allowances; and
- (d) audits relating to work expenses, travel expenses and travel allowances; and
- (e) processing claims relating to travel expenses and travel allowances.

substitute:

- The Authority has functions relating to:
  - (a) the work resources and travel resources (which are travel expenses and travel allowances) of members of parliament; and
  - (b) certain resources of former members of parliament; and
  - (c) the travel resources of persons employed under Part III or IV of the *Members of Parliament (Staff) Act 1984*.
- Those functions include:
  - (a) giving advice about travel resources; and
  - (b) monitoring travel resources; and
  - (c) preparing regular reports relating to work resources and travel resources; and
  - (d) audits relating to work resources and travel resources; and
  - (e) processing claims relating to travel resources; and
  - (f) giving rulings relating to travel resources.

## **18 Section 12**

Repeal the section, substitute:

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

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

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

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

*Reports may include personal information*

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

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

*Certain agency functions are not exclusive*

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

*Functions cover claims*

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

## **19 Paragraphs 33(1)(a) and (b)**

Repeal the paragraphs, substitute:

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**Schedule 1** Amendments

**Part 1** Amendment of the Independent Parliamentary Expenses Authority Act 2017

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- (a) matters relating to MP work resources; or
- (b) matters relating to MOPS travel resources.

**20 Subsection 53(1)**

Omit “paragraph 12(1)(d), (e), (f), (s), (t) or (u)”, substitute “any of paragraphs 12(1)(e) to (i)”.

**21 Section 63**

Repeal the section, substitute:

**63 Transitional legislative rules**

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



## **Part 2—Other amendments**

### ***Age Discrimination Act 2004***

#### **22 Schedule 1 (table item 38)**

Omit “*Parliamentary Entitlements Act 1990*”, substitute “*Parliamentary Business Resources Act 2017*”.

### ***Ministers of State Act 1952***

#### **23 Title**

Omit “and to make provision for their Salaries and Allowances”.

#### **24 At the end of section 4**

Add:

Note: For the annual limit on the sum payable for the salaries of Ministers of State, see section 55 of the *Parliamentary Business Resources Act 2017*.

#### **25 Sections 5 and 6**

Repeal the sections.

### ***Parliamentary Contributory Superannuation Act 1948***

#### **26 Subsection 4(1) (definition of *allowance by way of salary*)**

Repeal the definition, substitute:

*allowance by way of salary* means office holder’s salary (within the meaning of the *Parliamentary Business Resources Act 2017*), excluding any portion determined under paragraph 45(3)(b) of that Act as not being allowance by way of salary for the purposes of this Act.

#### **27 Subsection 4(1) (definition of *office holder*)**

Repeal the definition, substitute:

*office holder* means an office holder (within the meaning of the *Parliamentary Business Resources Act 2017*) to whom a parliamentary allowance is payable.

**28 Subsection 4(1) (paragraph (b) of the definition of *parliamentary allowance*)**

After “*Parliamentary Allowances Act 1952*”, insert “, as in force at any time before the commencement of the *Parliamentary Business Resources Act 2017*”.

**29 Subsection 4(1) (paragraph (d) of the definition of *parliamentary allowance*)**

Repeal the paragraph, substitute:

- (d) parliamentary base salary (within the meaning of the *Remuneration Tribunal Act 1973*, as in force at any time before the commencement of the *Parliamentary Business Resources Act 2017*), excluding any portion determined in a determination that is in force under subsection 7(1A) of the *Remuneration Tribunal Act 1973* at any time before that commencement; or
- (e) base salary (within the meaning of the *Parliamentary Business Resources Act 2017*), excluding any portion determined under paragraph 45(3)(a) of that Act as not being parliamentary allowance for the purposes of this Act.

**30 Subsection 4(1) (definition of *salary*)**

Repeal the definition, substitute:

*salary*, in relation to a Minister of State, means Ministerial salary (within the meaning of the *Parliamentary Business Resources Act 2017*), excluding any portion determined under subsection 45(5) of that Act as not being salary for the purposes of this Act.

**31 Paragraph 4(5)(c)**

After “*Parliamentary Allowances Act 1952*”, insert “, as in force at any time before the commencement of the *Parliamentary Business Resources Act 2017*”.

**32 At the end of subsection 4(5)**

Add:

; or (d) section 49 of the *Parliamentary Business Resources Act 2017*.

**33 Subsection 18(12)**

Omit “Part 1 of Schedule 3 to the *Remuneration and Allowances Act 1990*”, substitute “Division 3 of Part 2 of the *Parliamentary Business Resources Act 2017*”.

**34 Subsection 21B(1) (paragraph (b) of the definition of remuneration)**

Repeal the paragraph, substitute:

(b) any remuneration payable under section 14 of the *Parliamentary Business Resources Act 2017*.

**35 Subsections 21B(3B) and 22T(1A)**

Omit “Part 1 of Schedule 3 to the *Remuneration and Allowances Act 1990*”, substitute “Division 3 of Part 2 of the *Parliamentary Business Resources Act 2017*”.

**36 Paragraph 22T(5)(a)**

Omit “subsection 7(1A) or (1B) of the *Remuneration Tribunal Act 1973*”, substitute “paragraph 45(3)(a) or (b) of the *Parliamentary Business Resources Act 2017*”.

**37 Paragraph 22T(5)(b)**

Omit “subsection 7(1)”, substitute “subsection 45(1)”.

**38 Paragraph 22T(6)(a)**

Omit “subsection 7(2A) of the *Remuneration Tribunal Act 1973*”, substitute “subsection 45(5) of the *Parliamentary Business Resources Act 2017*”.

**39 Subclause 4(3) of Schedule 1**

Omit “Part 1 of Schedule 3 to the *Remuneration and Allowances Act 1990*”, substitute “Division 3 of Part 2 of the *Parliamentary Business Resources Act 2017*”.

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## ***Parliamentary Retirement Travel Act 2002***

### **40 Section 4**

Insert:

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

### **41 Section 26**

Omit “determined from time to time by the Remuneration Tribunal”, substitute “prescribed under section 30 of the *Parliamentary Business Resources Act 2017*”.

### **42 Before subsection 30(1)**

Insert:

(1A) The Remuneration Tribunal may make a determination for the purposes of this Act.

### **43 Subsections 30(1) and (2)**

After “Remuneration Tribunal”, insert “under subsection (1A)”.

### **44 Subsection 30(3)**

After “determination”, insert “under subsection (1A)”.

### **45 Subsection 30(4)**

Repeal the subsection.

### **46 Paragraph 30(5)(b)**

After “section”, insert “and whether made under subsection (1A) or any other Act”.

### **47 After section 30**

Insert:

### **30AA Requirements for determinations**

(1) A determination of the Remuneration Tribunal under section 30 must be in writing.

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*Commencement of the determination*

- (2) 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*

- (3) The Tribunal must give the Remuneration Tribunal Minister a copy of the determination.
- (4) The Tribunal must ensure that its reasons for making the determination are published on its website and notified to the Remuneration Tribunal Minister.

*Legislative instrument*

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

## ***Parliamentary Superannuation Act 2004***

### **48 Section 3 (definition of *allowance by way of salary*)**

Repeal the definition, substitute:

*allowance by way of salary* means office holder's salary (within the meaning of the *Parliamentary Business Resources Act 2017*).

### **49 Section 3 (definition of *office holder*)**

Repeal the definition, substitute:

*office holder* means an office holder (within the meaning of the *Parliamentary Business Resources Act 2017*) to whom a parliamentary allowance is payable.

### **50 Section 3 (paragraph (b) of the definition of *parliamentary allowance*)**

After "*Remuneration Tribunal Act 1973*", insert "as in force before the commencement of the *Parliamentary Business Resources Act 2017*".

**51 Section 3 (at the end of the definition of *parliamentary allowance*)**

Add:

; or (c) base salary (within the meaning of the *Parliamentary Business Resources Act 2017*).

**52 Section 3 (definition of *salary*)**

Repeal the definition, substitute:

*salary*, in relation to a Minister of State, means Ministerial salary (within the meaning of the *Parliamentary Business Resources Act 2017*).

**53 Subsection 8(3)**

Omit “Part 1 of Schedule 3 to the *Remuneration and Allowances Act 1990*”, substitute “Division 3 of Part 2 of the *Parliamentary Business Resources Act 2017*”.

***Remuneration and Allowances Act 1990***

**54 Subsection 3(5)**

Repeal the subsection.

**55 Sections 6 and 7**

Repeal the sections.

**56 Schedules 3 and 4**

Repeal the Schedules.

***Remuneration Tribunal Act 1973***

**57 Subsection 3(1) (definition of *additional Parliamentary office holder salary*)**

Repeal the definition.

**58 Subsection 3(1) (definition of *parliamentary base salary*)**

Repeal the definition.

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**59 After subsection 5(2D)**

Insert:

(2E) The *Parliamentary Business Resources Act 2017* may confer additional functions on the Tribunal.

**60 Section 6 (heading)**

Repeal the heading, substitute:

**6 Inquiries and reports by the Tribunal into the salaries of officers of higher education institutions**

**61 Subsection 6(1)**

Repeal the subsection.

**62 Subsection 6(3)**

Omit “(1) or”.

**63 Subsections 7(1) to (2A)**

Repeal the subsections.

**64 Subsection 7(4)**

Omit “(1), (2),”.

**65 Subsection 7(5G)**

Repeal the subsection.

**66 Subsection 7(7)**

Omit “that is referred to in subsection (8AA) or”.

**67 Subsection 7(8AA)**

Repeal the subsection.

**68 Section 7A**

Repeal the section.

**69 Paragraph 8(1)(a)**

Omit “subsections 6(1) and (2A)”, substitute “subsection 6(2A)”.

**70 Paragraph 8(1)(b)**

Omit “subsections 7(1), (2) and (3)”, substitute “subsection 7(3)”.

***Safety, Rehabilitation and Compensation Act 1988***

**71 Section 69 (note)**

Omit “*Parliamentary Entitlements Act 1990*”, substitute “*Parliamentary Business Resources Act 2017*”.

**72 Subsections 73(1) and 73A(1)**

Omit “*Parliamentary Entitlements Act 1990*”, substitute “*Parliamentary Business Resources Act 2017*”.

**73 Subparagraph 91(3)(a)(vi)**

Omit “*Parliamentary Entitlements Act 1990*”, substitute “*Parliamentary Business Resources Act 2017*”.



## **Part 3—Contingent amendments**

### *Freedom of Information Act 1982*

#### **74 Division 1 of Part II of Schedule 2 (item dealing with Independent Parliamentary Expenses Authority)**

Omit “or (p)” (wherever occurring).

## **Schedule 2—Repeals**

### ***Parliamentary Allowances Act 1952***

#### **1 The whole of the Act**

Repeal the Act.

### ***Parliamentary Entitlements Act 1990***

#### **2 The whole of the Act**

Repeal the Act.

## **Schedule 3—Application and transitional provisions**

### **1 Interpretation**

- (1) In this Schedule, **PBR Act** means the *Parliamentary Business Resources Act 2017*.
- (2) An expression that is defined in the PBR Act has the same meaning in this Schedule as it has in that Act.

### **2 Application of Part 2 of the *Parliamentary Business Resources Act 2017* (remuneration etc.)**

#### *Division 2 of Part 2 of the PBR Act (remuneration etc.)*

- (1) Division 2 of Part 2 of the PBR Act applies in relation to:
  - (a) remuneration that is payable or to be provided in relation to the day this item commences and later days; and
  - (b) expenses and allowances that are payable under section 15 of that Act in relation to the day this item commences and later days; and
  - (c) goods, services, premises, equipment and any other facility to be provided under section 16 of that Act in relation to the day this item commences and later days.

#### *Division 3 of Part 2 of the PBR Act (salary sacrifice)*

- (2) Section 21 of the PBR Act applies in relation to calendar months that commence at or after the commencement of this item.
- (3) An election described in clause 1D of Schedule 3 to the *Remuneration and Allowances Act 1990* that is in force immediately before the commencement of this item is taken, after that commencement, to be an election described in section 18 of the PBR Act.
- (4) The repeal of clause 1G of Schedule 3 to the *Remuneration and Allowances Act 1990* made by Schedule 1 to this Act applies in relation to calendar months that commence at or after the commencement of this item.

### **3 Application of other Parts of the *Parliamentary Business Resources Act 2017***

*Divisions 2 and 3 of Part 3 of the PBR Act (work expenses, allowances and other public resources)*

- (1) Divisions 2 and 3 of Part 3 of the PBR Act apply in relation to claims made, and expenses incurred, after the commencement of this item in relation to parliamentary business conducted after that commencement.

*Division 3 of Part 4 of the PBR Act (public resources penalty scheme)*

- (2) Division 3 of Part 4 of the PBR Act applies in relation to public resources provided after the commencement of this item.

*Section 55 of the PBR Act (annual limit on Ministerial salaries)*

- (3) Section 55 of the PBR Act applies in relation to financial years that end after the commencement of this item.

### **4 Continuation of Parliamentary injury compensation scheme**

*New injuries, diseases, aggravations, losses or damage*

- (1) An instrument that is in force under section 9A of the *Parliamentary Entitlements Act 1990* immediately before the commencement of this item is taken, after that commencement, to have been made under section 41 of the PBR Act.
- (2) That instrument applies, in accordance with subitem (3) and any regulations made for the purposes of subitem (5), in relation to:
- (a) injuries that occur, and diseases that are suffered, after the commencement of this item in connection with an activity occurring:
    - (i) after that commencement; or
    - (ii) both before, and on or after, that commencement (whether the activity spans the commencement or occurs during separate periods before and on or after that date); and
  - (b) deaths that result from such injuries and diseases; and
  - (c) aggravations of such injuries and diseases; and
-

- (d) loss of, or damage to property, that occurred after the commencement of this item.
- (3) That instrument applies as if a reference to the expression in column 1 of an item of the following table included a reference to the expression in column 2 of that item.

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**Translating references in the Parliamentary injury compensation scheme instrument**

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<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
1	member within the meaning of the <i>Parliamentary Entitlements Act 1990</i>	member within the meaning of the PBR Act
2	Parliamentary activities	parliamentary business
3	Parliamentary allowance	base salary, office holder's salary or Ministerial salary within the meaning of the PBR Act
4	parliamentary base salary within the meaning of Part II of the <i>Remuneration Tribunal Act 1973</i>	base salary within the meaning of the PBR Act
5	additional Parliamentary office holder salary within the meaning of Part II of the <i>Remuneration Tribunal Act 1973</i>	office holder's salary within the meaning of the PBR Act

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*Old injuries, diseases, aggravations, losses or damage*

- (4) Despite the repeal of section 9A of the *Parliamentary Entitlements Act 1990* by Schedule 2 to this Act, the instrument made under that section, as in force immediately before that repeal, continues to apply, in accordance with any regulations made for the purposes of subitem (5), in relation to:
- (a) injuries that occurred, and diseases that were suffered, in connection with an activity (except an activity covered by subparagraph (2)(a)(ii)) occurring before that commencement, whether those injuries or diseases occur before or after the commencement of this item; and
  - (b) deaths that result from such injuries and diseases, whether those deaths occur before or after that commencement; and

- (c) aggravations of such injuries and diseases, whether those aggravations occur before or after that commencement; and
- (d) loss of, or damage to property, that occurred before the commencement of this item.

*Modifications power*

- (5) The regulations may provide that the Parliamentary injury compensation scheme, as it applies under subitem (2) or (4), has effect with any modifications prescribed by the regulations.

Note: The regulations may also modify the effect of this item during the first 12 months after it commences (see item 11).

- (6) Subitem (5) does not limit the regulations that may be made in relation to the Parliamentary injury compensation scheme under item 11.
- (7) To avoid doubt, this item does not prevent an instrument being made under section 41 of the PBR Act.
- (8) Subsection 12(2) of the *Legislation Act 2003* does not apply to the first instrument made under section 41 of the PBR Act after the commencement of this item.

Note: Subsection 12(2) of the *Legislation Act 2003* is about the retrospective application of legislative instruments.

## 5 Approvals in force

If:

- (a) immediately before the commencement of this item, an approval is in force in relation to an allowance or benefit under the *Parliamentary Allowances Act 1952* or the *Parliamentary Entitlements Act 1990* that is payable to a member or former member; and
- (b) after that commencement, the Commonwealth is liable under the PBR Act to provide public resources, or resources under Part 5, equivalent to the allowance or benefit to the member or former member;

the approval is taken, after that commencement, to have been given in relation to the provision of those resources to the member or former member.

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**6 Application of the repeal of the *Parliamentary Allowances Act 1952* and the *Parliamentary Entitlements Act 1990***

- (1) This item applies in relation to the repeal of the following provisions:
- (a) the *Parliamentary Allowances Act 1952*;
  - (b) the *Parliamentary Entitlements Act 1990*, except section 9A of that Act;
  - (c) any instruments made under those Acts, except the Parliamentary injury compensation scheme made under section 9A of the *Parliamentary Entitlements Act 1990*;
- as in force immediately before the commencement of this item.
- (2) Despite those repeals, those provisions continue to apply in relation to:
- (a) allowances and benefits to which a person became entitled under those provisions before the commencement of this item; and
  - (b) allowances and benefits to which a person becomes entitled under those provisions, after the commencement of this item, in relation to activities conducted before that commencement;
- including allowances and benefits payable to a person as a result of section 10A of the *Parliamentary Entitlements Act 1990*.
- Note: Subitem (2) covers remuneration in relation to days before the commencement of this item.
- (3) For the purposes of subitem (2), a person is taken to have become entitled to a benefit before the commencement of this item if:
- (a) the benefit relates to a return journey of travel; and
  - (b) the journey began before that commencement.

**7 Application of amendments of the *Independent Parliamentary Expenses Authority Act 2017***

- (1) Despite the repeal of section 12 and subsections 63(1) to (7) of the *Independent Parliamentary Expenses Authority Act 2017* by Schedule 1 to this Act, those provisions, as in force immediately before the commencement of Part 1 of Schedule 1 to this Act, continue to apply after that commencement in relation to matters that occurred before that commencement (including in relation to matters that occurred before the commencement of section 3 of the *Independent Parliamentary Expenses Authority Act 2017*).
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- (2) Rules that are in force under subsection 63(8) of the *Independent Parliamentary Expenses Authority Act 2017* immediately before the commencement of Part 1 of Schedule 1 to this Act are taken, after that commencement, to be in force under section 63 of that Act (as amended by Schedule 1 to this Act).
- (3) Despite the repeal of paragraphs 33(1)(a) and (b) of the *Independent Parliamentary Expenses Authority Act 2017* by Schedule 1 to this Act, those paragraphs continue to apply in relation to information or documents that are required before or after the commencement of Part 1 of Schedule 1 to this Act relating to MP work expense matters or MOPS travel expenditure matters.
- (4) Despite the amendment of subsection 53(1) of the *Independent Parliamentary Expenses Authority Act 2017* made by Schedule 1 to this Act, that subsection, as in force immediately before the commencement of Part 1 of Schedule 1 to this Act, continues to apply in relation to notices given before or after the commencement of this item relating to MP work expense matters and MOPS travel expenditure matters.

## **8 Application of amendments of the *Age Discrimination Act 2004***

- (1) The amendments of the *Age Discrimination Act 2004* made by Schedule 1 to this Act apply in relation to things done by a person after the commencement of this item.
- (2) Despite those amendments, that Act, as in force immediately before the commencement of this item, continues to apply in relation to things done after that commencement under the Parliamentary injury compensation scheme (within the meaning of the *Parliamentary Entitlements Act 1990*), as that scheme continues to apply as a result of this Schedule.

## **9 Application of amendments of the *Parliamentary Contributory Superannuation Act 1948* and the *Parliamentary Superannuation Act 2004***

The amendments of the *Parliamentary Contributory Superannuation Act 1948* and the *Parliamentary Superannuation Act 2004* made by Schedule 1 to this Act apply in relation to calendar months that commence at or after the commencement of this item.



## **10 Application of amendments of the *Safety, Rehabilitation and Compensation Act 1988***

- (1) The amendments of section 91 of the *Safety, Rehabilitation and Compensation Act 1988* made by Schedule 1 to this Act apply in relation to expenses, charges, obligations and liabilities incurred or undertaken by Comcare under the PBR Act after this item commences.
- (2) Despite those amendments, that section, as in force immediately before the commencement of this item, continues to apply in relation to expenses, charges, obligations and liabilities incurred or undertaken by Comcare, after the commencement of this item, under the *Parliamentary Entitlements Act 1990* (as it continues to apply as a result of this Schedule).

## **11 Transitional regulations**

- (1) The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to:
  - (a) the amendments or repeals made by this Act; or
  - (b) the enactment of this Act or the PBR Act.
- (2) Regulations made for the purposes of this item may provide that, during or in relation to the first 12 months after the commencement of this item, this Act has effect with any modifications prescribed by the regulations.
- (3) Subsection 12(2) of the *Legislation Act 2003* does not apply to regulations made for the purposes of subitem (2).

Note: Subsection 12(2) of the *Legislation Act 2003* is about the retrospective application of legislative instruments.
- (4) This Act does not limit the regulations that may be made for the purposes of subitem (1).

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*[Minister's second reading speech made in—  
House of Representatives on 30 March 2017  
Senate on 11 May 2017]*

*(77/17)*

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30 *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017* No. 38, 2017