



Parliamentary Business Resources Legislation Amendment (Review Implementation and Other Measures) Act 2024

No. 31, 2024

**An Act to amend the law relating to the provision
of resources to or in relation to persons who are,
were or will be members of the Parliament, 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. 31, 2024

**An Act to amend the law relating to the provision
of resources to or in relation to persons who are,
were or will be members of the Parliament, and for
related purposes**

[Assented to 30 May 2024]

The Parliament of Australia enacts:

*No. 31, 2024 Parliamentary Business Resources Legislation Amendment (Review
Implementation and Other Measures) Act 2024 1*

1 Short title

This Act is the *Parliamentary Business Resources Legislation Amendment (Review Implementation and Other Measures) Act 2024*.

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.	30 May 2024
2. Schedule 1	1 July 2025.	1 July 2025
3. Schedules 2 and 3	The day after this Act receives the Royal Assent.	31 May 2024
4. Schedule 4	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 18 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 July 2024 (F2024N00539)

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Machinery of government amendments commencing 1 July 2025

Part 1—Main amendments

Independent Parliamentary Expenses Authority Act 2017

1 Section 3

Omit:

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

substitute:

- The Authority has functions relating to:
 - (a) the travel, work and other resources of current and former members of parliament; and
 - (b) the travel resources of persons employed under the *Members of Parliament (Staff) Act 1984*.

- Those functions include:
 - (a) giving advice about certain resources; and
 - (b) monitoring certain resources; and
 - (c) preparing regular reports relating to certain resources; and
 - (d) audits relating to certain resources; and
 - (e) processing claims relating to certain resources; and
 - (f) giving rulings relating to certain resources.

2 Subsection 4(1)

Insert:

Authority-administered MP resource: see subsection 12(1A).

designated MP resource: see subsection 12(1B).

3 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *MP travel resource*;
- (b) definition of *MP work resource*.

4 Subsection 4(2)

Omit “is payable or provided under this or any other Act includes an amount or resource that is purportedly payable or provided”, substitute “is payable, or is or has been paid or provided, under this or any other Act includes an amount or resource that is purportedly payable, or that is or has been purportedly paid or provided”.

5 Section 10

Omit:

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

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

substitute:

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

6 Subparagraph 12(1)(a)(i)

Omit “MP travel resources”, substitute “Authority-administered MP resources”.

7 Subparagraphs 12(1)(b)(i) and (d)(i)

Repeal the subparagraphs, substitute:

- (i) Authority-administered MP resources; and

8 Subparagraphs 12(1)(e)(i) and (g)(i)

Repeal the subparagraphs, substitute:

- (i) designated MP resources; and

9 Subparagraph 12(1)(i)(i)

Repeal the subparagraph, substitute:

- (i) designated MP resources, other than resources prescribed by the legislative rules for the purposes of this subparagraph; and

10 Subparagraph 12(1)(j)(i)

Repeal the subparagraph, substitute:

- (i) Authority-administered MP resources; and

11 Paragraph 12(1)(k)

Omit “MP travel resources”, substitute “Authority-administered MP resources (subject to subsection (2A))”.

12 After paragraph 12(1)(l)

Insert:

- (la) to provide for the management and disposal of Authority-administered MP resources;

13 Paragraph 12(1)(m)

Omit “MP travel resources”, substitute “Authority-administered MP resources”.

14 Subparagraph 12(1)(o)(i)

Repeal the subparagraph, substitute:

- (i) Authority-administered MP resources; and

15 Subsections 12(1A) and (1B)

Repeal the subsections, substitute:

Authority-administered MP resources

(1A) An *Authority-administered MP resource* is:

- (a) any resource (including an expense, allowance, goods, services, premises, equipment or other facility) that has been, or would be, paid or provided by the Commonwealth under Part 2, 3 or 5 of the *Parliamentary Business Resources Act 2017*, other than:
 - (i) remuneration payable under subsection 14(1), (2) or (3) of that Act; or
 - (ii) a resource payable under the Parliamentary injury compensation scheme determined under subsection 41(1) of that Act, except if the resource is prescribed by the legislative rules for the purposes of this subparagraph; or
 - (iv) a resource provided under a scheme mentioned in paragraph 42(2)(a) of that Act (legal proceedings in which a current or former Minister of State is a party); or
 - (v) a resource that is prescribed by the legislative rules for the purposes of this subparagraph; or
- (b) a Parliamentary Retirement Travel Entitlement under the *Parliamentary Retirement Travel Act 2002*.

Designated MP resources

(1B) A **designated MP resource** is:

- (a) any resource (including an expense, allowance, goods, services, premises, equipment or other facility) that has been paid or provided by the Commonwealth under Part 2 or 3 of the *Parliamentary Business Resources Act 2017*, other than:
 - (i) remuneration payable under subsection 14(1), (2) or (3) of that Act; or
 - (ii) a resource that is prescribed by the legislative rules for the purposes of this subparagraph; or
- (b) a Parliamentary Retirement Travel Entitlement under the *Parliamentary Retirement Travel Act 2002*.

18 After subsection 12(2)

Insert:

Authority not to provide certain Authority-administered MP resources

- (2A) It is not a function of the Authority under paragraph (1)(k) to incur expenses relating to, to pay or to provide Authority-administered MP resources prescribed by the legislative rules for the purposes of this subsection.

19 Subsection 12(4)

Omit “MP travel resources, MP work resources”, substitute “Authority-administered MP resources, designated MP resources”.

20 At the end of section 12

Add:

Certain legislative rules not subject to disallowance

- (5) Section 42 (disallowance) of the *Legislation Act 2003* does not apply to legislative rules, or a provision of legislative rules, made solely for the purposes of one or more of the following provisions of this section:
- (a) subparagraph (1)(i)(i) (audits relating to designated MP resources);
 - (b) subparagraph (1A)(a)(ii) or (v) (definition of *Authority-administered MP resource*);
 - (c) subparagraph (1B)(a)(ii) (definition of *designated MP resource*);
 - (d) subsection (2A) (Authority not to provide certain Authority-administered MP resources).

Certain legislative rules may provide differently for members and former members of parliament etc.

- (6) Without limiting subsection 33(3A) of the *Acts Interpretation Act 1901*, legislative rules made for the purposes of a provision mentioned in any of paragraphs (5)(a) to (d) of this section may make different provision in relation to a particular resource depending on whether the resource has been, or would be, paid or provided to or in relation to:
- (a) a member of parliament; or

- (b) a former member of parliament; or
- (c) without limiting paragraph (b) of this subsection, a former Prime Minister; or
- (d) the estate of a person who dies while a member.

21 Paragraph 33(1)(a)

Omit “MP work resources”, substitute “Authority-administered MP resources or designated MP resources”.

Parliamentary Business Resources Act 2017

23 Section 4 (paragraph beginning “IPEA may give a ruling”)

Omit “a travel expense or travel allowance”, substitute “an IPEA-administered public resource”.

26 Section 5

Insert:

IPEA-administered public resource has the meaning given by subsection 37(1A).

33 Section 36

Omit “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.”, substitute “IPEA may give a ruling determining that conduct relating to IPEA-administered public resources was or was not in accordance with this Act.”.

35 Division 2 of Part 4 (heading)

Omit “travel expenses and travel allowances”, substitute “IPEA-administered public resources”.

36 Section 37 (heading)

Omit “travel expenses and travel allowances”, substitute “IPEA-administered public resources”.

37 Paragraph 37(1)(a)

Omit “travel expenses of, or travel allowances for,”, substitute
“IPEA-administered public resources incurred, claimed or used by”.

38 Subsections 37(1A) and (1B)

Repeal the subsections, substitute:

- (1A) *IPEA-administered public resources* are public resources that are Authority-administered MP resources within the meaning of subsection 12(1A) of the *Independent Parliamentary Expenses Authority Act 2017*, other than resources prescribed by the regulations for the purposes of this subsection.

38A Subsection 37(2)

Omit “(but subject to subsection (1A))”.

39 Paragraphs 37(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) IPEA-administered public resources were or were not incurred, claimed or used by a member for the dominant purpose of conducting the member’s parliamentary business;
or

40 Paragraph 37(2)(c)

Omit “incurring of travel expenses, or claiming of travel allowance,”, substitute “incurring or claiming of IPEA-administered public resources”.

41 Paragraph 37(2)(d)

Omit “travel expenses or travel allowances”, substitute
“IPEA-administered public resources”.

Part 2—Consequential amendments

National Anti-Corruption Commission Act 2022

62 Paragraphs 46(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) an audit, or a review for the purpose of preparing a report, under the *Independent Parliamentary Expenses Authority Act 2017*;
- (b) a ruling under subsection 37(1) of the *Parliamentary Business Resources Act 2017*.

Part 3—Application, transitional and saving provisions

63 IPEA functions

- (1) Paragraphs 12(1)(a) to (i) of the *Independent Parliamentary Expenses Authority Act 2017*, as in force at and after the commencement of this item, apply in relation to a matter whether the matter occurs before, at or after that commencement.
- (2) Paragraph 12(1)(j) of the *Independent Parliamentary Expenses Authority Act 2017*, as in force at and after the commencement of this item, applies in relation to a claim:
 - (a) whether the claim relates to a matter that occurs before, at or after that commencement; and
 - (b) whether the claim is made before, at or after that commencement.
- (3) Paragraph 12(1)(k) of the *Independent Parliamentary Expenses Authority Act 2017*, as in force at and after the commencement of this item, applies in relation to resources whether the resources become payable or are provided before, at or after that commencement.
- (4) Paragraph 12(1)(m) of the *Independent Parliamentary Expenses Authority Act 2017* applies at and after the commencement of this item subject to the operation of section 37 (rulings) of the *Parliamentary Business Resources Act 2017*, as that section applies at and after that commencement in accordance with item 64 of this Schedule.
- (5) Paragraph 12(1)(o) of the *Independent Parliamentary Expenses Authority Act 2017*, as in force at and after the commencement of this item, applies in relation to a recovery whether the recovery relates to a matter that occurs before, at or after that commencement.
- (6) This item applies subject to the operation of subitem 7(1) of Schedule 3 to the *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017* in relation to matters that occurred before the commencement of Part 1 of Schedule 1 to that Act (including before the commencement of section 3 of the *Independent Parliamentary Expenses Authority Act 2017*).

Note: Part 1 of Schedule 1 to the *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017* commenced on 1 January 2018 (see subsection 2(1) of that Act).

64 IPEA rulings

- (1) Section 37 of the *Parliamentary Business Resources Act 2017*, as amended by Part 1 of this Schedule, applies in relation to conduct referred to in paragraph 37(1)(a) of that Act (as so amended) that is engaged in at or after the commencement of this item.
- (2) Despite the amendments of subsections 37(1), (1A) and (2) of the *Parliamentary Business Resources Act 2017* made by Part 1 of this Schedule, those subsections, as in force immediately before the commencement of this item, continue to apply at and after that commencement in relation to conduct referred to in paragraph 37(1)(a) of that Act (as then in force) that is engaged in before that commencement.
- (3) Subitem (2) applies whether the conduct relates to resources incurred, claimed or used by a member before, at or after the commencement of this item.

68 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
- (1A) Without limiting subitem (1), rules made for the purposes of that subitem before the end of the period of 12 months starting on the day this item commences may provide that provisions of this Part have effect with any modifications prescribed by the rules. Those provisions then have effect as if they were so modified.
- (2) To avoid doubt, rules made for the purposes of subitem (1) may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;

- (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (3) This Schedule (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).

Schedule 2—Other amendments commencing day after Royal Assent

Part 1—Amendments

Independent Parliamentary Expenses Authority Act 2017

1 Subsection 4(1) (paragraph (b) of the definition of *MP work resource*)

Repeal the paragraph, substitute:

- (b) a private plated vehicle provided to a member of parliament under paragraph 14(4)(a) of the *Parliamentary Business Resources Act 2017* (which includes any expenses or services associated with operating or maintaining the vehicle); or
- (ba) an allowance or expense paid under paragraph 14(4)(c) of that Act in relation to internet or telephone services provided to a private residence of a member of parliament; or
- (bb) an allowance or expense that is payable under section 15 of that Act; or

2 Subparagraph 12(1)(a)(i)

After “MP travel resources”, insert “and MOPS travel resources”.

3 Paragraph 12(1)(m)

Repeal the paragraph, substitute:

- (m) to give rulings under section 37 of the *Parliamentary Business Resources Act 2017* relating to certain MP travel resources;

4 After subsection 12(1)

Insert:

Legislative rules may limit functions in relation to particular resources

- (1A) The legislative rules may provide that the functions of the Authority do not include doing a specified thing in relation to

specified MP travel resources, MP work resources or MOPS travel resources. Any legislative rules made for the purposes of this subsection have effect despite subsection (1).

- (1B) Without limiting subsection 33(3A) of the *Acts Interpretation Act 1901*, legislative rules made for the purposes of subsection (1A) of this section may make different provision in relation to particular resources depending on whether a resource is payable or provided:
- (a) to or in relation to:
 - (i) a member of parliament; or
 - (ii) a former member of parliament; or
 - (iii) without limiting subparagraph (ii), a former Prime Minister; or
 - (iv) the estate of a person who dies while a member; or
 - (b) in any other circumstance.

Appointing persons to request and be given personal advice on behalf of members or former members of parliament

- (1C) A member or former member of parliament (the **appointer**) may, by written notice given to the Authority in accordance with subsection (1F), appoint a person covered by subsection (1D) (the **appointee**) to request and be given personal advice under subparagraph (1)(a)(i) on behalf of the appointer.

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

- (1D) This subsection covers:
- (a) for a member of parliament—a MOPS staff member employed by the member, or a person in a class prescribed by the legislative rules for the purposes of this paragraph; and
 - (b) for a former member of parliament—any person, other than a person in a class prescribed by the legislative rules for the purposes of this paragraph.
- (1E) The following paragraphs have effect:
- (a) if, while the appointment is in force, the appointee requests the Authority to give the appointee personal advice about a matter mentioned in subparagraph (1)(a)(i) relating to the appointer—the request is taken for all purposes to have been

made by the appointer under that subparagraph to the Authority;

- (b) if, while the appointment is in force, the Authority gives the appointee personal advice in response to such a request about a matter mentioned in subparagraph (1)(a)(i) relating to the appointer—the personal advice is taken for all purposes to have been given by the Authority under that subparagraph to the appointer.

(1F) If the Authority has approved, in writing, the form in which a notice of an appointment under subsection (1C) must be given, the notice must be:

- (a) in the approved form; and
- (b) given in the manner (if any) specified in the form; and
- (c) accompanied by the information or documents (if any) required by the form.

(1G) The Authority must publish on its website a form approved for the purposes of subsection (1F).

5 Subsection 12(2) (note)

Omit “Note”, substitute “Note 1”.

6 At the end of subsection 12(2)

Add:

Note 2: If the report is to be published on the Authority’s website, see also section 60 (sensitive information not to be included in public reports).

7 Paragraph 60(1)(c)

After “serious harm to”, insert “, or would be likely to put at risk the safety of,”.

Parliamentary Business Resources Act 2017

8 After paragraph 3(2)(a)

Insert:

- (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

9 Section 4 (paragraph beginning “IPEA may give a ruling”)

Omit “A member may be protected from incurring a debt if the member relies on the ruling. A member may also be protected from incurring a debt if the member relies on incorrect personal advice given by IPEA.”, substitute “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.”.

10 Section 4 (paragraph beginning “Some resources”)

After “former members”, insert “and the estates of persons who die while a member”.

11 Section 5 (paragraph (a) of the definition of *resources provider*)

Repeal the paragraph, substitute:

- (a) a Secretary of a Department;

12 Section 13 (after the paragraph beginning “A former member”)

Insert:

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

13 Section 13 (paragraph beginning “A former Prime Minister”)

Omit “goods and services”, substitute “resources”.

14 Section 15 (at the end of the heading)

Add “and the estates of persons who die while a member”.

15 Section 15

Before “A person”, insert “(1)”.

16 At the end of section 15

Add:

- (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.

17 Section 16

Repeal the section, substitute:

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.
- (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.

18 Section 36

Omit “A ruling may be given on application by a member or on IPEA’s own initiative.”.

19 At the end of section 36

Add:

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

20 After subsection 37(1)

Insert:

- (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.

21 Subsection 37(2)

After “Without limiting subsection (1)”, insert “(but subject to subsection (1A))”.

22 At the end of subsection 37(2)

Add:

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).

23 At the end of section 37

Add:

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.

24 At the end of subsection 38(2)

Add:

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

25 Subsection 38(4) (note 1)

Repeal the note, substitute:

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).

26 Paragraph 42(3)(b)

After “impose”, insert “, or provide for a specified person by writing to impose in a particular case.”.

27 Section 43

Before “The Tribunal must publish its reasons for making a determination.”, insert “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.”.

28 After section 46

Insert:

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.

29 Subparagraphs 47(2)(b)(i), (ii) and (iii)

Omit “or Ministers of State”, substitute “, Ministers of State or former members”.

30 At the end of paragraph 47(2)(b)

Add:

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

31 Section 48

Omit “A member does not incur a debt if the member received incorrect personal advice from IPEA.”, substitute “Generally, a member does not incur a debt if IPEA gives incorrect personal advice that relates to the debt.”.

32 After subsection 49(4)

Insert:

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.

33 Subsection 49(5) (heading)

Omit “*Territory senators and*”.

34 Subsection 49(5)

Omit “senator of a Territory, or a member of the House of Representatives,”; substitute “member of the House of Representatives”.

35 Paragraph 49(5)(a)

Omit “first Senate election for the Territory, or the first election of the House of Representatives, (as the case requires)”, substitute “first election of the House of Representatives”.

36 Subsection 56(1)

Omit “Every 3 years”, substitute “As soon as practicable after each fifth anniversary of 2 August 2022”.

37 Paragraphs 57(2)(a) and (b)

After “fact that”, insert “a person who is or was”.

38 Subsection 57(3) (note 2)

Repeal the note, substitute:

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).

39 At the end of subsection 58(1)

Add:

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).

40 At the end of section 58

Add:

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.

41 Section 59

Omit “The”, substitute “(1) Subject to subsection (2), the”.

42 At the end of section 59

Add:

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

43 At the end of subsection 60(1)

Add:

- ; 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*.

44 Subsections 60(3) and (4)

Repeal the subsections, substitute:

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

Part 2—Application, transitional and saving provisions

45 IPEA functions

- (1) Paragraph 12(1)(a) of the *Independent Parliamentary Expenses Authority Act 2017*, as in force at and after the commencement of this item, applies in relation to a matter whether the matter occurs before, at or after that commencement.
- (2) Paragraph 12(1)(m) of the *Independent Parliamentary Expenses Authority Act 2017* applies at and after the commencement of this item subject to the operation of section 37 (rulings) of the *Parliamentary Business Resources Act 2017*, as that section applies at and after that commencement in accordance with item 46 of this Schedule.

46 IPEA rulings

- (1) Subsection 37(1A) of the *Parliamentary Business Resources Act 2017*, as inserted by Part 1 of this Schedule, applies at and after the commencement of this item in relation to conduct referred to in paragraph 37(1)(a) of that Act whether the conduct is engaged in before, at or after the commencement of this item.
- (2) Subsection 37(9) of the *Parliamentary Business Resources Act 2017*, as inserted by Part 1 of this Schedule, applies at and after the commencement of this item in relation to a person whether the person ceases to be a member before, at or after that commencement, including for the purposes of subsections 37(1) and (2) of that Act as they apply as a result of subitem (1).

47 Remuneration of Territory senators

Section 49 of the *Parliamentary Business Resources Act 2017*, as amended by Part 1 of this Schedule, applies in relation to a dissolution of the Senate, or a dissolution or expiry of the House of Representatives, that occurs at or after the commencement of this item, whether the person becomes a senator of a Territory before, at or after that commencement.

48 Saving of former Prime Minister determinations

A determination made under subsection 16(1) of the *Parliamentary Business Resources Act 2017* that was in force immediately before the commencement of this item continues in force (and may be dealt with) as if it had been made under that subsection as amended by Part 1 of this Schedule.

49 Saving of delegations by presiding officers

A delegation made under subsection 60(3) or (4) of the *Parliamentary Business Resources Act 2017* that was in force immediately before the commencement of this item continues in force (and may be dealt with) as if it had been made under subsection 60(3) or (4) (as the case requires) of that Act as amended by Part 1 of this Schedule.

50 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
- (2) Without limiting subitem (1), rules made for the purposes of that subitem before the end of the period of 12 months starting on the day this item commences may provide that provisions of this Part have effect with any modifications prescribed by the rules. Those provisions then have effect as if they were so modified.
- (3) To avoid doubt, rules made for the purposes of subitem (1) may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (4) This Schedule (other than subitem (3)) does not limit the rules that may be made for the purposes of subitem (1).

Schedule 3—Technical amendments of the National Anti-Corruption Commission Act 2022

National Anti-Corruption Commission Act 2022

1 Subsection 280(3)

After “parliamentarians”, insert “or former parliamentarians”.

Schedule 4—Fortnightly payments

Part 1—Remuneration

Parliamentary Business Resources Act 2017

1 Section 5

Insert:

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

2 Paragraph 14(4)(b)

After “allowance”, insert “(*vehicle allowance*)”.

3 At the end of section 14

Add:

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.

4 Subparagraph 19(2)(c)(i)

Omit “calendar month” (wherever occurring), substitute “fortnight”.

5 Paragraph 19(3)(a)

Omit “monthly amount of base salary”, substitute “fortnightly amount of base salary worked out under regulations made for the purposes of subsection 52A(2)”.

6 Paragraph 19(3)(b)

Omit “calendar month”, substitute “fortnight”.

7 Paragraph 20(a)

Omit “calendar month”, substitute “fortnight”.

8 Subsection 21(1)

Omit “calendar month”, substitute “fortnight”.

9 Subsection 21(2)

Omit “calendar month”, substitute “fortnight, worked out under regulations made for the purposes of subsection 52A(2),”.

10 Subsection 21(3)

Omit “calendar month”, substitute “fortnight”.

11 Paragraphs 21(3)(b) and (c)

Omit “month”, substitute “fortnight”.

12 Subsection 21(3)

Omit “month” (last occurring), substitute “fortnight”.

13 Subsection 21(4)

Omit “calendar month”, substitute “fortnight”.

14 Subsection 21(4)

Omit “month” (last occurring), substitute “fortnight”.

15 Subsection 21(5)

Omit “calendar month”, substitute “fortnight”.

16 Paragraphs 21(5)(c) and (d)

Omit “month”, substitute “fortnight”.

17 Subsection 22(3)

Omit “calendar month” (wherever occurring), substitute “fortnight”.

18 Subsection 22(6)

Omit “calendar months”, substitute “fortnights”.

19 Subsection 23(2)

Omit “calendar month” (wherever occurring), substitute “fortnight”.

20 Section 48

After:

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.

insert:

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).

21 After Division 2 of Part 7

Insert:

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.

22 Paragraph 53(1)(a)

Omit “remuneration,”.

23 Application provisions—fortnightly payments to senators and members of the House of Representatives

Commencement on 1 July 2024

- (1) If the day on which this item commences is 1 July 2024, section 52A of the *Parliamentary Business Resources Act 2017*, as inserted by this Part, applies in relation to the fortnight beginning on 4 July 2024 and each later fortnight.
- (2) For the purposes of the operation of that Act and subitem 24(1) of this Part, if the day on which this item commences is 1 July 2024, then the period beginning on 1 July 2024 and ending on 3 July 2024 is taken to be included in the fortnight beginning on 4 July 2024.

Commencement not on 1 July 2024

- (3) If this item does not commence on 1 July 2024, section 52A of the *Parliamentary Business Resources Act 2017*, as inserted by this Part, applies in relation to the fortnight (the **first fortnight**) beginning on a

day (the *relevant day*) determined in an instrument under subitem (5) and each later fortnight.

- (4) For the purposes of the operation of that Act and subitem 24(1) of this Part, if this item does not commence on 1 July 2024, then the period beginning on the day on which this item commences and ending on the day before the relevant day is taken to be included in the first fortnight.
- (5) If the day on which this item commences is not 1 July 2024, the Minister must, by notifiable instrument, determine a day for the purposes of subitem (3).

24 Application and transitional provisions—salary sacrifice

- (1) The amendments of sections 19 to 23 of the *Parliamentary Business Resources Act 2017* made by this Part apply in relation to:
 - (a) if subitem 23(1) applies—the fortnight beginning on 4 July 2024 and each later fortnight; or
 - (b) if subitem 23(3) applies—the first fortnight referred to in that subitem and each later fortnight.
- (2) An election in force under Division 3 of Part 2 of the *Parliamentary Business Resources Act 2017* immediately before the commencement of this item ceases to have effect on the commencement of this item.
- (3) If, on or after the day this item commences, a person makes an election as described in section 18 of the *Parliamentary Business Resources Act 2017* before the end of:
 - (a) if subitem 23(1) applies—the fortnight beginning on 4 July 2024; or
 - (b) if subitem 23(3) applies—the first fortnight referred to in that subitem;then, despite paragraph 19(2)(c) of that Act, the election may specify that the election is to have effect in relation to that fortnight.

Part 2—Superannuation amendments

Parliamentary Contributory Superannuation Act 1948

25 Paragraph 13(1)(a)

Omit “per month of 11¹/₂% of the monthly amount of the parliamentary allowance to which he or she is entitled”, substitute “per fortnight of 11.5% of the fortnightly amount of the parliamentary allowance payable to the person”.

26 Paragraph 13(1)(b)

Omit “per month of 5³/₄% of the monthly amount of the parliamentary allowance to which he or she is entitled”, substitute “per fortnight of 5.75% of the fortnightly amount of the parliamentary allowance payable to the person”.

27 After subsection 13(1)

Insert:

- (1A) For the purposes of paragraph (1)(a) or (b), the fortnightly amount of the parliamentary allowance payable to the person is to be worked out in accordance with regulations made for the purposes of this subsection.

28 Subsection 13(2)

Omit “per month of 11¹/₂% of the monthly amount”, substitute “per fortnight of 11.5% of the fortnightly amount”.

29 Subsection 13(3)

Omit “per month of 11¹/₂% of the monthly amount of the allowance by way of salary to which he or she is entitled in respect of that office”, substitute “per fortnight of 11.5% of the fortnightly amount of the allowance by way of salary payable to the person because the person holds that office”.

30 After subsection 13(3)

Insert:

(3A) For the purposes of subsection (3), the fortnightly amount of the allowance by way of salary payable to the person because the person holds that office is to be worked out in accordance with regulations made for the purposes of this subsection.

31 Subsection 13(4)

Omit “11¹/₂% in whichever of those subsections is applicable were a reference to 5³/₄%”, substitute “11.5% in whichever of those subsections is applicable were a reference to 5.75%”.

32 Subsection 13(5)

Repeal the subsection.

33 Subsection 13(9)

Repeal the subsection, substitute:

(9) The regulations may make modifications of this Act that are required as a result of the amendments of the *Parliamentary Business Resources Act 2017* made by Schedule 4 to the *Parliamentary Business Resources Legislation Amendment (Review Implementation and Other Measures) Act 2024*.

34 Subparagraph 16A(1)(c)(iii)

Repeal the subparagraph, substitute:

- (iii) those contributions were made on a monthly basis before the changeover day; and
- (iv) those contributions were made on a fortnightly basis after the changeover day;

35 Subsection 16A(3)

Insert:

changeover day means the day on which Schedule 4 to the *Parliamentary Business Resources Legislation Amendment (Review Implementation and Other Measures) Act 2024* commences.

36 At the end of subsection 21B(2)

Add:

Note: See subsection (3A) for the calculation of the fortnightly rate of parliamentary allowance payable to a member.

37 Saving provision

The *Parliamentary Contributory Superannuation Act 1948*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to calendar months ending before that commencement.

38 Application provisions

Commencement on 1 July 2024

- (1) If the day on which this item commences is 1 July 2024, the amendments of section 13 of the *Parliamentary Contributory Superannuation Act 1948* made by this Part apply in relation to the fortnight beginning on 4 July 2024 and each later fortnight.
- (2) For the purposes of the operation of that Act, if the day on which this item commences is 1 July 2024, then the period beginning on 1 July 2024 and ending on 3 July 2024 is taken to be included in the fortnight beginning on 4 July 2024.

Commencement not on 1 July 2024

- (3) If this item does not commence on 1 July 2024, the amendments of section 13 of the *Parliamentary Contributory Superannuation Act 1948* made by this Part apply in relation to the fortnight (the **first fortnight**) beginning on a day (the **relevant day**) determined in an instrument under subitem 23(5) of this Schedule and each later fortnight.
- (4) For the purposes of the operation of that Act, if this item does not commence on 1 July 2024, then the period beginning on the day on which this item commences and ending on the day before the relevant day is taken to be included in the first fortnight.

Parliamentary Superannuation Act 2004

39 Section 3 (definition of month)

Repeal the definition.

40 Section 7

Omit “month” (wherever occurring), substitute “fortnight”.

41 Subsection 8(1)

Omit “month”, substitute “fortnight”.

42 Paragraph 8(2)(a)

Omit “parliamentary allowance to which the person is entitled in respect of the month”, substitute “parliamentary allowance payable to the member in respect of the fortnight”.

43 Paragraph 8(2)(b)

Omit “month”, substitute “fortnight”.

44 Paragraph 8(2)(c)

Omit “allowance by way of salary to which the member is entitled because he or she was an office holder for some or all of the month”, substitute “allowance by way of salary payable to the member in respect of the fortnight because the member was an office holder for some or all of the fortnight”.

45 After subsection 8(2)

Insert:

- (2A) For the purposes of paragraph (2)(a), the amount of parliamentary allowance, being base salary (within the meaning of the *Parliamentary Business Resources Act 2017*), payable to the member in respect of the fortnight is the fortnightly amount of base salary worked out under regulations made for the purposes of subsection 52A(2) of that Act.
- (2B) For the purposes of paragraph (2)(a), the amount of parliamentary allowance, within the meaning of paragraph (a) or (b) of the definition of *parliamentary allowance* in section 3, payable to the member in respect of the fortnight is to be worked out in accordance with regulations made under this Act for the purposes of this subsection.
- (2C) For the purposes of paragraph (2)(c), the amount of allowance by way of salary payable to the member in respect of the fortnight,

because the member was an office holder for some or all of the fortnight, is the fortnightly amount of office-holder's salary (within the meaning of the *Parliamentary Business Resources Act 2017*) worked out under regulations made for the purposes of subsection 52A(2) of that Act.

46 Paragraph 8(5)(a)

Omit "months", substitute "fortnights ending".

47 Paragraph 8(5)(b)

Omit "month or months", substitute "fortnight or fortnights ending".

48 At the end of section 8

Add:

- (7) The regulations may make modifications of this Act that are required as a result of the amendments of the *Parliamentary Business Resources Act 2017* made by Schedule 4 to the *Parliamentary Business Resources Legislation Amendment (Review Implementation and Other Measures) Act 2024*.

49 Paragraph 13(a)

Omit "month", substitute "fortnight".

50 Saving provision

The *Parliamentary Superannuation Act 2004*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to calendar months ending before that commencement.

51 Application provisions

Commencement on 1 July 2024

- (1) If the day on which this item commences is 1 July 2024, the amendments of sections 7 and 8 and paragraph 13(a) of the *Parliamentary Superannuation Act 2004* made by this Part apply in relation to the fortnight beginning on 4 July 2024 and each later fortnight.

Schedule 4 Fortnightly payments
Part 2 Superannuation amendments

- (2) For the purposes of the operation of that Act, if the day on which this item commences is 1 July 2024, then the period beginning on 1 July 2024 and ending on 3 July 2024 is taken to be included in the fortnight beginning on 4 July 2024.

Commencement not on 1 July 2024

- (3) If this item does not commence on 1 July 2024, the amendments of sections 7 and 8 and paragraph 13(a) of the *Parliamentary Superannuation Act 2004* made by this Part apply in relation to the fortnight (the **first fortnight**) beginning on a day (the **relevant day**) determined in an instrument under subitem 23(5) of this Schedule and each later fortnight.
- (4) For the purposes of the operation of that Act, if this item does not commence on 1 July 2024, then the period beginning on the day on which this item commences and ending on the day before the relevant day is taken to be included in the first fortnight.

[Minister's second reading speech made in—
House of Representatives on 27 March 2024
Senate on 16 May 2024]

(39/24)
