



REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2016/08 Members of Parliament – Travelling Allowance

1. The Remuneration Tribunal has inquired into and determined the remuneration and significantly related matters for members of parliament, as it is empowered to do by the *Remuneration Tribunal Act 1973*.
2. In making this Determination the Tribunal has informed itself through consultation in accordance with established practice. The Tribunal has taken particular note of the Australian Taxation Office's (ATO) Determination TD 2016/13: *Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the 2016-17 income year?* Where rates have changed these are consistent with the ATO Determination.
3. 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.
4. This Determination includes substantively similar provisions to the previous Principal Determination. There have been minor changes to some allowance rates and an additional travelling allowance payment for travelling Ministers and office holders accompanied by their spouses has been abolished, as recommended in the report of the *Independent Parliamentary Entitlements System Review* of February 2016.

PART 1 – LEGAL MATTERS AND EXPLANATION OF TERMS

5. Part 1 specifies the authority for and the date of effect of the Determination and notes that it supersedes and revokes the previous Principal Determination 2015/12 applying to the persons covered by this Determination. It also sets out the definitions of certain words and references used in the Determination.

PART 2 – RATES

6. Part 2 provides that the domestic travelling allowance rates set out in Schedule A of the Determination will apply to members and office holders (as specified in Clause 2.3). These rates have been updated with effect from 28 August 2016. The Canberra rate in Schedule A has increased from \$273 to \$276 per overnight stay.
7. Clause 2.2 sets out the provisions applying to the Prime Minister. The rate for his or her accommodation and sustenance in respect of each overnight stay in a place other than an official establishment or the Prime Minister's home base has increased to a limit of \$565 (from \$564).

PART 3 – CONDITIONS OF PAYMENT

8. Part 3 sets out the conditions for payment of travelling allowance. Clauses 3.1 to 3.6 set out general conditions of payment.

9. Clauses 3.7 to 3.10 set out the specific travelling allowance provisions applying to the Prime Minister, Ministers and office holders. Clause 3.7 reflects the change to the Prime Minister's rate set in Clause 2.2 of this Determination. Clause 3.8.2 entitles Ministers (other than the Prime Minister) and specified office holders, in exceptional circumstances, to an allowance for meals and incidental costs only. This allowance has been increased up to a limit of \$177 (from \$173) per day.
10. Clauses 3.11 to 3.15 set out general travelling allowance provisions.
11. Clause 3.15 varies the rate of daily expense allowance payable to a member from the Australian Capital Territory or, in certain cases, a member of the House of Representatives representing an electorate adjacent to the Australian Capital Territory, from \$86 to \$87 for each day of attendance in Canberra for parliamentary business.
12. Clauses 3.16 to 3.19 set out the travelling allowance provisions for travel to the External Territories.
13. Clauses 3.20 to 3.27 set out the travelling allowance provisions for Party Leaders, Chief/Primary Whips, Whips, Chairs of Parliamentary Committees and Shadow Ministers.

Authority: Sub-sections 7(1), 7(2) and 7(4)
of the *Remuneration Tribunal Act 1973*