

# EXPLANATORY STATEMENT

*Independent Parliamentary Expenses Authority Act 2017*

## ***Independent Parliamentary Expenses Authority (President of the Remuneration Tribunal Fees and Allowances) Rule 2017***

### **Authority**

The Special Minister of State (the **Minister**) makes the *Independent Parliamentary Expenses Authority (President of the Remuneration Tribunal Fees and Allowances) Rule 2017* (the **Instrument**) under subsection 64(1) of the *Independent Parliamentary Expenses Authority Act 2017* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 64(1) of the Act provides that the Minister may, by legislative instrument, make rules required or permitted by this Act to be prescribed by the legislative rules, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Subsection 19(4) of the Act provides that a Member of the Authority who is the President of the Remuneration Tribunal is to be paid the fees and allowances that are prescribed by the legislative rules.

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

### **Purpose and operation of the Instrument**

The Instrument is a disallowable legislative instrument for the purposes of the *Legislation Act 2003* (the **Legislation Act**).

In accordance with the provisions of the Act, the Instrument sets out the payment of fees and allowances to the President of the Remuneration Tribunal in their *ex officio* role as a Member of the Independent Parliamentary Expenses Authority (the **Authority**). The other Members of the Authority will be paid the remuneration and allowances as determined by the Remuneration Tribunal.

A description of each provision in the Instrument is set out in the notes at **Attachment A**.

### **Consultation**

Consultation was undertaken with the Independent Parliamentary Expenses Authority. Public consultation was not undertaken, as that there is no impact on the public.

### **Regulatory impact assessment**

The Office of Best Practice Regulation has advised that a Regulation Impact Statement was not required (reference OBPR ID: 22403).

### **Statement of compatibility with human rights**

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the Legislation Act applies to cause a statement of compatibility to be prepared in respect of that legislative instrument. The statement of compatibility set out below has been prepared to meet that requirement.

### ***Overview of the Instrument***

The Instrument sets out the payment of fees and allowances to the President of the Remuneration Tribunal in their role as a Member of the Authority.

### ***Human rights implications***

The Instrument has been assessed for compatibility with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

The Instrument does not engage any of those rights or freedoms.

### ***Conclusion***

The Instrument is compatible with human rights as it does not raise any human rights issues.

**Notes to the *Independent Parliamentary Expenses Authority (President of the Remuneration Tribunal Fees and Allowances) Rule 2017***

**Section 1 Name**

This section provides for the Instrument to be cited as the *Independent Parliamentary Expenses Authority (President of the Remuneration Tribunal Fees and Allowances) Rule 2017*.

**Section 2 Commencement**

This section provides for the Instrument to commence on 1 July 2017, being the date fixed for the commencement of the *Independent Parliamentary Expenses Authority Act 2017* (the **Act**) by proclamation.

**Section 3 Definitions**

This section provides for the definitions of terms used in the Instrument.

**Section 4 Fees**

This section provides that no fee is payable to the Remuneration Tribunal President (the RT President) for his or her work as a Member of the Authority. As the RT President is already remunerated for his or her substantive position as President of the Remuneration Tribunal, it is concluded that no fees should be payable for the *ex officio* role as a Member of the Authority.

**Section 5 Allowances**

This section provides the level of allowances to be paid to the RT President in his or her role as a Member of the Authority. Under this section, the RT President receives the same allowances as are prescribed for the purposes of section 12 of the *Remuneration Tribunal Act 1973* (the **RT Act**). Prescribed allowances under section 12 of the RT Act are set out in the *Remuneration Tribunal (Members' Fees and Allowances) Regulation 2016* (the **RT Regulation**). The RT Regulation entitles the RT President to the travelling allowances to which a Secretary of a Department is entitled for travel on official business within Australia and internationally, in accordance with a determination under section 61 of the *Public Service Act 1999*. Tying the RT President's allowances under the Act to those under the RT Act ensures that there is no inconsistency in the allowances paid to the President.

Providing travelling allowances to the RT President also ensures that he or she is covered for expenses incurred in relation to attending meetings of the Authority.