

EXPLANATORY STATEMENT

Issued by the authority of the Special Minister of State

Parliamentary Business Resources Act 2017

Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019

Outline

The *Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019* (the Regulations) are made under section 61 of the *Parliamentary Business Resources Act 2017* (the Act). The Act together with the *Parliamentary Business Resources Regulations 2017* (the Principal Regulations) establishes a framework for providing resources to parliamentarians in respect of their parliamentary business.

The Regulations amend the Principal Regulations to:

- repeal the definition of Canberra daily allowance;
- remove the Canberra daily allowance, prescribed under section 11, in accordance with a recommendation from the Remuneration Tribunal under section 35 of the Act;
- amend the definition of *electorate* in relation to a member of the House of Representatives, to mean the area which constitutes the member's electorate at the end of the most recent election period;
- repeal subsection 66(2) to enable members to use office expenses to pay for the production of content for broadcast on television or radio;
- allow the Special Minister of State to approve the application of section 71 pertaining to leasing expenses for additional offices to members with electorates with an area of at least 3,500 km² but less than 5,000 km²;
- reduce the minimum term of the lease for which a member may claim leasing expenses under paragraph 71(1)(b) from 6 months to 3 months; and
- provide that the leasing expenses claimed under section 71 are only able to be claimed for a single lease at any one time.

A Statement of Compatibility with Human Rights is included in [Attachment A](#). Details of the Regulations are included in [Attachment B](#).

Commencement

The Regulations commence the day after the instrument is registered on the Federal Register of Legislation.

Consultation

The Remuneration Tribunal and the Independent Parliamentary Expenses Authority were consulted in relation to the Canberra daily allowance.

Regulatory impact

The Office of Best Practice Regulation (OBPR) has agreed that amendments to the Principal Regulations have no regulatory impact on businesses, individuals or organisations and therefore the regulatory costs are nil.

OBPR ID Number: 24945.

Authority: Section 61 of the
*Parliamentary Business
Resources Act 2017*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019

These Regulations are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019* (the Regulations) amend the *Parliamentary Business Resources Regulations 2017* to:

- repeal the definition of Canberra daily allowance;
- remove the Canberra daily allowance, prescribed under section 11, in accordance with a recommendation from the Remuneration Tribunal under section 35 of the Act;
- amend the definition of *electorate* to include that when used in a geographical sense in relation to a member of the House of Representatives, it means the area that constituted the member's electorate at the end of the most recent election period;
- repeal subsection 66(2) to enable members to use office expenses to pay for the production of content for broadcast on television or radio;
- allow the Special Minister of State to approve the application of section 71 pertaining to leasing expenses for additional offices to members with electorates with an area of at least 3,500 km² but less than 5,000 km²;
- reduce the minimum term of the lease for which a member may claim leasing expenses under paragraph 71(1)(b) from 6 months to 3 months; and
- provide that the leasing expenses claimed under section 71 are only able to be claimed for a single lease at any one time.

Human rights implications

The Regulations substantially engage the right to work and rights at work (Articles 6 and 7 of the *International Covenant on Economic Social and Cultural Rights* (ICESCR)).

Right to work and rights at work

Article 6(1) of the ICESCR recognises ‘...the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.’

Article 6(2) further provides:

The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedom to the individual.

Article 7 of the ICESCR further recognises:

...the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Effect of the Regulations in enhancing human rights

While the work expenses prescribed under the Regulations are not in the nature of remuneration, providing such work expenses ensures that parliamentarians do not personally have to meet the sorts of costs that a reasonable person would expect their employer to meet. This ensures that parliamentarians continue to be fairly remunerated in respect of the work they undertake and that individuals from all parts of the Australian community can afford to enter and participate in political life.

These Regulations therefore promote the applicable rights and freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it promotes the protection of human rights.

Alex Hawke

Special Minister of State

Details of the *Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019*

Section 1 - Name

1. This section provides that the title of the Regulations is the *Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019* (the Regulations).

Section 2 - Commencement

2. This section provides that the Regulations commence the day after the instrument is registered on the Federal Register of Legislation.

Section 3 - Authority

3. This section confirms that the Regulations are made under the *Parliamentary Business Resources Act 2017* (the Act).

Section 4 – Schedules

4. This section provides that each instrument specified in the Schedule to these Regulations is amended or repealed as set out in the items in that Schedule, and that any other item in the Schedule has effect according to its terms.

Schedule 1 – Amendments

Parliamentary Business Resources Regulations 2017 (the Principal Regulations)

Item 1 – Section 4 (definition of *Canberra daily allowance*)

5. Item 1 repeals the definition of *Canberra daily allowance* in section 4 of the Principal Regulations.

6. This amendment is consequential to the repeal of section 11 by item 3 below.

Item 2 – Section 4 (definition of *electorate*)

7. Item 2 repeals and substitutes the definition of *electorate* in section 4 of the Principal Regulations, to include that when used in a geographical sense in relation to a member of the House of Representatives, it means the area that constituted the member's electorate at the end of the most recent election period.

8. This amendment reflects current administration of provisions that are administered with reference to electoral boundaries and administration of arrangements under the legislative framework that preceded the Act and Principal Regulations.

Item 3 – Section 11

9. Item 3 repeals the section.

10. This amendment reflects the Remuneration Tribunal's recommendation following an inquiry under section 35 of the Act that the Government abolish the Canberra daily allowance.

Item 4 – Subsection 66(2)

11. Item 4 repeals the subsection.

12. This amendment enables members to use office expenses to pay for the production of content for broadcast on television or radio.

Item 5 – Paragraph 71(1)(a)

13. Item 5 repeals and substitutes paragraph 71(1)(a) to prescribe as public resources for the purposes of subsection 32(2) of the Act, with the approval of the Special Minister of State, costs in relation to privately leased offices to members of the House of Representatives who have an electorate with an area of at least 3,500km² but less than 5,000km².

Item 6 – Paragraph 71(1)(b)

14. Item 6 omits '6 months' and substitutes it with '3 months', reducing the minimum term of the lease that a member may claim leasing expenses for under paragraph 71(1)(b).

Item 7 – At the end of section 71

15. Item 7 adds a new subsection 71(6) to provide that section 71 does not apply in relation to more than one office leased by a particular member at any particular time.

16. This amendment reflects current administration of the provision.