

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Social Services

*Economic Inclusion Advisory Committee Act 2023*

*Economic Inclusion Advisory Committee Regulations 2024*

### **Purpose**

The *Economic Inclusion Advisory Committee Regulations 2024* (the Regulations) are made under section 29 of the *Economic Inclusion Advisory Committee Act 2023* (the Act). The Regulations will allow members of the Economic Inclusion Advisory Committee (the Committee) to be paid travel allowance and travel expenses to compensate for the reasonable cost of travel associated with the Committee. The allowances are prescribed by the Regulations.

### **Background**

The Committee was established by the Act as an independent statutory advisory body, to provide advice to Government ahead of each Commonwealth Budget, on matters related to the Commonwealth Government's policies, programs and responsibilities for enhancing economic inclusion and participation. The Act ensures that Government receives expert advice on how best to support Australians who need it most and minimise disadvantage across communities.

It may be necessary for Committee members to travel across Australia to carry out the functions of the Committee. This may include travel to participate in Committee meetings or travel that is required to conduct relevant Committee business.

### **Commencement**

The Regulations commence on the day after they are registered on the Federal Register of Legislation.

### **Consultation**

The Regulations are adapted from provisions in the *Remuneration Tribunal (Official Travel) Determination 2023*. Because of this, the Australian Public Service Commission was consulted on the drafting of these Regulations. Consultation outside the Australian Government was considered unnecessary as the proposed Regulations are of a minor machinery nature and model allowance rates specified in the Travel Determination.

### **Impact Analysis (IA)**

An IA is not required for these Regulations (OIA24-07389).

## **General**

These Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of these Regulations are set out in **Attachment A**.

These Regulations are compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in **Attachment B**.

## Explanation of the provisions

### PART 1 - PRELIMINARY

#### Section 1 - Name

This section provides the name of the Regulations is the *Economic Inclusion Advisory Committee Regulations 2024*.

#### Section 2 - Commencement

This section provides that the Regulations commences on the day after the Regulations are registered.

#### Section 3 - Authority

This section provides that the *Economic Inclusion Advisory Committee Regulations 2024* are made under the *Economic Inclusion Advisory Committee Act 2023*.

#### Section 4 - Definitions

This section sets out the definitions for terms used in the Regulations.

**Act** means the *Economic Inclusion Advisory Committee Act 2023*.

**commercial accommodation** means accommodation in a commercial establishment such as a hotel, motel or serviced apartment.

**Committee member** means a member of the Committee and includes the Chair.

**home base**, in relation to a Committee member, means the town or city in which the Committee member's principal place of residence is located.

**meals and accommodation allowance** has the meaning given by subsection 9(1).

**official travel** for a Committee member means:

- (a) travel within Australia to attend a meeting of the Committee; or
- (b) other travel within Australia related to the function of the Committee.

**Secretary** means the Secretary of the Department administered by the Minister (currently the Minister for Social Services).

**Table 1** means the table of rates of meals and accommodation allowance for travel to capital cities in section 17.

**Table 2** means the table of rates of meals and accommodation allowance for travel to country centres in section 18.

**Table 3** means the table of meal and incidental components of meals and accommodation allowance for high cost centres in section 19.

**Table 4** means the table of meal and incidental components of meals and accommodation allowance for other country centres in section 20.

**Table 5** means the table of group 2 country centres in section 21.

## **PART 2 – TRAVEL ALLOWANCE FOR COMMITTEE MEMBERS**

### **Division 1 – General provisions**

#### **Section 5 - Purpose of this Part**

This section provides that these Regulations are made for the purposes of subsection 14(2) of the Act. It prescribes allowances that a Committee member is to be paid by the Commonwealth.

#### **Section 6 - General principles for administering this Part**

This section sets out general principles that apply in relation to travel allowances administered under these Regulations. The principles are to inform decisions regarding the payment of travel allowance to Committee members and should be flexibly applied to each case.

Subsection 6(1) provides that these Regulations are intended to be administered in accordance with the principles set out in this section. Travel allowance should not be paid where travel undertaken by a Committee member is inconsistent with the principles set out in this section.

Subsection 6(2) provides that Committee members are not expected to gain or lose financially as a result of official travel.

Subsection 6(3) provides that Committee members must also only incur or commit the Commonwealth to meet expenses where funds are lawfully available to do so.

Subsection 6(4) provides that travel may only be undertaken where its purpose is consistent with the duties of the Committee member. Such duties may include travel to attend a Committee meeting, or travel that is necessary to allow members to undertake and perform the functions of the Committee.

Subsection 6(5) provides that, when making travel arrangements, Committee members are to consider:

- the necessity of travel and potential alternatives to travel, such as teleconferencing or videoconferencing;
- the total cost of travel, including value for money;
- any travel related administrative guidelines put in place by the Department; and,
- the flexibility to maintain an appropriate balance between work and home responsibilities, as well as safety and security.

The consideration of subsection 6(5) is required to ensure any travel that is undertaken by a Committee member is an appropriate use of Commonwealth resources.

## **Division 2 – Travel allowance for Committee members**

### **Section 7 - Travel allowance for Committee members**

This section sets out the entitlement to travel allowance and conditions that apply to payment of travel allowance for official travel in accordance with Division 2.

Subsection 7(1) provides that a Committee member is entitled to be paid travel allowance for official travel in accordance with this Division.

Subsection 7(2) provides that travel allowance can only be paid on the condition that:

- the Committee member uses the Department's travel-related preferred provider arrangements where they exist; and
- frequent flyer points (or similar rewards programs) accrued at the Commonwealth's expense are not to be used for private purposes (e.g. unable to be used for personal travel)

### **Section 8 - Travel allowance – allowance for expenses of travel**

This section sets out the circumstances in which a Committee member is entitled to be paid travel allowance.

Subsection 8(1) provides that for official travel by air, a Committee member is entitled to travel in business class, but may choose to travel at a lower class if that would be more convenient or appropriate. For example, if business class flights are not available, the Committee member may decide to fly economy class to attend official business.

Subsection 8(2) provides for official travel by a Committee member's private motor vehicle, they are entitled to be paid travel allowance at the rate prescribed.

Subsection 8(3) provides that for travel by public transport, taxi or similar means, a Committee member is entitled to be paid travel allowance of the actual amount that is payable for the travel. For example, a Committee member who is charged a taxi fare for travel on official business, would be eligible to be reimbursed the amount of that taxi fare.

### **Section 9 - Travel allowance – meals and accommodation allowance**

This section sets out the circumstances when a Committee member is entitled to be paid meals and accommodation allowance.

Subsection 9(1) provides that a Committee member who undertakes official travel which requires an overnight absence is entitled to be travel allowance (meals and accommodation allowance) for each night of absence for accommodation, meals and incidental expenses in accordance with Division 2.

Subsection 9(2) provides that no meals and accommodation allowance is payable under this section for official travel that does not require an overnight absence. For example, Committee members may travel to attend a part-day meeting as part of official business, which does not require an overnight stay.

## **Section 10 - Meals and accommodation allowance**

This section sets out the rates for each overnight absence of a Committee member's official travel.

Subsection 10(1) provides that for each absence on official travel for which the Committee member stays in commercial accommodation, the Committee member is to be paid meals and accommodation allowance, subject to this Division, at the rates in:

- for travel to a capital city – Table 1; or
- otherwise – Table 2.

Subsection 10(2) provides that subject to this Division, the rates in Table 1 or 2 are to be paid to the Committee member for each overnight absence regardless of the time of departure from, or arrival at, the home base.

## **Section 11 - Part payment of meals and accommodation allowance**

This section sets out the circumstances in which payment of meals and accommodation allowance is partly paid.

Subsection 11(1) provides that if the costs of accommodation is met by an entity other than the Committee member, the amount of meals and accommodation allowance is to be reduced by the meal and accommodation allowance payable by the total amount in Table 3 or 4.

Subsection 11(2) provides that if the costs of a meal or meals is met by an entity other than the Committee member, the amount of meals and accommodation allowance is to be reduced by the meal amount or amounts in Table 3 or 4.

## **Section 12 - Non-commercial accommodation**

This section sets out payment arrangements where a Committee member does not stay in a commercial accommodation.

This section provides that where a Committee member does not stay in commercial accommodation, but stays in accommodation such as the home of a family member or friend, a rate of one third of the specified meals and accommodation allowance is payable (rounded upwards to the nearest dollar).

## **Section 13 - Unavoidable higher accommodation cost**

This section sets out payment arrangements in circumstances where higher accommodation costs cannot be avoided.

This section provides that if the Secretary certifies that a Committee member is required to obtain accommodation that costs more than the rates allowed for under this Division, an additional payment may be made to that Committee member, in accordance with the following:

- the requirement must be due to the unavailability of accommodation of a reasonable standard at a locality which would have avoided this additional payment;

- the additional payment is to be based on the excess cost of accommodation over the meals and accommodation allowance rate (after deducting the total amount in Table 3 or 4 (meals and incidentals) from the meals and accommodation allowance rate);
- the additional payment is to be calculated on accommodation expenses and meals and accommodation allowance for the entire trip.

### **Section 14 - Additional meals**

This section sets out payment arrangements in circumstances where there are additional meals.

Subsection 14(1) provides that if a Committee member is absent for a greater number of meal periods than that covered by the meals and accommodation allowance payment (approximately 3 meals per day) and provides evidence that actual meal costs exceeded the meal component for the absence, payment at the rates set out in Table 3 or 4 may be made for the additional meal or meals.

Subsection 14(2) provides that subject to certification by the Secretary, this may include meal periods on the day of return to a Committee member's home base where, ordinarily, no meals and accommodation allowance would be payable.

For example, a Committee member may travel and stay overnight to attend official business, however not be able to return to their home base until later the following day due to flight availability. The Committee member may receive a payment to cover actual meal costs incurred on the second day, pending the certification of the Secretary.

### **Section 15 - No double payment**

This section provides that no payment of travel allowance is to be made under these Regulations to the extent that the Committee member claims or receives an allowance for travel or reimbursement of travel expenses under any other source or entitlement for the same travel.

## **Division 3 – Delegation**

### **Section 16 - Delegation by Secretary**

This section provides for the Secretary to delegate all or any of their functions or powers under these Regulations.

Subsection 16(1) provides that the Secretary may, in writing, delegate all or any of their functions or powers under these Regulations to an SES employee, or an acting SES employee, in the Department.

The note to subsection 16(1) subsection refers to Sections 34AA to 34A of the *Acts Interpretation Act 1901* (AIA) which contains provisions that assist in the interpretation and application of delegation provisions. Section 34AA of the AIA provide that where a delegation is made, it should not be construed as being limited to a specified person, but rather to the specified office or position that person occupies, even where that office or position is not yet in existence after the

delegation is given. Section 34A of the AIA provides that a delegation will also delegate any power that requires a person to form an opinion, belief, or statement of mind in relation to a matter to the person which the delegation is given.

Subsection 16(2) provides that in performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Secretary.

#### **Division 4 – Rates of meals and accommodation allowance**

##### **Section 17 - Rates of meals and accommodation allowance – capital cities**

This section sets out the rates, per overnight absence, of meals and accommodation allowance for travel to capital cities.

The rates in section 17 are referred to as Table 1.

##### **Section 18 - Rates of meals and accommodation allowance – country centres**

This section sets out the rates, per overnight absence, of meals and accommodation allowance for travel to country centres.

The rates in section 18 are referred to as Table 2.

##### **Section 19 - Meal and incidental components – high cost centres**

This section sets out the rates for meal and incidental components of high cost centres for the purposes of sections 11, 13 and 14 relating to part payment of meals and accommodation allowance, unavoidable higher accommodation costs and additional meals respectively.

The rates in section 19 are referred to as Table 3.

##### **Section 20 - Meal and incidental components – other country centres**

This section sets out the rates for meal and incidental components of other country centres for the purposes of sections 11, 13 and 14 relating to part payment of meals and accommodation allowance, unavoidable higher accommodation costs and additional meals respectively.

The rates in section 20 are referred to as Table 4.

##### **Section 21 - Group 2 country centres**

This section sets out the group 2 country centres for the purposes of paragraph 19(b) and paragraph 20(b).

Group 2 country centres are referred to as Table 5.



## **Statement of Compatibility with Human Rights**

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

### ***Economic Inclusion Advisory Regulations 2024***

The 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 Regulations**

These Regulations are made under section 29 of the *Economic Inclusion Advisory Committee Act 2023*. The Regulations will allow members of the Economic Inclusion Advisory Committee (the Committee) to be paid travel allowance and travel expenses to compensate for the reasonable cost of travel associated with the Committee.

The Regulations maintain the principle of fair, and current, remuneration for expenses incurred for work performed.

#### **Human rights implications**

These Regulations do not engage any of the applicable rights or freedoms.

#### **Conclusion**

These Regulations are compatible with human rights as they do not raise any human rights issues.

**The Hon Amanda Rishworth MP  
Minister for Social Services**