



Remuneration Tribunal

Explanatory Statement: Remuneration Tribunal (Members of Parliament) Amendment Determination (No.1) 2025

1. The determination is made under the *Parliamentary Business Resources Act 2017* (the PBR Act). Sections 45, 46 and 46A of the PBR Act require the Tribunal to make determinations in relation to various matters for members, and former members, of the Parliament at least once each year.
2. The Tribunal must determine the remuneration to be paid to members, the rates of travel allowances for domestic travel, and the allowances and expenses to be paid to former members, and the allowances to be paid to the estate of a member who dies in office. The Tribunal must publish its reasons for making a determination.
3. The Tribunal also has functions under section 35 of the PBR Act relating to travel expenses, travel and private vehicle allowances and other public resources. The Tribunal must inquire annually into travel expenses and travel allowances for domestic travel (except travel on a special purpose aircraft) and may be asked by the Special Minister of State to inquire into other matters. Regulations must be made or amended in accordance with the Tribunal's recommendations.

Consultation

Resettlement allowance

4. On 27 February 2025, Senator the Hon Don Farrell, Special Minister of State, wrote to the Tribunal asking it to consider extending eligibility for resettlement allowance to include circumstances where an Australian Electoral Commission redistribution of electoral divisions results in the abolition of an electorate.
5. The Tribunal's Reasons for Determination are available at www.remtribunal.gov.au.

Exemption from disallowance

6. Subsection 47(7) of the PBR Act provides that this determination is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to it.
7. Exemption from disallowance is appropriate in the context of this instrument, as it amends the conditions for Parliamentarians.

The power to repeal, rescind and revoke, amend and vary

8. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), 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.

Details of the determination are as follows:

Section 1 – Name

9. Section 1 specifies the name of the instrument as the Remuneration Tribunal (Members of Parliament) Amendment Determination (No. 1) 2025.

Section 2 – Commencement

10. Section 2 specifies the commencement date of the instrument as the day after the instrument is registered on the Federal Register of Legislation.

Section 3 – Authority

11. Section 3 specifies the authority for the instrument, section 46 of the PBR Act.

Section 4 – Schedules

12. Section 4 outlines the effect of instruments specified in a Schedule to the instrument.

SCHEDULE 1—AMENDMENTS

13. Items 1 to 5 amend section 4.7 of the Remuneration Tribunal (Members of Parliament) Determination 2024 which specifies the situations in which a former member is eligible for resettlement allowance, to include the situation where the redistribution of electoral divisions results in the abolition of the former member’s electorate and, the former member does not contest the election immediately following that redistribution.

Authority: Section 46
Parliamentary Business Resources Act 2017