

EXPLANATORY STATEMENT

Issued by the authority of the Special Minister of State

Parliamentary Business Resources Act 2017

Parliamentary Business Resources Amendment (Office and Travel Expenses) Regulations 2025

Outline

The *Parliamentary Business Resources Amendment (Office and Travel Expenses) Regulations 2025* (the Regulations) are made under section 61 of the *Parliamentary Business Resources Act 2017* (the PBR Act). The Act together with the *Parliamentary Business Resources Regulations 2017* (the Principal Regulations) establishes a framework for providing resources to members in respect of their parliamentary business.

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.

The Regulations amend the Principal Regulations to:

- prescribe an additional three Australia-wide return fares (in total, not per child) for dependent children of a member that is a single parent, each financial year;
 - This amendment would give effect to a recommendation of the Remuneration Tribunal, which has responsibility for the domestic travel of members under the PBR Act framework;
- insert new definitions of “parent” and “single parent”;
- prescribe print binding and finishing to paper printed under office expenses, such as lamination, coatings and other treatment not currently provisioned;
- clarify the prohibition on using office expenses to produce, communicate or distribute material that includes an advertisement pursuing the commercial purposes of the member or another person does not apply to a person or entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* or a public fund established for emergency relief or similar assistance, when it is for the conduct of parliamentary business;
- include clarifying notes around the office expenses limitations and reference to the definition of commercial purpose in the PBR Act; and
- include a clarifying provision and example around the application of the commercial purpose restriction to material produced, communicated or distributed using office expenses.

Members must be satisfied that they have met their obligations under the PBR Act, including when claiming or using travel and office expenses under the Principal Regulations. Members are personally responsible and accountable for and must be prepared to publicly justify their use of public resources in conducting their parliamentary business.

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, with the office expenses amendments applying on the same day. The additional Australia-wide family reunion travel amendments apply in relation to travel undertaken in the financial year starting on 1 July 2024 and later financial years.

Consultation

Consultation was undertaken with the Remuneration Tribunal Secretariat, and the Independent Parliamentary Expenses Authority, and the Department of the Prime Minister and Cabinet.

As this provision increases access to family reunion travel expenses to members and their dependent children, there is no adverse impact arising from retrospective application to anyone other than, perhaps, the Commonwealth.

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 (Office and Travel Expenses) Regulations 2025

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 (Office and Travel Expenses) Regulations 2025* (the Regulations) amend the *Parliamentary Business Resources Regulations 2017* to:

- prescribe an additional three Australia-wide return fares (in total, not per child) for dependent children of a member that is a single parent, each financial year;
- insert new definitions of “parent” and “single parent”;
- prescribe print binding and finishing to paper printed under office expenses, such as laminating, coatings and other after production treatment;
- clarify the prohibition on using office expenses to produce, communicate or distribute material that includes an advertisement pursuing the commercial purposes of the member or another person does not apply to a person or entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* or a public fund established for emergency relief or similar assistance, when it is for the conduct of parliamentary business;
- include clarifying notes around the office expenses limitations and reference to the definition of commercial purpose in the PBR Act; and
- include a clarifying provision and example around the application of the commercial purpose restriction to material produced, communicated or distributed using office expenses.

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 members do not personally have to meet the sorts of costs that a reasonable person would expect their employer to meet. This ensures that members continue to be fairly remunerated, can claim expenses and use public resources 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. The Regulations also implement aspects of recommendation 25 of the *Independent Review into the Parliamentary Business Resources Act 2017 and the Independent Parliamentary Expenses Authority Act 2017*, to better support members with exceptional physical, family or other requirements.

Therefore, these Regulations promote the applicable rights and freedoms.

Conclusion

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

Don Farrell

Special Minister of State

Details of the *Parliamentary Business Resources Amendment (Office and Travel Expenses) Regulations 2025*

Section 1 - Name

1. This section would provide that the title of the Regulations is the Parliamentary Business Resources Amendment (Office and Travel Expenses) Regulations 2025.

Section 2 - Commencement

2. This section would provide for the Regulations to commence the day after the instrument is registered.

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

Part 1—Amendments

***Parliamentary Business Resources Regulations 2017* (the Principal Regulations)**

Item 1 – Section 4

5. This item would insert new definitions for *parent* and *single parent*. The new definitions are consequential to amendments to section 17 of the Principal Regulations.

6. The new definition for *parent* is broader than the ordinary dictionary meaning and provides a reference point to the *Family Law Act 1975* for members to understand whether their relationship to the other ‘parent’ of dependent children may apply to them, when self-identifying as a *single parent*.

Item 2 – After subsection 17(2)

7. Item 3 inserts two new subsections, new subsection 17(2A) and 17(2B), to prescribe an additional three (in total) Australia-wide return trips per financial year for the dependent children of members that are single parents, for family reunion purposes and not for the purposes of a discretionary family holiday. Section 5 of the Act defines ‘dependent child’ and section 6 of the Act sets out the meaning of ‘family reunion purposes’. Family reunion travel under these new provisions is for single parent members in addition to the Australia-wide return fares prescribed for all members under section 17 of the Principal Regulations.

8. The new subsections enable dependent children of single parent members access to three return fares (in total, not per child) for travel to or from any location in Australia, at no higher than business class.

9. Consistent with Australia-wide family reunion travel provided under subsection 17(1) of the Principal Regulations, subsections 17(3)-(5) of the Principal Regulations apply certain conditions to the additional travel, including that a one-way fare may be used if a return fare is not required for particular travel.

10. Under the new provisions, members self-declare that they are a ‘single parent’ when claiming the additional Australia-wide travel for their dependent children for family reunion purposes. The new provisions do not require the Independent Parliamentary Expenses Authority to verify the status of a single parent member when they claim the additional Australia-wide travel. However, members must ensure they satisfy their obligations under the Act when claiming the family reunion travel.

11. The new definitions of ‘single parent’ and ‘parent’ help clarify the members eligible for the additional Australia-wide family reunion travel, where a member advises they are a single parent of a dependent child. The purpose of the definition of ‘parent’ is to guide, but not limit, the types of relationship that may be considered to be a ‘parent’ of a child, by reference to the meaning under the *Family Law Act 1975*. The term ‘parent’ would be used to refer to the other parent of a dependent child within the definition of ‘single parent’, inserted by Item 1 of Schedule 1.

12. The amendment has been made to effect the recommendation of the Remuneration Tribunal to make such an amendment to the Principal Regulations, in accordance with subsection 35(4) of the Act.

13. It also supports the implementation of recommendation 25 of the *Independent Review into the Parliamentary Business Resources Act 2017 and Independent Parliamentary Expenses Authority Act 2017*, to better support members with exceptional physical, family or other requirements

Item 3 – After paragraph 66(1)(a)

14. This item inserts new paragraph 66(1)(aa) to prescribe print binding and finishing for printing covered by subparagraph (a)(i) as an office expense. Finishings on paper could include various types of lamination (including on paper-based stickers), embossing, debossing, coatings (gloss, matte), foiling, leaf imprint, braille, die-cutting, print creasing, or document perforation. Bindings could include saddle stitching, adhesive, comb or wire binding, or stapling.

15. The binding and finishing under this item is only claimable if the printing complies with the requirements of item 66(1)(a)(i) of the Principal Regulations for the conduct of the member’s parliamentary business.

16. As an office expense, any expenses claimed or incurred must comply with all of the obligations under the Act, including being for the dominant purpose of parliamentary business and ensuring value for money.

17. Non-financial support outlined in item 66(3)(a)(ii) of the Principal Regulations does not apply to volunteering, the soliciting of volunteers, subscriptions to regular communication channels, or references to other members, political parties or candidates.

18. Expenses prescribed by this subsection may be claimed without providing explicit reference to the claiming member.

Item 4 – subsection 66(1) (note)

19. This item omits ‘Note’, to substitute with ‘Note 1’ to renumber the Note after subsection 66(1) in the Principal Regulations.

Item 5 – At the end of subsection 66(1)

20. This item adds a new ‘Note 2’ to the end of subsection 66(1) to clarify that the restrictions in subsections 66(2) to (5) only apply in relation to the use of office expenses prescribed by subsection 66(1) of the Principal Regulations. ‘Note 2’ also explains that the application and interpretation of section 66 of the Principal Regulations does not operate to limit the way any other public resources may be used for conducting a members’ parliamentary business, the activities of the member or the meaning of ‘parliamentary business’ in section 6 of the Act.

Item 6 – subsection 66(4)

21. Existing subsection 66(4) sets out the condition that office expenses must not be used to produce, communicate or distribute any material that includes an advertisement pursuing a commercial purpose of the member or another person. This item modifies subsection 66(4), to allow two exceptions, namely for material that includes an advertisement pursuing a commercial purpose of a person or entity which is:

- registered under the *Australian Charities and Not-for-profits Commission Act 2012* as the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act; or
- a public fund established for emergency relief or similar assistance.

22. The amendment to subsection 66(4) ensures that the prohibition in subsection 66(4) does not apply in relation to material that is produced, communicated or distributed that includes information in support of or to promote the activities of a registered charity or not-for-profit entity, or a public fund established for the purposes of providing emergency relief or similar assistance. The expenses for such materials would be claimable provided it is for the conduct of a member’s parliamentary business and satisfies the member’s other obligations under the PBR Act.

23. A new Note at the end of subsection 66(4) alerts the reader to the definition of ‘commercial purpose’ within section 5 of the Act which is a purpose relating to the derivation of financial gain or reward. The intention is that no commercial benefit flows from the inclusion of material. However, parliamentary business supported by office expenses may involve incidental reference to a for-profit business and not contravene either the general dominant purpose requirement or this specific condition concerning ‘commercial purposes’.

24. This item also adds a new subsection 66(4A) that states that, to avoid doubt, material under subsection 66(4) does not include an advertisement pursuing a commercial purpose merely because the material includes a reference to a person or entity if the purpose of including the reference is not to promote the person or entity.

25. An example has been included at the end of new subsection 66(4A) to assist the reader, in that it explains that material that includes a commercial entity’s logo is not material including an advertisement pursuing a commercial purpose if the purpose of including the logo is not to promote the entity.

26. As with all public resources, any expenses claimed or incurred as an office expense must comply with all of the obligations under the Act, including being for the dominant purpose of parliamentary business and ensuring value for money.

Part 2—Application provisions

Item 7 – At the end of the instrument

27. Item 7 adds Part 7—Application, saving and transitional provisions and new section 103 to the Principal Regulations, to set out how certain amendments in these regulations apply.

28. Subsection 103(1) provides that the amendments of sections 4 and 17 of this instrument, made by Part 1 of Schedule 1 to the *Parliamentary Business Resources Amendment (Office and Travel Expenses) Regulations 2025*, apply in relation to travel undertaken in the financial year starting on 1 July 2024 and later financial years.

29. Subsection 103(3) provides that the amendments of section 66 of this instrument, made by Part 1 of Schedule 1 to the *Parliamentary Business Resources Amendment (Office and Travel Expenses) Regulations 2025*, apply in relation to office expenses incurred or used on or after the commencement of this section.