

# **Independent Review into the operation of the *Parliamentary Business Resources Act 2017* and the operation of the *Independent Parliamentary Expenses Authority Act 2017* and legislative rules**

## **Terms of Reference**

### **Context**

The *Parliamentary Business Resources Act 2017* (PBR Act) and *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act) require periodic reviews:

- Section 56 of the PBR Act requires that an independent review into its operation occur every three years.
- Section 62 of the IPEA Act requires that an independent review be conducted of the operation of the IPEA Act and the legislative rules as soon as practicable after the end of three years after the section commenced.

### **Purpose of Review**

The Explanatory Memorandum of the PBR Bill advises that the purpose of periodic independent reviews is to ensure the Act continues to meet its objectives of improving the accountability and transparency of parliamentary business resources.

The Explanatory Memorandum to the IPEA Bill provided for an independent review to ensure that the Independent Parliamentary Expenses Authority (IPEA) is meeting its objectives of improving the accountability and transparency of parliamentary business resources.

Undertaking a single review will allow the legislative underpinnings of the parliamentary business resources framework to be considered holistically, including the original policy intention, as well as the effectiveness of administration.

### **Review Objectives**

1. To examine whether the operation of the:
  - a. PBR Act and any subordinate legislative instruments are achieving the legislative objectives, including providing appropriate levels of support, accountability and transparency regarding parliamentary business resources, and
  - b. IPEA Act and legislative rules are achieving the objective of improving transparency and accountability of parliamentary business resources provided to members of Parliament (members) and former members and travel resources for member's staff.
2. To identify legislative, policy or other changes or initiatives necessary to improve the efficiency of administration, transparency and accountability of the use of parliamentary business resources provided to members, and to ensure the framework remains fit for purpose.

### **Scope**

The review will consider the operation and administration of the PBR Act and subordinate legislative instruments and the IPEA Act and legislative rules, including, but not limited to:

- the impact of the PBR Act and IPEA Act framework on members, former members and member's staff, and administering Commonwealth entities, following their commencement; including the ability of the framework to support parliamentary business during exceptional circumstances
- whether the PBR Act and/or IPEA Act framework has simplified the administration of parliamentary business resources and enhanced accountability and transparency
- the operation of IPEA regarding its statutory functions,

- whether administering Commonwealth entities are working in a ‘joined up’ way to ensure the consistent application of the PBR Act framework.

The review will also examine resourcing available to members representing large electorates (consistent with the recommendation of the Joint Standing Committee on Electoral Matters’ report on the Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020).

### **Governance**

The Minister for Finance will appoint independent reviewers to conduct the review and receive the final report. The Minister for Finance will cause copies of the final report to be tabled in each House of the Parliament within 15 sitting days of receiving the final report.

The Department of Finance will provide secretariat and policy support to the independent reviewers.

### **Methodology**

The independent reviewers will consult with other parties and stakeholders, including members and their staff, the Department of Finance, IPEA, Members of the Authority and Remuneration Tribunal, to gather sufficient evidence to meet the review objectives and to make sound recommendations. This may include interviews with key stakeholders. The independent reviewers may also seek written submissions.

### **Deliverables**

The independent reviewers will provide periodic progress updates to the Minister for Finance. A final written report of the review will be provided to the Minister for Finance by 31 December 2021.