

## **EXPLANATORY STATEMENT**

Issued by the authority of the Special Minister of State

*Parliamentary Business Resources Act 2017*

*Parliamentary Business Resources (Office Holder) Determination 2017*

*Parliamentary Business Resources (Office Holder) Amendment Determination (No. 1) 2018*

The *Parliamentary Business Resources Act 2017* (the Act) and the *Parliamentary Business Resources Regulations 2017* (the Regulations) provide a framework prescribing resources to parliamentarians in respect of their parliamentary business. Certain provisions of the Act and Regulations apply to members who are office holders.

Section 5 of the Act provides that an ‘office holder’ means the Presiding or Deputy Presiding Officers, and any person who is an office holder because of a determination under section 7 of the Act. Section 7 of the Act provides that the Minister may, by legislative instrument, determine:

- that a member who holds a specified position in, or in relation to the Parliament or either House of the Parliament; or
- who performs functions of a kind specified in the determination in, or in relation to the Parliament or either House of the Parliament,

is an office holder. The *Parliamentary Business Resources (Office Holder) Determination 2017* (Principal Determination) determines, for the purposes of the Act, and consequently the Regulations, the members that are office holders, by specifying the relevant positions and functions for the purposes of section 7 of the Act.

The *Parliamentary Business Resources (Office Holder) Amendment Determination 2018* (Amending Determination) amends Schedule 1 of the Principal Determination to determine that the Manager of Opposition Business in the Senate is an ‘office holder’ for the purposes of the Act and Regulations.

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

The Act does not impose any conditions that need to be satisfied before the power to make the Amending Determination may be exercised. This Amending Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

### **Commencement**

This Amending Determination commences on the 17 September 2018.

### **Consultation and Regulatory Impact**

Consultation was not considered necessary or appropriate as the Amending Determination is machinery in nature and is reflective of, and does not substantially alter, existing arrangements.

The Office of Best Practice Regulation (OBPR) has agreed that proposals such as these have no regulatory impact on businesses, individuals or organisations and therefore the regulatory costs are nil.  
OBPR ID Number: 24203

Authority: Section 7 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 (Office Holder) Amendment Determination (No. 1) 2018***

This Determination is 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**

This Legislative Instrument amends the *Parliamentary Business Resources (Office Holder) Determination 2017* which determines, for the purposes of the *Parliamentary Business Resources Act 2017* and consequently the *Parliamentary Business Resources Regulations 2017*, the members of parliament who are also office holders.

Where a member is an office holder they may be eligible to access public resources to conduct their parliamentary business in a broader range of circumstances, and may also be eligible to receive additional remuneration. Access to additional resources and remuneration is intended to be commensurate with the additional duties and functions that certain office holders perform.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Alex Hawke**  
**Special Minister of State**

**Details of the *Parliamentary Business Resources (Office Holder) Amendment Determination (No. 1) 2018***

Section 1- Name

This section provides that the title of the Determination is the *Parliamentary Business Resources (Office Holder) Amendment (No. 1) Determination 2018* (the Amending Determination).

Section 2 – Commencement

This section provides that the Amending Determination commences on the 17 September 2018.

Section 3 – Authority

This section states that the Amending Determination is made under section 7 of the *Parliamentary Business Resources Act 2017*.

Section 4 – Amendment of previous determination

This section provides that *Parliamentary Business Resources (Office Holder) Determination 2017* is amended as set out in Schedule 1 of the Amending Determination.

Schedule 1

This Schedule amends the *Parliamentary Business Resources (Office Holder) Determination 2017*.

Item 1 repeals the table at Schedule 1 of the *Parliamentary Business Resources (Office Holder) Determination 2017* and substitutes it with the table set out in Schedule 1 of the Amending Determination.