

## **EXPLANATORY STATEMENT**

Issued by the authority of the Prime Minister

*Parliamentary Business Resources Act 2017*

*Parliamentary Business Resources (Former Prime Ministers)  
Amendment Determination 2018 (No. 3)*

The *Parliamentary Business Resources Act 2017* (the Act) and the *Parliamentary Business Resources Regulations 2017* (the Regulations) establish a framework for providing resources to parliamentarians in respect of their parliamentary business. Certain provisions of the Act and Regulations apply to the provision of resources to former Prime Ministers.

The *Parliamentary Business Resources (Former Prime Ministers) Amendment Determination 2018 (No. 3)* (amendment determination) is made under section 16 of the Act. Section 16 of the Act enables the current Prime Minister to determine, in writing, that former Prime Ministers are to be provided with any goods, services, premises, equipment or any other facility from time to time. The Prime Minister may impose one or more limits or other conditions on the resources provided to a particular former Prime Minister, a class or former Prime Ministers generally.

The amendment determination amends the *Parliamentary Business Resources (Former Prime Ministers) Determination 2017* to increase the classification level of the ongoing staff position available to the former Prime Minister, the Hon Anthony (Tony) John Abbott MP, to not above Senior Adviser 1 level for the remainder of the 45th Parliament and all of the 46th Parliament if and while he remains in Parliament. The amendment Determination also clarifies that a Senior Adviser is entitled to be provided the salary and either a private-plated vehicle or allowance in accordance with the Enterprise Agreement applicable for staff employed under the *Members of Parliament (Staff) Act 1984*.

Details of the amendment determination are set out in [Attachment A](#).

The Act specifies no conditions that need to be satisfied before the power to make the amendment determination may be exercised. This amendment determination results from consultations between the Prime Minister and Mr Abbott. Resources provided to former Prime Ministers are entirely at the discretion of the Prime Minister.

The amendment determination is a legislative instrument for the purposes of the *Legislation Act 2003* (Legislation Act). However, subsection 16(3) of the Act provides that the determination is not subject to disallowance under section 42 of the Legislation Act.

The amendment determination commences the day after they are registered.

**Details of the *Parliamentary Business Resources (Former Prime Minister) Amendment Determination 2018 (No. 3)***

**Section 1 – Name**

This section provides that the name of the instrument is the *Parliamentary Business Resources (Former Prime Ministers) Amendment Determination 2018 (No. 3)*.

**Section 2 – Commencement**

This section provides that the instrument commences on the day after registration.

**Section 3 – Authority**

This section provides that the making of the instrument is authorised by section 16 of the *Parliamentary Business Resources Act 2017*.

**Section 4 – Schedule**

Section 4 provides that the instrument set out in the Schedule is amended in accordance with the Schedule.

**Schedule 1—Amendments**

Schedule 1 provides that the *Parliamentary Business Resources (Former Prime Ministers) Determination 2017* (primary determination) be amended.

**Item 1 – Schedule—The Hon Anthony (Tony) John Abbott MP (cell at table item 2, column 2)**

This item repeals the cell at table item 2 of column 2 to the Schedule—The Hon Anthony (Tony) John Abbott MP in the primary determination to increase the classification level of the ongoing staffing position available to Mr Abbott from Assistant Adviser to not above the Senior Adviser 1 level for the remainder of the 45th Parliament and all of the 46th Parliament if and while Mr Abbott remains in Parliament.

The new cell at table item 2 of column 2 also provides that the ongoing position available to Mr Abbott reverts to one ongoing position not above the level of Assistant Adviser after this time.

**Item 2 – Schedule—The Hon Anthony (Tony) John Abbott MP (table items 1 to 3, column 3, paragraph a))**

Item 2 inserts within paragraph a) of Column 3 to table items 1 to 3 of the Schedule reference to the private-plated vehicle or allowance provided to Senior staff, as well as the relevant salaries, under the Enterprise Agreement applicable for staff employed under the *Members of Parliament (Staff) Act 1984*. The position of Senior Adviser 1 level falls within the Senior staff classifications that are provided with this entitlement under the current *Commonwealth Members of Parliament Staff Enterprise Agreement 2016-2019*.