

## **EXPLANATORY STATEMENT**

Issued by the authority of the Acting Prime Minister

*Parliamentary Business Resources Act 2017*

*Parliamentary Business Resources (Former Prime Minister) Amendment Determination  
(No. 3) 2022*

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. The framework replaced the parliamentary work expenses framework established under the *Parliamentary Entitlements Act 1990* and supporting Acts and instruments. Certain provisions of the Act and Regulations apply to the provision of resources to former Prime Ministers.

Section 16 of the Act provides that the current Prime Minister may 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* (Schedule—The Hon Julia Eileen Gillard AC) to support the provision of goods, services, premises, equipment or any other facility from time to time for the former Prime Minister, the Hon Julia Eileen Gillard AC. The resources provided under this amendment determination are in addition to the entitlements and resources provided to the former Prime Minister under another enactment, such as the *Parliamentary Retirement Travel Act 2002*, the *Members of Parliament (Staff) Act 1984*, *Parliamentary Contributory Superannuation Act 1948* or the *Parliamentary Superannuation Act 2004*.

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. 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 this Determination is not subject to disallowance under section 42 of the Legislation Act.

This amendment determination commences the day after it is registered.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Parliamentary Business Resources (Former Prime Ministers) Amendment Determination (No. 3) 2022***

This Legislative Instrument 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 Instruments**

This Legislative Instrument amends the *Parliamentary Business Resources (Former Prime Ministers) Determination 2017* (Schedule—The Hon Julia Eileen Gillard AC), to provide the goods, services, premises, equipment or any other facility to the former Prime Minister, the Hon Julia Eileen Gillard AC, as specified from time to time.

#### **Human rights implications**

The Legislative Instrument ensure that former Prime Ministers are provided with the resources appropriate to fulfil their role of former Prime Minister.

#### **Conclusion**

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

**Parliamentary Business Resources (Former Prime Minister) Amendment Determination (No. 3) 2022**

**Section 1 – Name**

This section provides that the name of the instrument is the *Parliamentary Business Resources (Former Prime Ministers) Amendment Determination (No. 3) 2022*.

**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—The Hon Julia Eileen Gillard AC**

Schedule 1 repeals the Schedule and substitutes with the Schedule—The Hon Julia Eileen Gillard AC.

This Schedule specifies the resources, subject to any condition, to be provided to the Hon Julia Eileen Gillard AC as a former Prime Minister.

This amendment Determination provides Ms Gillard’s office with:

- One position not above the level of Adviser/Media Adviser (at Column Two, Item One);
- 1.4 positions not above the level of Assistant Adviser (at Column Two, Item Two); and
- 0.6 of a position not above the level of Executive Assistant, if the former Prime Minister engages a driver on her personal staff (at Column Two, Item Three). This is also reflected at Column Two, Item 15.

A single position is equal to one full-time equivalent of 38 hours per week. More than one person may be employed in a position. Each person is employed under section 13 of the *Members of Parliament (Staff) Act 1984* and may be employed up to 38 hours per week.

In addition, this amendment Determination updates the Schedule in line with legislative arrangements, and corrects a grammatical error in the Schedule:

- Item 15, Column 2: Replaces ‘his’ with ‘her’.