

EXPLANATORY STATEMENT

Issued by the authority of the Prime Minister

Parliamentary Business Resources Act 2017

Parliamentary Business Resources (former Prime Ministers) Amendment Determination 2024

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.

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 to include an updated Schedule for the provision of one position not above the level of Executive Assistant to the Hon Scott Morrison after he leaves the Parliament, should he engage a driver on his personal staff. The update also includes minor technical amendments, including the removal of the provision of a non-ongoing position that is no longer in effect.

The amendment determination also updates references to relevant sections of the *Members of Parliament (Staff) Act 1984* (MOP(S) Act) to reflect recent amendments to the MOP(S) Act. These changes to the MOP(S) Act section references have been made to both the Schedule relating to Mr Morrison and to the Schedule relating to former Prime Minister, the Hon Julia Gillard AC.

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

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 Contributory Superannuation Act 1948* or the *Parliamentary Superannuation Act 2004*.

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 2024

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 Instrument

This Legislative Instrument amends the *Parliamentary Business Resources (Former Prime Ministers) Determination 2017* to provide the goods, services, premises, equipment or any other facility to the former Prime Minister, the Hon Scott Morrison, as specified from time to time.

Human rights implications

This Legislative Instrument engages the right to the enjoyment of just and favourable conditions of work, which includes a right to equal remuneration, in Article 7 of the *International Covenant on Economic, Social and Cultural Rights*. The Legislative Instrument maintains the principle of fair, and current, remuneration for work performed by ensuring the former Prime Ministers are provided with the resources appropriate to fulfil their role of former Prime Minister.

Conclusion

This Legislative Instrument is compatible with human rights because it promotes the right to the enjoyment of just and favourable conditions of work does not raise any human rights issues.

Parliamentary Business Resources (Former Prime Minister) Amendment Determination 2024

Section 1 – Name

This section provides that the name of the instrument is the *Parliamentary Business Resources (Former Prime Ministers) Amendment Determination 2024*.

Section 2 – Commencement

This section provides that the instrument commences on the day after the instrument is registered.

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

Item 1 of the instrument repeals the Schedule – The Hon Scott John Morrison and substitutes with the new Schedule – The Hon Scott John Morrison.

This Schedule specifies the resources, subject to any condition, to be provided to the Hon Scott Morrison as a former Prime Minister.

This amendment Determination provides Mr Morrison with one position not above the level of Executive Assistant after he leaves the Parliament, should he engage a driver on his personal staff. This provision is consistent with positions provided to other former Prime Ministers under the *Parliamentary Business Resources (Former Prime Ministers) Determination 2017*.

In addition, this instrument updates the Schedule to remove the provision of a non-ongoing position not above the level of Senior Adviser, for a period of no longer than 12 months, while Mr Morrison remains in the Parliament, as the provision has expired.

Further, this instrument updates references to relevant sections of the *Members of Parliament (Staff) Act 1984* (MOP(S) Act) in the Schedule to reflect recent amendments to the MOP(S) Act. This includes updated references to relevant sections of the MOP(S) Act for the Schedule relating to former Prime Minister, the Hon Julia Gillard AC.