

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. 2)*

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. 2)* (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 support the provision of resources for the former Prime Minister, the Hon Malcolm Bligh Turnbull, when undertaking international travel as approved by the Prime Minister in writing from time to time.

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 Turnbull about Mr Turnbull's capacity to travel overseas on government business. 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. 2)*

Section 1 – Name

This section provides that the name of the instrument is the *Parliamentary Business Resources (Former Prime Ministers) Amendment Determination 2018 (No. 2)*.

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 – Subsection 4(1)

This item inserts the definitions ‘international travel expenses’ and ‘Regulations’ to subsection 4(1) of the primary determination. The definitions clarify that reference to international travel expenses as approved for a former Prime Minister has the same meaning as prescribed in section 35 of the *Parliamentary Business Resources Regulations 2017* as if it applied to former Prime Ministers.

Item 2 – Limited renumbering of Schedule—The Hon Malcolm Bligh Turnbull

This item renumbers the Item numbers in Column 1 of the Schedule—The Hon Malcolm Bligh Turnbull to correct the duplication of Item 13 (second occurring).

Item 3 – Schedule—The Hon Malcolm Bligh Turnbull (at the end of the table)

This item adds new Item 22 to the Schedule—The Hon Malcolm Bligh Turnbull in the primary determination to provide Mr Turnbull with access to international travel expenses necessary for the travel when undertaking international travel as approved by the Prime Minister in writing from time to time.

This item is intended to enable the Prime Minister to approve the former Prime Minister to travel overseas from time to time in writing, such as via a letter, and for the costs of the travel to be covered such as those prescribed in section 35 of the Regulations. The written approval from the Prime Minister may specify or otherwise vary the resources, international travel expenses and other arrangements available to the former Prime Minister in undertaking the approved international travel.

Where the Prime Minister approves international travel by the former Prime Minister, the Prime Minister may also approve for the spouse or de facto partner of the former Prime Minister to accompany the former Prime Minister. For the spouse or de facto partner to accompany the former Prime Minister on travel overseas, the Prime Minister must expressly state this in the written approval.

New Item 22 also provides that if the Prime Minister approves the former Prime Minister to travel overseas, then the approval is taken to include approval for travel by one staff member accompanying the former Prime Minister.