



# **Parliamentary Business Resources (Consequential and Transitional Provisions) Regulations 2017**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 14 December 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Mathias Cormann  
Minister for Finance

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## Part 1—Preliminary

### 1 Name

This instrument is the *Parliamentary Business Resources (Consequential and Transitional Provisions) Regulations 2017*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after the commencement of Schedule 3 to the <i>Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017</i> .	1 January 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under item 11 of Schedule 3 to the *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017*.

### 4 Definitions

In this instrument:

*Act* means the *Parliamentary Business Resources (Consequential and Transitional Provisions) Act 2017*.

## Part 2—Modification of Schedule 3 to the Act

### 5 Modification of rule about approvals being in force

- (1) This item is made for the purposes of subitem 11(2) of Schedule 3 to the Act.
- (2) During the first 12 months after the commencement of that subitem, item 5 of Schedule 3 to the Act has effect as if it read as follows:

#### 5 Approvals in force

If:

- (a) immediately before the commencement of this item, an approval (the **initial approval**) is in force under the *Parliamentary Allowances Act 1952* or the *Parliamentary Entitlements Act 1990* in relation to an allowance or benefit for a member or former member; and
- (b) public resources, or resources under Part 5 of the PBR Act, corresponding to the allowance or benefit would be able, or required, to be provided under the PBR Act for the member or former member if an approval (the **PBR approval**) were given for the purposes of that Act;

then, the initial approval has effect as if it were the PBR approval.

### 6 New items for Schedule 3

For the purposes of subitem 11(2) of Schedule 3 to the Act, during the first 12 months after the commencement of that subitem, Schedule 3 to the Act has effect as if the following items were inserted after item 6 of that Schedule:

#### 6A Matters to which items 5 and 6 do not apply

Items 5 and 6 do not apply in relation to the following:

- (a) a private plated vehicle, or an allowance in lieu of a private plated vehicle, determined under Part 6 of the *Remuneration Tribunal Determination 2017/13: Members of Parliament—Entitlements*;
- (b) travel at government expense determined under Part 9 of the *Remuneration Tribunal Determination 2017/13: Members of Parliament—Entitlements*;
- (c) offices and resources covered by item 6B.

#### 6B Offices and resources for offices

- (1) This item applies if:
  - (a) under the *Parliamentary Entitlements Act 1990* immediately before the commencement of the PBR Act:
    - (i) a member was provided with an office or resources; or
    - (ii) an approval was in force for a member to be provided with an office or resources; and
  - (b) the office or resources could be provided for the member under subsection 33(1) of the PBR Act because of section 72, 73 or 74 of the *Parliamentary Business Resources Regulations 2017* (the **regulations**).

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- (2) On and from that commencement, the office or resources are taken to be provided under a determination made under subsection 33(1) of the PBR Act.
  - (3) Subitem (2) has effect in relation to the office or resources until the Minister makes a determination:
    - (a) under subsection 33(1) of the PBR Act and the section of the regulations concerned; and
    - (b) that applies in relation to the member and the kind of office or resources concerned.

### **6C Limits for 2017-18 financial year**

- (1) This item applies if:
  - (a) immediately before the commencement of the PBR Act, a benefit or allowance provided under the *Parliamentary Entitlements Act 1990* was provided subject to a limit for the financial year beginning on 1 July 2017 (the **current financial year**); and
  - (b) a public resource provided under the *Parliamentary Business Resources Regulations 2017* is provided subject to a corresponding limit for a financial year.
- (2) The limit under the *Parliamentary Entitlements Act 1990* (including any instruments made under that Act) applies as a total limit for such benefits or allowances, and public resources covered by the corresponding limit, provided under that Act and those regulations for the current financial year.
- (3) Subitem (2) has effect despite any limit set out under the PBR Act (including any instruments made under that Act).
- (4) In this item, **limit**:
  - (a) means a limit as to quantity or value; and
  - (b) does not include any other kind of condition on eligibility, such as a requirement:
    - (i) for approval to incur expenses; or
    - (ii) to travel at no higher than a particular class of travel; or
    - (iii) that another form of transport is not available.

### **6D International travel equipment allowance**

- (1) This item applies for the purposes of determining whether an international travel equipment allowance has been paid to a person during a period of 3 consecutive financial years that includes the financial year beginning on 1 July 2017.
- (2) Any corresponding allowance paid to the person by the Commonwealth during the period has effect, for the purposes of subsection 60(2) of the *Parliamentary Business Resources Regulations 2017*, as if it were an international travel equipment allowance paid under that subsection.

Section 6

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**6E Photographic services**

- (1) This item applies in relation to sessions and costs of photographic services at Parliament House undertaken or incurred during the period beginning on 1 July 2017 and ending when the PBR Act commences.
- (2) The sessions and costs are to be taken into account for the purposes of the limits set out in section 69 of the *Parliamentary Business Resources Regulations 2017* in relation to the financial year beginning on 1 July 2017.

**6F Ministerial salaries**

- (1) This item applies in relation to amounts paid by the Commonwealth as Ministerial salaries during the period beginning on 1 July 2017 and ending when the PBR Act commences.
- (2) The amounts are to be taken into account for the purposes of the limit set out in subsection 96(2) of the *Parliamentary Business Resources Regulations 2017* in relation to the financial year beginning on 1 July 2017.