



Senator the Hon Don Farrell

Minister for Trade and Tourism
Special Minister of State
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Key Points

- *'Parliamentary business' activities have been updated to clarify and provide transparency on existing practices and arrangements.*
- *Parliamentarians and office-holders may direct their staff to assist, support and facilitate them to conduct their parliamentary business and other duties.*
- *Obligations on parliamentarians in conducting their parliamentary business are unchanged under the Parliamentary Business Resources Act 2017.*

MIN 2025/01

All Parliamentarians and Staff

'PARLIAMENTARY BUSINESS' CHANGES FOR PARLIAMENTARIANS AND HOW THEY MAY DIRECT THEIR STAFF

I have authorised three updated instruments, under the *Members of Parliament (Staff) Act 1984* and *Parliamentary Business Resources Act 2017* to provide greater clarity and transparency to all parliamentarians and their staff around employment arrangements and activities that are considered *'parliamentary business'*.

The three new determinations authorised, respectively, under the *Parliamentary Business Resources Act 2017* (PBR Act) and the *Members of Parliament (Staff) Act 1984* (MOP(S) Act), are:

- *Parliamentary Business Resources (Parliamentary Business) Determination 2025 (parliamentary business determination)*
- *Members of Parliament (Staff) (Employee Direction) Determination 2025 (employee direction determination)*
- *Members of Parliament (Staff) (Employment Arrangements) Determination 2025 (employee arrangements determination)*

These instruments took effect on **Thursday, 20 February 2025**.

The Parliamentary Business Determination repeals and remakes the *Parliamentary Business Resources (Parliamentary Business) Determination 2017* to clarify what activities constitute parliamentary business.

The Employee Direction Determination is new and makes clear that parliamentarians and office-holders may direct their MOP(S) Act employees (both electorate and personal) to undertake activities that support, assist or facilitate the employing parliamentarian or office-holder to conduct their 'parliamentary business' or other duties.

In doing so, parliamentarians and office-holders must not direct their staff to undertake activities that do not comply with all relevant laws and do not support, assist or facilitate the conduct of their parliamentary business or other duties.

Together with the Employee Direction Determination, the Parliamentary Business Determination provides the flexibility required to cover the activities MOP(S) Act employees may undertake to support parliamentarians in the conduct of their 'parliamentary business' in the context of a federal election, including where redistribution is final and will take effect.

These determinations, in conjunction with the Employee Arrangements Determination, have been made to provide clarity for parliamentarians and staff.

The simplified determinations aim to help parliamentarians/office holders and their staff to understand their obligations, provide consistency and aid compliance. They have been registered on the Federal Register of Legislation (www.legislation.gov.au) and commenced on Thursday, 20 February 2025.

What is Parliamentary Business?

"Parliamentary business" is set out in and underpins the Parliamentary Business Resources (PBR) Act framework, governing the use of expenses by Federal parliamentarians.

The PBR Act framework recognises that parliamentarians should be provided with expenses, allowances or other public resources for their parliamentary business, but they have obligations to the public to use these resources appropriately.

Parliamentary business is defined in section 6 of the PBR Act and means the activities of a parliamentarian under the following four duty streams and as determined by the Parliamentary Business Determination:

- **parliamentary duties** – activities that relate directly to the parliamentarian's role as a parliamentarian and is a determined activity;
- **electorate duties** – activities that support or serve the parliamentarian's constituents and is a determined activity;
- **party political duties** – activities that are determined; or
- **official duties** – activities that relate to the parliamentarian's role as an office holder or Minister of State and is a determined activity.

How has 'parliamentary business' changed?

Two new items and activities have been included in **Schedule 3—Party political duties** in the Parliamentary Business Determination.

There is also a clarifying provision explaining that, for the avoidance of doubt, an activity undertaken for the dominant purpose of parliamentary business may also occur in the context of a federal election – confirming the current guidance and practices of Federal parliamentarians.

New Item 2 (members of political parties and/or groups of members, including independents):

- clarifies that these activities can be undertaken by any parliamentarian (for the purposes of conducting their parliamentary business), including in the context of a federal election of the political party or group.
- removes any perception of preference to parliamentarians belonging to a political party from Item 1, and reflects the broad nature of the role of a parliamentarian, incorporating a wide range of interactions and collaborative activities with other parliamentarians and with back-office functions that support their activities and ensures that all parliamentarians can equally participate in activities that are political either as a party or a group of members (including independents) for common purposes.

Item 3 (redistribution – impacted members of the House of Representatives):

- clarifies that in the event that the member’s electoral division will be abolished or changed because of a redistribution, *members can communicate with those persons who would be constituents* for the new or altered electoral division that is created or changed because of that redistribution after the date of which the final determination of the name and boundaries of the new electoral division is made in accordance with section 73 of the *Commonwealth Electoral Act 1918*.

A useful reference checklist has been updated *Parliamentary business and dominant purpose – parliamentarians* at **Attachment A**.

No change to obligations and the ‘dominant purpose test’

Activities determined in the Parliamentary Business Determination must also comply with the PBR Act obligations. There have been no changes to parliamentarians’ obligations under the PBR Act Framework.

Parliamentarians must continue to ensure their work expenses and use of public resources satisfy their PBR Act obligations as follows:

- it is for the dominant purpose of their own *parliamentary business* (‘dominant purpose test’)
- provides value for money (‘value for money test’)
- meets the specific conditions that apply to that expense or resource
- is publicly justifiable (reasonableness given community expectations)
- is used ethically and in good faith.

Parliamentary business does not include any activity that is not included in the Minister’s parliamentary business determination, or any activity with the dominant purpose of:

- providing a personal benefit to the parliamentarian or another person (such as a candidate or political party), or

- pursuing commercial purposes of the parliamentarian or another person (such as a local business or political party).

The definition of “commercial purpose” under the PBR Act means ‘a purpose relating to the derivation of financial gain or reward’.

This means that a parliamentarian **must not** claim work expenses or use public resources for the dominant purpose of promoting or advertising a commercial entity or private business, or for a personal financial gain or reward, either for themselves or another person.

This includes the use of work expenses used for soliciting donations, applications or renewals of party memberships, subscriptions or other financial or non-financial support for a member, political party or candidate, or travelling to and from fundraising events and activities.

The additional activities determined under the Parliamentary Business Determination do not override these constraints.

Further information

Ministerial and Parliamentary Services is available to assist you with further advice on these Determinations.

You can contact the helpdesk on 02 6215 3333 (option 2) or via mpshelp@finance.gov.au.

Additional information and guidance will be released in the coming days on the MaPS website (maps.finance.gov.au) and via other relevant agencies.

The Independent Parliamentary Expenses Authority (IPEA) should be contacted for any travel-related queries and parliamentarians and their staff are encouraged to seek personal advice on travel. All of IPEA’s personal advice is exempt from disclosure under the *Freedom of Information Act 1984* and where relied upon, engages the safe harbour provisions under the PBR Act.

The Parliamentary Workplace Support Service (PWSS) HR Advice team can assist with employment and HR related matters and can be contacted via 1800 747 977 (Option 2) or hr@pwss.gov.au between 9am and 5pm, from Monday to Friday. Further information will also be provided via the PWSS CPO monthly update.

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