



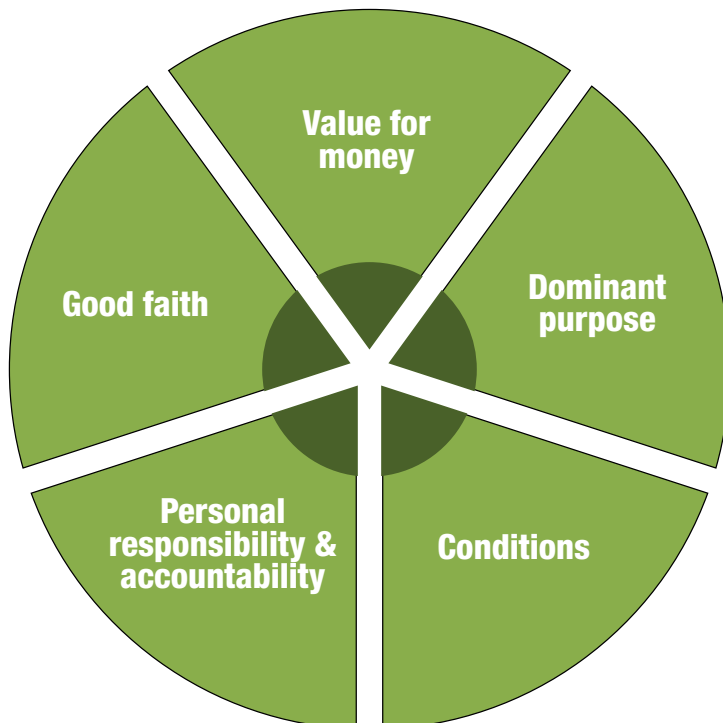
Framework—parliamentarians

The Parliamentary Business Resources framework (PBR framework) is the principles-based framework governing parliamentarians’ work expenses.

The PBR framework is made up of the:

- *Parliamentary Business Resources Act 2017* (PBR Act)
- *Parliamentary Business Resources Regulations* (PBR Regulations)
- Determinations made under the PBR Act.

Under the PBR framework, parliamentarians must ensure that work expenses for parliamentary business are consistent with the obligations under the PBR Act: value for money, dominant purpose, conditions, good faith and personal responsibility and accountability.



Each obligation has equal importance, with each contributing to the intent of the PBR framework.

Dominant purpose

A parliamentarian must ensure that any expenses incurred are for the dominant purpose of conducting parliamentary business.

The 'dominant purpose test' governs when a parliamentarian may access public resources. Where the parliamentarian's main reason for undertaking the activity is parliamentary business, they will have satisfied the dominant purpose test.

The test is whether the parliamentarian would have undertaken the travel or incurred the expense 'but for' the parliamentary business, which must be the 'prevailing' or 'most influential' purpose of the travel. Any personal matters during parliamentary business travel must be incidental to the trip.

Expenses must not be claimed if they are for the dominant purpose of personal or commercial activities.

Value for money

A parliamentarian must use public resources for parliamentary business in a way that achieves value for money.

Value for money means using public money efficiently, effectively and economically. Value for money requires consideration of both financial and non-financial costs and benefits.

For example, value for money is met by selecting the lowest cost travel option that best meets the parliamentarian's operational needs.

Conditions

A parliamentarian must not make a claim, or incur an expense, in relation to a public resource if they have not met **all** of the conditions for its provision.

Conditions may include imposed limits and can be specific to individual work expenses. They are set out in the PBR Regulations and in Determinations of the Remuneration Tribunal and the Special Minister of State, available on the Remuneration Tribunal and Department of Finance websites.



Good faith

A parliamentarian must act ethically and in good faith when using, or accounting for the use of, public resources.

Parliamentarians must not seek to disguise their personal or commercial business as parliamentary business.

Acting in good faith requires that parliamentarians act honestly and consider all of the reasons for claiming or using public resources in each circumstance.

Personal responsibility and accountability

A parliamentarian is personally responsible and accountable for their use of public resources and must consider how the public would perceive their use of those resources for travel in particular circumstances.

Personal responsibility extends to the use of public resources in the parliamentarian's name by others who may be authorised to incur expenses within their office or for family reunion purposes.

If a parliamentarian is publicly questioned over their use of work, including travel, resources they are expected to publicly justify their use of those resources.

Simply stating that a parliamentarian's use of expenses in the circumstances in question was consistent with the rules may not be enough to meet the obligations of the framework.

What is parliamentary business?

There are 4 categories that make up parliamentary business.

- **Parliamentary duties:** a parliamentarian's activities that relate directly to their role as a member of Parliament.
- **Electorate duties:** a parliamentarian's activities that support or serve their constituents.
- **Party political duties:** a parliamentarian's formal activities that are connected with their political party.
- **Official duties:** a parliamentarian's duties that relate to their role as an office holder or minister.

What are parliamentary duties?'

In a parliamentarian's capacity as a member of the Parliament, parliamentary duties include:

- preparing for, participating in and attending to business arising from proceedings of the Parliament, whether by committee of the whole or otherwise
- developing, reviewing or amending legislation or proposed legislation, and activities engaged in for that purpose
- undertaking research, communication (including with stakeholders) or administration connected with the business of the Parliament, the member's policy portfolio, or their role as a member
- preparing for, participating in, or attending to matters arising from an official government, parliamentary or vice regal meeting, event or function
- preparing for, participating in, or attending to matters arising from a meeting (including with stakeholders), event or function for the purposes of their role as a member, including in relation to the member's policy portfolio
- preparing for, participating in, or attending to matters arising from a non-Parliamentary committee, taskforce or other formal group in which the member participates
- representing the Parliament, in accordance with an approval of the Parliament or a House of the Parliament, and engaging in associated activities for that purpose
- representing a minister or office holder in their official capacity, at the request of that minister or office holder, at a meeting, event or function
- representing the Government or Australia, with the approval of the Prime Minister.



What are electorate duties? ¹

In a parliamentarian's capacity as their constituents' elected representative, electorate duties may include:

- facilitating and participating in debate, discussion, a meeting, event or function, or undertaking research or administrative functions relating to matters of importance or interest to constituents (including matters that do not relate exclusively to constituents, such as matters of national importance)
- otherwise communicating with constituents
- representing the views and interests of constituents.

What are party political duties? ¹

In a parliamentarian's capacity as a member of a political party, political duties may include:

- formal meetings of the political party (including a meeting of the party executive, a committee or a subcommittee)
- national, state or territory conferences.

What are official duties? ¹

In a parliamentarian's official capacity as a minister or office holder, official duties may include:

- exercising the powers or functions, or performing the duties, of the parliamentarian's office, or activities engaged in for the purposes of doing so
- attending an event to which the parliamentarian has been invited in their official capacity
- other activities directly related to, and engaged in for the purposes of, performing the parliamentarian's official role.

Did you know?

For ministers representing the Government or Australia in their capacity as a minister, it is considered part of their official duties.

¹ Parliamentary Business Resources (Parliamentary Business) Determination 2017

Rulings

A ruling is a written determination establishing whether a parliamentarian has acted in accordance with the dominant purpose, value for money and specified conditions requirements of the PBR Act. A parliamentarian may request a ruling regarding a travel claim relating to them, or one may be initiated by IPEA.

Personal advice

IPEA provides personal advice to parliamentarians and their appointed staff on the use of parliamentary resources. Personal advice is available during Canberra business hours over the phone, in person or in writing.

IPEA's personal advice about parliamentary travel resources is not subject to disclosure under the *Freedom of Information Act 1982 (FOI Act)*.

The accuracy of IPEA's advice relies on the completeness of information provided by parliamentarians or their staff. Withholding relevant information may lead to incomplete or incorrect advice being provided. Where personal advice is given by IPEA on the basis of false or misleading information, the parliamentarian may incur a debt. A penalty of 25 per cent may be applied if subsequent travel is determined to fall outside of the framework.

Parliamentarians requiring more formal advice on the statutory compliance of planned travel, can request a Travel Advice Certificate.

Appointment of representatives to seek and receive personal advice on behalf of a parliamentarian

Amendments to the IPEA Act, which took effect on 31 May 2024, include a new requirement when advice is requested on behalf of a parliamentarian. A current or former parliamentarian must now specifically appoint people that they wish to seek and receive advice on their behalf. This enables the advice to be given as if it is given to the parliamentarian and therefore still attract:

- the disclosure exemption on personal advice under the FOI Act and
- the 'safe harbour' provisions under section 58 of the PBR Act.

If no appointment is made, only the parliamentarian themselves may seek advice from IPEA. Current parliamentarians are able to appoint a MOPS staff member employed by them and former parliamentarians are able to appoint any person. All appointments must be in writing.



Travel advice

What is a Travel Advice Certificate?

A Travel Advice Certificate (TAC) provides parliamentarians and their appointed representative with formal written advice about planned travel. A TAC provides clear advice on whether specific travel meets or does not meet the requirements of the PBR framework **before** travel is undertaken. A TAC is signed by IPEA's CEO.

What happens if the advice was incorrect?

If the parliamentarian or staff follows IPEA's advice in the TAC, and the advice is later found by IPEA to be incorrect, they do not repay any debts incurred at Commonwealth expense.

However, if IPEA's advice was based on misleading, false or incomplete information, the parliamentarian or staff is not protected from incurring a debt and potentially a penalty.

Can a TAC be used again or by another parliamentarian or staff for the same travel?

No. Each TAC is relevant to the specific query posed, and is not a precedent for subsequent travel, or advice to other parliamentarians. Any changes to the details of the activity, for example changes to travel dates, times or events attended, may change the TAC. In the event travel plans or the situation changes, an updated online form must be submitted for reassessment.

Requesting a TAC

In order for IPEA to provide a considered written response, requests must be submitted at least 2 working days before the commencement of travel. IPEA cannot otherwise guarantee a timely reply.

To request a TAC, email enquiries@ipea.gov.au and provide:

- details of parliamentary business to be undertaken
- travel details (itinerary, including locations and dates)
- other relevant information
- IPEA follows up if more detail is required.