

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates 2017 - 2018**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Department of the Prime Minister and Cabinet  
**Outcome/Program:** Outcome 1: Prime Minister and Cabinet  
**Topic:** Acting Deputy Prime Minister

**Senator:** Wong, McAllister

**Question reference number:** 243

**Type of question:** FPA Tuesday 23 May 2017, page 53

**Date set by the committee for the return of answer:** 7 July 2017

**Number of pages:** 1

**Question:**

**Senator Brandis:** As you know, there is no constitutional recognition of the office of Deputy Prime Minister, or indeed, for that matter, Prime Minister. The constitution only recognises ministers. So from a strict point of view it might be thought that this is an extra-constitutional title but what it does is designate that the occupier is the second the minister of the Crown for the time being.

**Senator WONG:** On your assertion, then, does that mean that Mr Joyce could appoint anybody in the ministry—even an assistant minister—to be Deputy Prime Minister?

**Senator Brandis:** I do not know the answer to that question. Let me take it on notice and I will consider it.

...

**CHAIR:** Thank you. Are there further question on the matter we were dealing with?

**Senator McALLISTER:** In the period 1 to 7 April when Mr Joyce used this instrument, was he in the country?

**Senator Brandis:** I do not know. I will take it on notice.

**Ms Kelly:** We understand he was on leave. We cannot take it any further than that.

**Senator McALLISTER:** Perhaps you can get back to us later in the day, if that is possible.

**Senator Brandis:** We will confirm what Ms Kelly's understanding was. The answer was given a little tentatively, but I am sure Ms Kelly can confirm that and give you a firm answer.

**Ms Kelly:** Yes, we will endeavour to do that.

**Senator McALLISTER:** Thank you

**Answer:**

The *Acts Interpretations Act 1901* provides mechanisms whereby ministers may authorise other ministers to act on their behalf for the purpose of the exercise of statutory powers.

Mr Joyce was on leave from 1 to 7 April 2017. The Department of the Prime Minister and Cabinet is not aware whether Mr Joyce was in Australia or overseas during that period.