



Factsheet on the MoP(S) Act Review

Establishment

The Review of the *Members of Parliament (Staff) Act 1984* (Cth) (MoP(S) Act) is the first comprehensive review of the Act since it came into force in 1984. The Terms of Reference for the Review can be found at [Review of the Members of Parliament \(Staff\) Act 1984 \(Cth\) Terms of Reference](#). The full report is available at [Review of the Members of Parliament \(Staff\) \(MOPS\) Act 1984](#).

The Review of the MoP(S) Act (the Review) was one of 28 recommendations made by Sex Discrimination Commissioner Kate Jenkins in [Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces](#) (Set the Standard) released in 2021.

The MoP(S) employment framework

The MoP(S) Act forms part of the employment framework for the staff of parliamentarians, including both personal and electorate staff. The legislation is brief, at 35 pages, and has not been substantially amended since it commenced in 1984.

Other parts of the MoP(S) employment framework include the determinations made by the responsible Minister under the Act, Commonwealth employment laws, an enterprise agreement and contracts of employment with staff.

Consultation

The Review was informed by contributions from current and former MoP(S) Act employees, parliamentarians, academics, unions, parliamentary departments, Commonwealth government agencies, and state and international jurisdictions. The Review received 47 written submissions, 388 survey responses and conducted more than 70 interviews and stakeholder engagements.

Findings of the Review

Interactions with Set the Standard

The Review recommends amendments to the MoP(S) Act framework that are closely linked with the implementation of other recommendations in Set the Standard. In particular, many of the recommendations anticipate the establishment of the Office of Parliamentarian Staffing and Culture (OPSC), which the Government is currently consulting with staff on to ensure it is fit for purpose. Set the Standard proposed that the OPSC should be established to provide centralised human resources support and advice to parliamentarians and their staff, and to drive cultural change within parliament.

The Joint Select Committee on Parliamentary Standards is separately conducting an inquiry to develop codes of conduct for Commonwealth parliamentary workplaces and recommend options for enforcing these codes. The committee is due to report by 1 December 2022.

Issues and recommendations

In the main, the Review concluded that the framework of the MoP(S) Act was broadly appropriate, but required some amendments to modernise it, provide greater clarity, and improve transparency. The biggest issues and gaps identified relate to human resource capability within offices, the HR advice and support available to parliamentarians and employees, and accountability mechanisms. The provision of high quality and consistent human resources support to all of its clients will be the first order priority of the OPSC, enabling it to win trust and drive cultural reform over the mid to long term.

The Review makes 15 recommendations to address gaps in the MoP(S) Act framework including:

- That the Act be updated to re-categorise MoP(S) employees in accordance with how they are grouped in practice (i.e., personal staff of Ministers and of other parliamentarians, and electorate staff), to include an objects clause and standard superannuation provisions. The adoption of overarching employment principles in the Act to articulate the desired organisational culture for MoP(S) Act employment and the inclusion of parliamentarian and employee obligations.
- That the OPSC, as the centralised HR support body, undertake a review of the factors affecting workloads, particularly in electorate offices, including support systems and processes, and external factors such as the adequacy of government services and electorate composition, to inform an evidence-based consideration of office and staffing resources.
- Requiring parliamentarians to recruit suitable candidates against position descriptions will also drive cultural change and greater professionalisation of the MoP(S) workplace. The OPSC should assist parliamentarians to engage candidates for positions, advise on best practice for setting up an office, oversee induction and training, and provide centralised HR support to both parliamentarians and staff across the life-cycle of MoP(S) Act employment.
- That parliamentarians seek best practice advice from the OPSC prior to effecting a termination of employment to help ensure that fair dismissal processes apply and that both the employing parliamentarian and the OPSC (where there is an immediate risk) have the authority to suspend an employee from the workplace where appropriate.
- Increasing transparency and accountability, by recommending that the terms and conditions that apply to MoP(S) employment should be made public, and that the OPSC should report annually on the administration of the Act, including on staffing allocations.