



Submission by the Independent Parliamentary Expenses Authority

Review of the Members of Parliament (Staff) (MOPS) Act 1984

Introduction

The Independent Parliamentary Expenses Authority (IPEA) commenced as an interim executive agency on 3 April 2017 and became a statutory agency on 1 July 2017.

The *Staff Travel and Relief Staff Arrangements Determination 2020/15* and the *Commonwealth Members of Parliament Staff Enterprise Agreement 2020-2023* (Enterprise Agreement) and associated guidelines provide the legislative basis for the *Members of Parliament Staff Act 1984* (MOPS Act) staff to claim or incur general work expenses.

IPEA's primary functions are to administer travel related work resources, provide travel advice, undertake assurance and audit activities and, report on the use of those resources. These functions interact with the MOPS Act, where staff employed under Part 3 and Part 4 of the MOPS Act (those staff employed specifically by federal Members of Parliament) claim or incur travel related work expenses. IPEA does not administer non-travel related work expenses; they are administered by Finance and other agencies.

IPEA has significant experience in administration of travel allowances and expenses for MOPS Act staff. This review, is a welcome opportunity to consider synergies that can be applied or adopted to align MOPS Act staff travel (or work expenses generally) to those of parliamentarians. IPEA's preliminary views on opportunities regarding the MOPS Act are set out below.

Supporting Cultural Change

This review of the MOPS Act could be the catalyst for cultural change particularly by aligning expenses and terminology across both parliamentarians and their MOPS Act staff. Since inception, IPEA adopted an education first approach for travel related expenses, including for MOPS Act staff, and this has led to increased understanding and capability in the administration and management of travel related work expenses for parliamentarians. The lessons learnt from educating parliamentarians and their staff on the PBR Framework (see below) and principles could be readily applied to MOPS Act staff expenses.

To further support parliamentarians and their staff, there may be value in the Review having a high-level discussion on other options to support good public policy between relevant agencies. These include but are not limited to IPEA, the Ministerial and Parliamentary Services Division in the Department of Finance, the Department of Parliamentary Services and the Remuneration Tribunal.

Alignment of Legislation and Approach

Adoption of a principles based framework for staff, which mirrors the arrangements of the Parliamentary Business Resources Framework (the PBR Framework), would provide greater clarity for staff, parliamentarians and administrative agencies and increase accountability for expenses accessed. The PBR Framework consists of the *Parliamentary Business Resources Act 2017* (PBR Act) and subordinate legislation. The PBR Framework commenced in 2018, and the principles embedded within this framework have assisted greatly in improving clarity of and accountability for parliamentarians' expenses. Specifically, the obligations enshrined within the PBR Framework, and



the transition to use of the term 'work expenses' or 'work resources' rather than 'entitlements', have been particularly effective in setting clear expectations and developing shared understanding for the use of commonwealth funds. Likewise, supporting and reinforcing cultural change for parliamentary staff may be assisted by moving terminology from 'entitlement' to 'resource'.

The principles based approach applied to parliamentarians has proven to be flexible and adaptable since its introduction in 2018. The principles and PBR Framework have been tested - through two elections, bushfires, the pandemic and floods - and is well accepted for the expenses of parliamentarians. Consideration may be given to extending these benefits through inclusion of principles and removal of references to entitlement within the MOPS Act and related documents. This would create a consistent approach for parliamentarians and their staff, with both groups being guided by similar principles.

Other considerations

If the Review is minded to consider wider efficiency and effectiveness amendments, IPEA can provide further detail on potential areas for discussion. For example, drawing upon our practical experience, there may be benefit in reviewing:

- Other terminology

Currently there is no definition of 'official business' in part 54 of the MOPS Enterprise Agreement and this has led to confusion and an inability, at times, to provide advice for MOPS Act staff that is correlated and consistent with the definition of parliamentary business for their parliamentarian. Minor adjustments to language; for example adjusting the term 'directed to travel for official business' to 'travel for the purpose of supporting the employing parliamentarian in undertaking their parliamentary business' provides an alignment that is both transparent and accountable.

- Delegations for sensitive administrative circumstances

To change the dynamic of intra office reporting and enhance privacy, consider delegating to administrative agencies where costs are incurred or recovery action is to be ceased in situations where there have been indicators of family violence, discrimination, bullying etc.

- Pre and post-employment travel by persons that have either been employed or are candidates for employment under the MOPS Act

This includes travel for recruitment that is not currently covered such as interviews and/or to commence or cease engagement.

Conclusion

The Review has the potential to build upon and incorporate the lessons from the introduction of the PBR Framework. Specifically, leveraging and aligning the principles-based approach between the Acts and updating terminology to support and reinforce cultural change.

IPEA would be pleased to assist with any further enquiries or provide practical implementation input to any recommendations being considered by the Review.

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