



Probation Policy

Contents

- 1. Purpose and Authority 2
- 2. Key Principles 2
- 3. Expectations and Responsibilities 2
- 4. The probation period 3
- 5. Probation process 4
- 6. Performance, behaviour or attendance concerns 6
- 7. Termination of employment 6
- 8. Support 7
- 9. Definitions 7
- 10. Useful Resources 8

1. Purpose and Authority

Probation enables parliamentarians to assess the suitability of newly engaged *Members of Parliament (Staff) Act 1984* (MOP(S) Act) employees for continued employment. The probation period provides new employees with a timeframe to familiarise themselves with the role, expectations, responsibilities and work environment.

If probation is not used effectively, it can result in the need to manage underperformance in the future. Management of underperformance can impact significantly on office productivity and effectiveness.

In accordance with Clause 14 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2024-27* (EA), the probationary period for new ongoing and non-ongoing employees is three months.

Where there are inconsistencies between this policy and the EA, the EA prevails.

1.1 Coverage

This policy applies to all newly appointed or engaged ongoing and non-ongoing employees employed under the MOP(S) Act.

An employee who is transferred or promoted from another office (or other Commonwealth employment) without a break in employment, and who has successfully completed a probationary period, does not need a further period of probation. However, should the duties be substantially different to that of their previous duties, or there has been a break in service, then a further period of probation will be required unless this is waived in writing by the parliamentarian.

2. Key Principles

- Employees should be provided with clear and achievable expectations, regular feedback and support during the probation period.
- Concerns should be identified, discussed, and addressed in a timely and appropriate manner.
- Performance feedback and reviews should be documented.
- Procedural fairness principles apply during the probation process.
- Clause 14 of the EA, is not intended to affect any 'minimum employment period' within the meaning of that phrase set out in section 383 of the *Fair Work Act 2009*.

3. Expectations and Responsibilities

3.1 Mutual (parliamentarian and employee)

- On commencement discuss and agree on performance, behavioural and attendance expectations, including the processes to follow when applying to take leave.
- Complete a [performance agreement](#), ideally within four weeks of the employee commencing in the role.
- Actively participate in the probation process, which includes meeting regularly, discussing feedback in a timely manner, and undertaking an end of probation review.

- Raise any concerns or factors that may impact probation outcomes early to allow adequate time for any issues to be addressed or support to be provided within the probationary period.
- Adhere to the [Behavioural Codes and Standards](#).

3.2 Parliamentarian or authorised person

- Set clear expectations so that employees can understand their role and responsibilities, the standard and quality of work required and expected behaviours.
- Monitor the employee's performance, behaviours and attendance and provide regular feedback addressing strengths, achievements and areas for development.
- Take timely and appropriate action where concerns are identified with the employee's performance, behaviour or attendance.
- Seek support and advice from the PWSS [HR Advice team](#) as soon as practicable once performance or behavioural concerns have been identified.

3.3 Employee

- Aim to perform to the best of their ability, at the expected work standard in accordance with their individual performance agreement and expectations set by their parliamentarian.
- Actively seek feedback and where required seek to clarify work responsibilities and expectations.
- Actively engage in developing their own knowledge and capabilities.

3.4 Parliamentary Workplace Support Service (PWSS)

- Provide timely and accurate advice on matters related to probation.
- Provide support and advice to assist parliamentarians to manage any identified performance or behavioural concerns.
- Provide reporting to parliamentarians to assist in the effective management of probation during an employee's probation period.
- As requested, assist parliamentarians in drafting and/or reviewing written correspondence relating to the extension of an employee's probation period.

4. The probation period

4.1 Length of the probation period

The standard probation period for **ongoing** employees is three months and may be extended by up to two months.

The probation period for **non-ongoing** employees is a maximum of three months.

4.2 Extending the probation period

Section 14.3 of the EA provides that *‘An employing parliamentarian may extend the probationary period by up to two months, and must notify the employee in writing of any extension prior to completion of the initial probationary period.’*

The probation period cannot be extended once the initial probation period has passed, so it is vital that parliamentarians and/or authorised persons engage with the PWSS [HR Advice team](#) **as early as possible and before** the end of the initial probation period if they intend on extending an ongoing employee’s probation period.

Section 14.4 of the EA provides that non-ongoing employees’ probation period cannot be extended beyond three months.

4.2.1 Probation extension process

Parliamentarians are advised to discuss any possibility of a probation extension with the employee. This provides an opportunity to outline where expectations are not currently being met and agree on any required supports. To provide additional support, the employee should be provided with an opportunity to invite a support person.

Parliamentarians must notify the employee in writing of any extension prior to the completion of the initial probationary period. The PWSS [HR Advice team](#) can assist in drafting and/or reviewing this correspondence.

If the probation period is not extended in writing, the probation period will be automatically confirmed.

Any changes to a probation period must be emailed to [HR Advice](#) and the [MaPS Help Desk](#).

4.3 Waiving the probation period

Section 14.2 of the EA provides that *‘An employing parliamentarian may waive the probationary period in writing and must notify the employee of the waiver.’*

A decision to waive probation for an employee should be reflected in the onboarding recruitment paperwork for the employee. As per the EA, the parliamentarian must then notify the employee of this decision – it is recommended that this occurs in writing.

Notwithstanding this provision of the EA, it is strongly recommended that employees commencing in a different office or role are placed on a minimum period of probation. This allows parliamentarians to set clear expectations, monitor performance and behaviours, and assess suitability in the different office or role.

5. Probation process

Step 1: Set performance expectations

Within the first four weeks of the employee’s commencement, the parliamentarian should set clear performance, behavioural, professional development, and attendance expectations (verbally and in writing) with the new employee.

These expectations should be documented in a [performance agreement](#).

Step 2: Regular and ongoing discussions

During the probation period, the parliamentarian should monitor the employee's performance, behaviours, and attendance, provide regular and ongoing feedback, and ensure any issues or concerns are addressed early.

A fair and documented probation process protects both the parliamentarian and the employee in the event action is taken due to performance and/or conduct concerns. A summarising email is an effective way of documenting discussions and feedback and provides the employee the opportunity to review and contribute to the record.

Step 3: End of probation review

Prior to the end of the probation period, the parliamentarian should arrange a meeting with the employee to discuss their end of probation review. Considerations include:

- Scheduling the end of probation review early enough to give the employee reasonable time to respond to any proposed adverse outcome (such as extending probation or a preliminary decision to terminate). Generally, this is 7 days, depending on the circumstances.
- Providing sufficient notice of the meeting occurring (generally 24 hours' notice).
- Meeting at a time and place where interruptions and distractions will be minimised.
- Planning and prepare for the discussion. It can be useful to prepare high level talking points that cover the purpose of the meeting, key pieces of positive and constructive feedback along with supporting examples, proposed next steps and available supports.
- If the meeting may be considered adverse in nature, the employee should be provided with an opportunity to invite a support person to the meeting.

During the meeting, the parliamentarian should provide the employee with an overall assessment and feedback on their performance, behaviours and attendance during the probationary period. The employee should be provided the opportunity to respond to feedback and make comments or raise issues as necessary.

The parliamentarian should make a written record of the meeting and provide a copy to the employee.

Step 4: Probation outcomes

Satisfactory performance

If the employee meets performance, attendance and behaviour expectations no further action is needed. The probation period automatically ends on the prescribed date, and probation is complete.

Unsatisfactory performance

If the employee is not meeting performance, attendance or behaviour expectations, the parliamentarian may wish to consider the following options in consultation with the [PWSS HR Advice team](#):

- **Extend probation (ongoing employees only):** An employee must be notified of any probation extension in writing before the existing probation period ends.
- **Termination of employment:** At any time during the probation period, where an employee is considered to not be meeting the required standard, their employment can be terminated. Section

16(3) of the MOP(S) Act states that parliamentarians ‘*must consult and have regard to any advice provided by the PWSS before terminating an employee*’.

6. Performance, behaviour or attendance concerns

Where the employee’s performance, behaviour or attendance is not meeting expectations or there are any concerns, it is essential that the parliamentarian raise and address these as soon as possible.

Parliamentarians should not wait until the end of the probation period to raise concerns for the first time.

The parliamentarian should:

- clearly articulate what the employee needs to change and/or achieve to meet expectations
- work with the employee to determine what supports are needed
- develop a strategy to address specific areas of concern
- track progress against the proposed actions with timely, documented feedback.

The employee should be provided with a reasonable period of time to improve and sustain the required level of performance and behaviour.

Parliamentarians are encouraged to document all performance discussions during the employee’s probation period.

The [PWSS HR Advice team](#) should be contacted as soon as possible for tailored advice and guidance on how to best manage and address performance or conduct issues.

Probationers are entitled to access leave on the same basis as other employees, with leave accruing from the commencement of employment. Approval of leave is subject to operational requirements and is not affected by an employee being subject to a probationary period. However, extended leave during a probation period may result in a probation extension where the parliamentarians are unable to assess the suitability of newly engaged MOP(S) Act employees for continued employment due to the absence.

7. Termination of employment

At any time during the probation period, where an employee is considered as not meeting expectations, their employment can be terminated provided they are given one week of written notice (or payment in lieu of notice).

If a parliamentarian is considering terminating the employment of an employee during the probation period, they must first consult with and have regard to any advice provided by the PWSS (as required in the MOP(S) Act).

It is critical that concerns are identified and addressed early as the action to terminate employment (i.e. providing the final notice to the employee) must be completed prior to the end of the probation period.

Further information about termination after the probation period can be found in the [Termination Policy](#).

8. Support

8.1 PWSS

The PWSS is available to provide a range of human resource and work health and safety support and guidance to parliamentarians and employees. We also provide wellbeing support, conflict resolution and early intervention.

The PWSS can also be contacted via phone 24/7 on **1800 747 977**, by SMS on 0487 112 755, email at support@PWSS.gov.au, or in person at M2.105 in APH from 8.30am-7:00pm sitting days or 9.00am-5:00pm all other business days. Visit pwss.gov.au for more information.

For advice relating to this policy, call 1800 747 977 or email hr@pwss.gov.au.

8.2 Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is a professional and confidential program which aims to enhance the emotional, mental and general psychological wellbeing of employees, parliamentarians and their immediate family and household members.

The EAP can be contacted 24 hours per day, 7 days per week. Employees and their families can access EAP services for work or personal issues, by calling 1300 360 364 or visit one.telushealth.com |

Username: pwss | **Password:** Wellbeing

9. Definitions

Term	Definition
Authorised person	A person who has been authorised by a parliamentarian to exercise duties on their behalf.
Employee	Employees are staff employed under the <i>Members of Parliament (Staff) Act 1984 (Cth)</i> . MOP(S) Act employees are employed by Parliamentarians on behalf of the Commonwealth.
Parliamentarian	This term refers collectively to Members of the House of Representatives and Senators. A parliamentarian may also nominate an authorised person to exercise their employer responsibilities through the Parliamentary Expenses Management System (PEMS).

Procedural Fairness

Procedural fairness requires that:

- a decision-maker is impartial, and free from actual or apparent bias (the bias rule),
- a person whose interests will be affected by a proposed decision receives a fair hearing, including the opportunity to respond to any adverse material that could influence the decision (the hearing rule), and
- findings are based on evidence that is relevant and logically capable of supporting the findings made (the evidence rule).

10. Useful Resources

Legislation	Industrial Instruments	Policies
<ul style="list-style-type: none"> • Members of Parliament (Staff) Act 1984 • Parliamentary Workplace Support Service Act 2023 • Fair Work Act 2009 • Work Health and Safety Act 2011 	<ul style="list-style-type: none"> • Commonwealth Members of Parliament Staff Enterprise Agreement 2024-27 	<ul style="list-style-type: none"> • Termination Policy

Document Control

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