



Fact Sheet

Legal assistance available to MOP(S) Act employees in relation to a workplace incident

This fact sheet outlines the range of assistance that may be available to current and former *Members of Parliament (Staff) Act 1994* (MOP(S) Act) employees when seeking to obtain legal assistance in relation to something that has happened in the course of performing their duties.

Employee Assistance Program (EAP)

Current MOP(S) Act employees, as well as their immediate family and household members, have access to a free, professional and confidential legal consultation through the EAP. The legal professional can offer information on a wide variety of legal matters and demystify any legal processes or queries; however, they are not able to offer specific legal advice. Further information on the EAP provider can be found on the [PWSS website](#).

Legal Services Directions 2025

Legal assistance may be available to current and former MOP(S) Act employees under Part 9 of the *Legal Services Directions 2025* in relation to legal proceedings (including potential legal proceedings) as well as inquests, inquiries and subpoenas.

To make a request for assistance the employee must have been employed by a Minister on behalf of the Commonwealth, as a member of the Minister's staff under the MOP(S) Act, at the time of the alleged event or occurrence.

In assessing an application, consideration will be given to whether:

- the employee is a defendant in civil or criminal proceedings;
- those proceedings arose out of an incident that relates to the performance (or non-performance) of the employee's duties assisting the Minister in performing Ministerial duties; and
- the employee acted reasonably and responsibly.

Requests will not be approved to assist employees to commence defamation proceedings.

A decision on whether to provide assistance to a MOP(S) Act employee is to be made by the Special Minister of State after consultation with the Attorney-General.

For further information, please contact the Office of Legal Services Coordination on (02) 6141 3642.

Comcover

Comcover provides coverage to all MOP(S) Act employees, including those working in non-ministerial offices. This change came into effect from 1 July 2024 to ensure comprehensive coverage for all staff.

Comcover may provide financial assistance in certain circumstances to cover defence costs where the claim is made during the period of cover and with the prior written consent of Comcover.

For further information, please refer to the [Statement of Cover](#) and [FAQs](#) or phone Comcover on 1800 651 540.

National Anti-Corruption Commission (NACC) General Scheme

The NACC General Scheme (the Scheme), administered by the Attorney-General's Department, funds the reasonable costs of legal representation for both current and former MOP(S) Act employees who are:

1. appearing at a hearing of the NACC (*i.e. a person who is summoned to attend a hearing of the NACC*)
2. applying, or proposing to apply, for administrative review of a matter arising under the National Anti-Corruption Commission Act 2022
 - This applies to a person, who is aggrieved by a decision made under the NACC Act, making an application to the Federal Court or the Federal Circuit and Family Court of Australia for an order of review in respect of the decision. This can include a review of the decision itself (Section 5), the conduct of the decision maker (Section 6), and where there has been an unreasonable delay in making the decision, or a prescribed period for which the decision is to be made was not met (Section 7).

The Scheme funds the reasonable costs of legal representation, which may include solicitor's costs for attending hearings or preparing documents; and disbursements, such as a solicitor's travel or photocopying expenses.

MOP(S) Act employees who were employed by a Minister at the time of the event must have exhausted all options for assistance under Part 9 to the Legal Services Directions 2025 before applying for financial assistance.

The Attorney-General may approve an application for legal financial assistance if they are satisfied that:

- refusing the application would result in serious financial difficulty for the person; or
- the circumstances of the case are of such a special nature that the application should be granted.

For further information, please contact the NACC on (02) 6141 4770 or visit the National Anti-Corruption Commission General Scheme website.

Further assistance

If you have exhausted the above options, or are unable to access them, the HR Advice Team can discuss possible alternative legal options that may be available to you. HR Advice can be contacted at HR@PWSS.gov.au or call 1800 747 977.

Resources

- Factsheet – Guidance for MOP(S) Act Employees Providing a Witness Statement in Relation to their Work
- Factsheet – What to Expect if you are a MOP(S) Act Employee and you are asked to Attend Court and give Evidence about Workplace Events
- Factsheet – The Role of a Support Person in Meetings
- Factsheet – How the PWSS Supports People after a Workplace Incident