



Changed employment arrangements for MOP(S) Act employees

On 12 February 2025, the Special Minister of State signed a determination which repeals and replaces a number of instruments within the MOP(S) Act employment framework.

This determination took effect on 20 February 2025. These changes have been summarised below.

Instruments amended or introduced

Work handover

The work handover period for personal employees has increased to two weeks (from two days) for circumstances where a personal employee is permanently vacating a position or taking a period of leave for 12 weeks or more.

This allows two personal employees to be employed against one position for up to two weeks in those circumstances.

Backfilling MOP(S) Act employees

Backfilling options have been codified and updated within the consolidated instrument.

An office-holder now has the option to temporarily transfer (either internally within their office or externally from another parliamentarian's office) a MOP(S) Act employee to fill a personal employee vacancy of two weeks or more.

An office-holder who is not a Minister or Parliamentary Secretary (Assistant Minister) may also engage a non-ongoing employee to temporarily fill a personal employee vacancy of 4 weeks or more.

If the office-holder is a Minister or Parliamentary Secretary (Assistant Minister), they may also ask the Secretary of their Department to identify an APS employee to be temporarily engaged under the MOP(S) Act to fill a personal employee vacancy of four weeks or more.

It should be noted that where APS employees are 'loaned' to parliamentary offices without being engaged under the MOP(S) Act, they will be expected to comply with all APS Values – including the Impartial and Committed to Service Value – and all elements of the APS Code of Conduct, which is likely to affect the nature of the work they can perform.

Termination of employment – Deferral of termination of employment

Deferral periods for termination of employment under section 14 of the MOP(S) Act have been amended to align with the 2023 and 2024 amendments to the MOP(S) Act. They provide more time for both parliamentarians and impacted employees to consider new structures, re-employ staff if applicable, find alternate employment, or make suitable arrangements.

In most cases a deferral period of eight weeks will apply for both electorate and personal employees. However, there are some limited exceptions to this which are outlined below:

- When a member of the House of Representatives ceases to be a parliamentarian, other than as a result of being defeated at an election, the termination of employment for **electorate employees** is deferred by **two weeks** from the day of the declaration of the poll for that seat (this was previously the day of the declaration of the poll).
- When a State Senator ceases to be a parliamentarian at the end of their term, the termination of employment for their **electorate employees** is deferred by **two weeks** from the Senator's cessation (this was previously the day of the Senator's cessation).
- When a Senator ceases and there is a casual vacancy, the termination of employment for their **electorate employees** is deferred to the **later of eight weeks** from the day the Senator ceased, or **two weeks** from the day the casual vacancy was filled (this was previously the day the casual vacancy was filled).

In any case where there is no declaration of polls (i.e. where an electorate has been abolished) the termination of employment for all employees is deferred by eight weeks.

Further guidance is available at **Attachment A**.

Termination of non-ongoing and casual employees

Further clarity has been provided for the termination of employment of casual and non-ongoing employees.

The deferral of termination of employment does not apply to casual employees, the termination of their employment occurs on the day of the trigger under section 14 of the MOP(S) Act.

The deferral of termination of employment does not extend the employment of a non-ongoing employee. For example, if a non-ongoing employee has four weeks remaining on their contract at the trigger of the termination of employment, their deferral of termination would only be four weeks instead of eight so as to not extend their current contract of employment.

Instruments unchanged

Employment of family members

Parliamentarians remain unable to employ family members with no changes to the definition of family member. Grandfathered arrangements from 2013 remain in place until the employee's employment ceases.

Employment agreements for electorate employees

Office structure options, classifications and work base arrangements remain unchanged. For clarity, allocated electorate offices referred to in subsections 7(5) and 7(6) are defined as the additional allocated electorate offices only.

Security matters

Requirements for employees of Ministers to obtain and maintain a Negative Vetting 2 security clearance, except in exceptional circumstances, remain unchanged.

Behaviour Code

The Behaviour Code for staff employed under the MOP(S) Act and the requirement to comply remains unchanged.

Private plated vehicles

Options relating to private plated vehicles remain unchanged.

Conditions of employment

Conditions of employment relating to the declaration of private interests and potential conflicts, adherence to the Ministerial Staff Code of Conduct, and undertaking the Safe and Respectful workplaces Training Program remains unchanged.

Termination of employment – Travel and termination arrangements for personal employee (non-ministerial) of Presiding Officers

Personal employees of Presiding Officers who are in a deferral period, remain able to travel as directed by a Presiding Officer.

Presiding Officers maintain the ability to exercise the powers of an employing parliamentarian under the MOPS Enterprise Agreement for personal employees in a deferral period.

Further assistance

The PWSS HR Advice team can assist with these matters and be contacted via 1800 747 977 (Option 2) or hr@pwss.gov.au between 9am and 5pm, from Monday to Friday.

Version	Date	Author	Cleared
1.0	24/02/2024	HR Policy	Assistant Secretary



Attachment A – Termination triggers and deferral periods

Scenarios relating to staff of Members

Situation (triggering event)	Section of the MOP(S) Act	Deferral period – Electorate employees	Deferral period – Personal employees
The day a Member dies.	14(1)(1) The employing individual dies	Two weeks from the day of the declaration of the poll.	Eight weeks from the day of the death.
The day a Member's resignation takes effect.	14(1)(2) The employing individual ceases to be a parliamentarian	Two weeks from the day of the declaration of the poll.	Eight weeks from the day of the resignation taking effect.
When a Member does not stand for re-election, the day in which they have taken to have ceased is the dissolution of the House.	14(1)(2) The employing individual ceases to be a parliamentarian	Eight weeks from the dissolution of the House.	Eight weeks from the dissolution of the House.
When a Member is defeated at election, the day in which they are taken to have ceased is the day before polling day.	14(1)(2) The employing individual ceases to be a parliamentarian	Eight weeks from the day before polling day.	Eight weeks from the day before polling day.
When a Member has their electorate abolished and they do not contest another seat, the day in which they are	14(1)(2) The employing individual ceases to be a parliamentarian	Eight weeks from the dissolution of the House.	Eight weeks from the dissolution of the House.

taken to have ceased is the dissolution of the House.

Scenarios relating to staff of Senators

Situation (triggering event)	Section of the MOP(S) Act	Deferral period – Electorate employees	Deferral period – Personal employees
The day a Senator dies.	14(1)(1) The employing individual dies.	The later of: • Eight weeks from the day of death, or • Two weeks from the day the casual vacancy is filled.	Eight weeks from the day of the death.
The day a Senator's resignation takes effect.	14(1)(2) The employing individual ceases to be a parliamentarian.	The later of: • Eight weeks from the day of the resignation taking effect, or • Two weeks from the day the casual vacancy is filled.	Eight weeks from the day of the resignation taking effect.
When a State Senator does not stand for re-election, the day in which they have taken to have ceased is the last day of their term (except in the case of a double dissolution).	14(1)(2) The employing individual ceases to be a parliamentarian.	Two weeks from the last day of the State Senator's term.	Eight weeks from the last day of the State Senator's term.
When a State Senator does not stand for re-election in the event of a double dissolution, the day in which they are	14(1)(2) The employing individual ceases to be a parliamentarian.	Eight weeks from the dissolution of the Senate.	Eight weeks from the dissolution of the Senate.

Situation (triggering event)	Section of the MOP(S) Act	Deferral period – Electorate employees	Deferral period – Personal employees
taken to have ceased is the dissolution of the Senate.			
When a Territory Senator does not stand for re-election, the day in which they have taken to have ceased is the dissolution of the House.	14(1)(2) The employing individual ceases to be a parliamentarian.	Eight weeks from the dissolution of the House.	Eight weeks from the dissolution of the House.
When a State Senator is defeated at election, the day in which they have taken to have ceased is the last day of their term (except in the case of a double dissolution).	14(1)(2) The employing individual ceases to be a parliamentarian.	Two weeks from the last day of the State Senator's term.	Eight weeks from the last day of the State Senator's term.
When a State Senator is defeated at election in the event of a double dissolution, the day in which they are taken to have ceased is the day before polling day.	14(1)(2) The employing individual ceases to be a parliamentarian.	Eight weeks from the day before polling day.	Eight weeks from the day before polling day.
When a Territory Senator is defeated at election, the day in which they have taken to have ceased is the day before polling day.	14(1)(2) The employing individual ceases to be a parliamentarian.	Eight weeks from the day before polling day.	Eight weeks from the day before polling day.



Scenarios relating to staff of office-holders

Under the MOP(S) Act a holder of a relevant office is a:

- Minister
- Leader of the Opposition (in the Senate and in the House of Representatives)
- Deputy Leader of the Opposition (in the Senate and the House of Representatives)
- Leader or Deputy Leader, in a House of the Parliament, of a recognised political party

In addition, an ‘office-holder’ under the MOP(S) Act includes the above holders of a relevant office, and a parliamentarian in respect of whom a determination under section 4 is in force (this could include a Shadow Minister, Manager, Presiding Officer, Whips, or any parliamentarian who requires the power to employ personal employees).

In situations where two ‘triggering events’ occur at the same time, the event occurring first in the table under section 14(1) of the MOP(S) Act is the only event taken to have occurred. That is, an office-holder is either a Member or Senator first, and as such the table below for office-holders should be read in addition to the tables above. For example, when a Member who is also a Minister, resigns from parliament, the ‘triggering event’ for the termination of employment for all staff is the day on which their resignation takes effect and is not the day on which their relevant office is revoked. Further, when a Minister who is also a Member is defeated at election, they may continue to hold a relevant office until it is revoked by the Governor-General, however the ‘triggering event’ for the termination of employment for their employees is the day before polling day as they have ceased to be a parliamentarian at this time.

Situation (triggering event)	Section of the MOP(S) Act	Deferral period – Electorate employees	Deferral period – Personal employees
A Minister has their relevant office revoked by the Governor-General and on the same day is appointed another relevant office.	14(1)(3)(a) The employing individual ceases to hold a relevant office and on the same day starts to hold another relevant office.	No trigger for termination.	Eight weeks from the day the Governor-General revokes the relevant office.
A Minister has their relevant office revoked by the Governor-General and on the same day begins to be covered by a section 4 determination.	14(1)(3)(b) The employing individual ceases to hold a relevant office and on the same day starts to be covered by a determination made under section 4.	No trigger for termination.	Eight weeks from the day the Governor-General revokes the relevant office.
A Minister has their relevant office revoked by the Governor-General and on the same day does not: have another relevant office appointed by the Governor-General; or begins to be covered by a section 4 determination.	14(1)(4) The employing individual ceases to hold a relevant office and does not do one of the following on the same day: (a) start to hold another relevant office; (b) start to be covered by a determination made under section 4.	Eight weeks from the day the Governor-General revokes the relevant office.	Eight weeks from the day the Governor-General revokes the relevant office.
A Leader or Deputy Leader, has their relevant office revoked (either by their resignation from that relevant office, or the announcement of a new Leader or Deputy Leader) and on the same day is appointed another relevant	14(1)(3) The employing individual ceases to hold a relevant office and on the same day: (a) starts to hold another relevant office; or (b) starts to be covered by a determination made under section 4.	No trigger for termination.	Eight weeks from the day the resignation takes effect, or the announcement of the loss of relevant office was made by the associated Party.

Situation (triggering event)	Section of the MOP(S) Act	Deferral period – Electorate employees	Deferral period – Personal employees
office or begins to be covered by a section 4 determination.			
A Leader or Deputy Leader, has their relevant office revoked (either by their resignation from that relevant office, or the announcement of a new Leader or Deputy Leader) and on the same day is not: appointed another relevant office; or begin to be covered by a section 4 determination.	14(1)(4) The employing individual ceases to hold a relevant office and does not do one of the following on the same day: (a) start to hold another relevant office; (b) start to be covered by a determination made under section 4.	Eight weeks from the day the resignation takes effect, or the announcement of the loss of relevant office was made by the associated Party.	Eight weeks from the day the resignation takes effect, or the announcement of the loss of relevant office was made by the associated Party.
An office-holder has their section 4 determination revoked (either by ceasing to hold the position for which the determination covers, commencing to hold a relevant office, or by revocation of the determination by the Special Minister of the State).	14(1)(5) The employing individual ceases to be covered by a determination made under section 4 (whether or not the employing individual starts to be covered on the same day by another such determination).	No trigger for termination.	Eight weeks from the day in which the section 4 determination was revoked.