

RESEARCH NOTE

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Members of Parliament (Staff) Act: Employment Issues

The *Members of Parliament (Staff) Act 1984* ([the MoPS Act](#)) governs employment of staff (MoPS staff) by members, senators and ministers. This Research Note complements two others, on [MoPS Act Background](#), and [MoPS Act Accountability Issues](#).

Remuneration of MoPS staff

Remuneration of MoPS staff has two main components: salary, and an extra duties allowance. When the Act first came into operation, salaries were tied to Public Service (APS) salaries and they remain closely related to that structure. MoPS staff range through administrative assistants, executive assistants, electorate officers and assistant advisers, holding positions equivalent to administrative service officers in the APS, to advisers who hold positions equivalent to senior officers in the APS, to principal advisers, senior advisers and ministerial media advisers, whose salaries match those of the APS

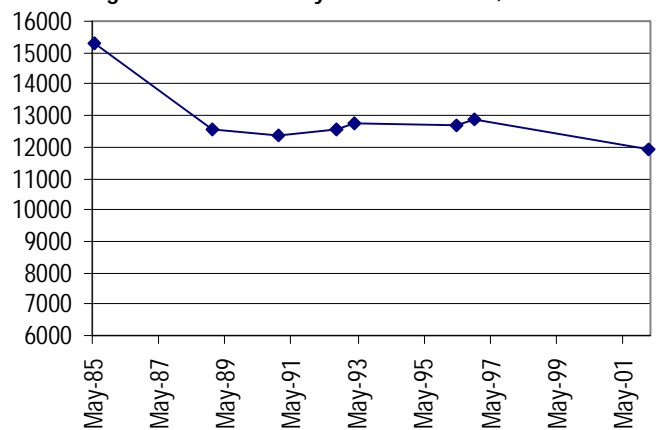
Senior Executive Service (SES). Using the salary level at the top of the adviser range as an indicator it can be seen that, despite some

volatility, salary levels have not risen greatly in real terms since the mid 1980s (Figure 1).¹ They have risen more slowly than Average Weekly Earnings. Most MoPS staff earn less than advisers, and their earnings have risen no more quickly.

The value of Parliamentary Staff Allowances (Figure 2) has been falling ever since the introduction of the MoPS Act.

MoPS Act salaries have long been flexible, particularly for senior ministerial staff. Prior to the passage

Figure 2. Parliamentary Staff Allowance, real \$



of the [Workplace Relations Act 1996](#) flexibility was achieved chiefly in two ways: by setting a wide salary bandwidth for senior advisers using APS SES salary ranges; and by employing staff as consultants.

The pay of consultants, however, was generally within the range of senior advisers' salaries. This suggests that the engagement of consultants was not a device to raise salaries, but rather a means to vary other employment conditions, such as early termination provisions, and to contract advisers for specific purposes.² Since the late 1990s, individual contracts (AWAs) have provided much of the salary and conditions flexibility earlier mechanisms sought to achieve.

Limited information is available on appointment levels for MoPS staff as a whole and available data are difficult to interpret. It seems that ministerial staff are being appointed at comparable levels of seniority now as in the early 1980s (Figure 3).³ Although there are more senior advisers, this has been the result of an increase in the *number of all staff*, not an increase in the *proportion of senior staff*.

Figure 1. Advisers' salaries and Average Weekly Ordinary Time Earnings

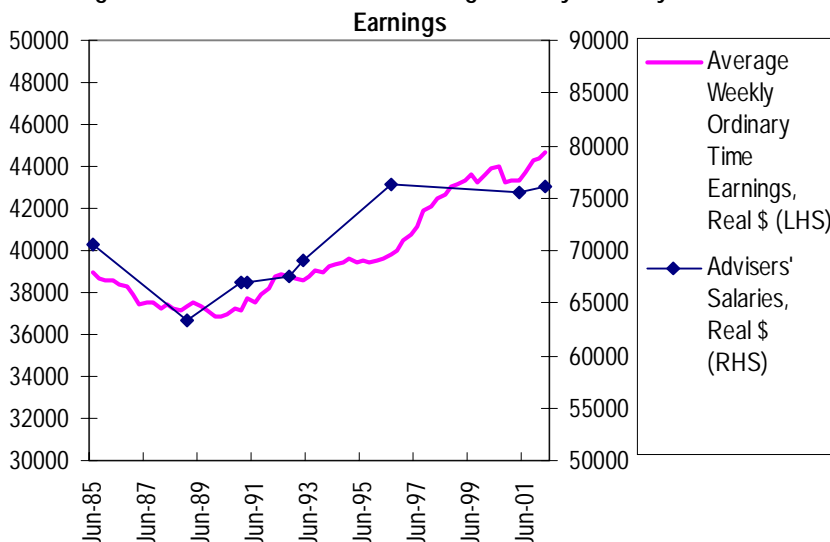
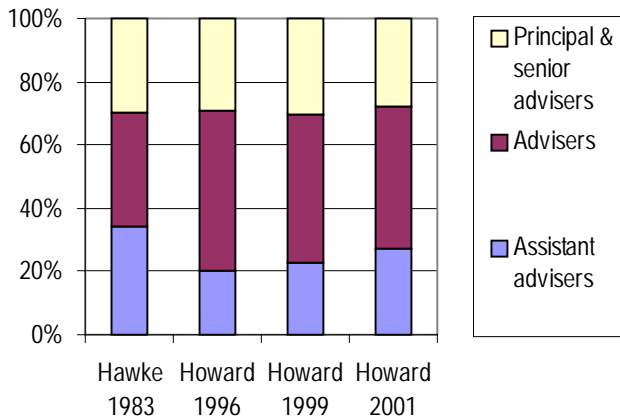


Figure 3. The seniority profile of ministerial staff



Conditions of Employment

A MoPS staffer is readily dismissed, though like most employees they can seek the protection of the *Workplace Relations Act* against dismissal that is harsh, unjust or unreasonable. It is rare for staff to successfully claim unfair treatment when the dismissal provisions in the MoPS Act are very straightforward and the conditions known to be highly demanding.⁴

Easy dismissal, it is argued, is necessary to the political nature of MoPS staff employment. If a staff member does not have the full confidence of their minister or MP, they can be of little use to their employer. In this respect, however, their situation is little different to that of Departmental Secretaries, as the Barratt case demonstrated.⁵

The first question this raises is whether there is adequate compensation to balance the ease of dismissal. The salaries of MoPS staff are generally no greater than those received in the APS. The severance benefits in the Certified Agreement covering MoPS staff are no more generous than those offered by many other employers, including employers with whom employment would be regarded as much more secure. Most personal staff other than electorate staff receive an allowance of around \$12 000 per annum, while junior personal staff receive \$7879. However, as shown above, the value of this allowance is declining, and electorate staff receive an optional allowance of

even less (\$3677) in lieu of overtime.⁶

Institutional Arrangements

The ratio of government to opposition staff is set in terms of staff numbers. It may make more sense to set the ratio in terms of total salary cost, allowing both greater

fairness and more flexibility in staffing arrangements.

There are broader institutional questions. Should MoPS staff be recruited by individual MPs (as is currently the case), or should a greater role be given to parliamentary parties? Given that party loyalty is a key attribute of MoPS staff, having them recruited by the party rather than the individual MP might provide greater staffing flexibility and create a more forgiving mechanism for dealing with personality clashes. It might also ensure more consistent recruitment practices. The downside could be that staff could become instruments of the party leader or their faction, rather than of the MP for whom they work.

A second question is whether the Act confers the appropriate level of discretion on the Prime Minister. The discretion extends, for example, to influencing conditions of employment of all staff, including electorate officers and the staff of the non-government party leaders. It also extends to being able to vary numbers and ratios of staff. Not only are these powers concentrated in the hands of the Prime Minister, the arrangements are not transparent. Prime Ministerial determinations are not publicly available in the same way, for example, as the Public Service Commissioner's Directions. A parliamentary committee should perhaps have a role in making these MoPS staffing determinations.

Finally, electorate staff in a Constitutional sense serve the Parliament rather than the government or opposition. It might be better that there be parliamentary rather than executive administration of their employment arrangements.

Endnotes

1. Data drawn from Parliamentary Debates and MoPS staff Certified Agreements. For full details, contact the author. Data series for Figures 1 and 2 deflated using the CPI and expressed in 2001–02 dollars.
2. See, e.g. data provided at Senate, *Debates*, 31 August 1993, pp. 690–2.
3. Senate, *Debates*, [13 September 1983](#); House of Representatives, *Debates*, [17 February 2000](#). Comparable information for the period 1984 to 1995, and on opposition staffing, is not available.
4. See, e.g. *Catherine McGovern v. Department of Finance and Administration*, Australian Industrial Relations Commission, Melbourne, 14 March 2002, U2001/5582 and U2001/6433.
5. Max Spry, 'The Appointment, Removal and Responsibilities of Public Sector Chief Executives in Australia', *Australian Journal of Public Administration*, vol. 60, no. 4, pp. 39–49.
6. Senate Finance and Public Administration Committee, *Additional Estimates 2000–01, Additional Information Received*, vol. 3, August 2001, p. 662.

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