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The *Members of Parliament (Staff) Act 1984* framework and employment issues

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Executive summary

This research paper provides comprehensive information on the *Members of Parliament (Staff) Act 1984* (Cth) (MoPS Act) employment framework including recent developments, staff figures, and staffing trends.

The paper also updates and expands a previous Parliamentary Library publication on employment issues associated with the MoPS Act. The following employment issues are considered:

- the adequacy of the MoPS Act framework and institutional arrangements
- base salary value
- employment security, and
- ministerial staff management and professional development.

A future paper will consider accountability issues associated with the MoPS Act.

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Glossary

ALP	Australian Labor Party
ANAO	Australian National Audit Office
APS	Australian Public Service
APSC	Australian Public Service Commission
AWAs	Australian Workplace Agreements
DLOs	Departmental Liaison Officers
DoFA	Department of Finance and Administration
DoFD	Department of Finance and Deregulation
ESA	Electorate Staff Allowance
MoPS Act	<i>Members of Parliament (Staff) Act 1984 (Cth)</i>
MoPS staff	Staff employed by office-holders, senators and members under the <i>Members of Parliament (Staff) Act 1984 (Cth)</i>
MSA	Ministerial Staff Allowance
DPMC	Department of the Prime Minister and Cabinet
PSA	Parliamentary Staff Allowance
SFPALC	Senate Finance and Public Administration Legislation Committee
SFPARC	Senate Finance and Public Administration References Committee
SSCFPA	Senate Standing Committee on Finance and Public Administration

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Introduction

This research paper provides comprehensive information on the *Members of Parliament (Staff) Act 1984* (Cth) (MoPS Act) employment framework, including recent developments, staff figures, and staffing trends.

The paper also updates and expands a previous Parliamentary Library publication on employment issues associated with the MoPS Act,¹ and complements a 2002 Research Note on the background to the Act.² The arrangements applying to Australian Public Service (APS) employees working temporarily as staff under the MoPS Act are not considered in this paper. A future paper will consider accountability issues associated with the Act.

Employment framework

The Members of Parliament (Staff) Act 1984

The MoPS Act regulates the employment of staff (MoPS staff) by senators and members of the House of Representatives.³ The Act is divided into five Parts:

- Part I—short title, commencement, and interpretation information
- Part II—regulates the employment of consultants by ministers
- Part III—regulates the employment of staff by office-holders
- Part IV—regulates the employment of staff by senators and members more generally, and
- Part VI—prescribes annual report requirements pertaining to the employment of ministerial consultants; enables office-holders, senators and members to authorise others to exercise their powers under the Act; and provides for the making of regulations.⁴

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1. I Holland, *Members of Parliament (Staff) Act: Employment Issues*, Research note, no. 15, 2002–03, Department of the Parliamentary Library, Canberra, 2002, viewed 28 July 2009, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Frspub%2FOJM76%22>
 2. I Holland, *Members of Parliament (Staff) Act: Background*, Research note, no. 14, 2002–03, Department of the Parliamentary Library, Canberra, 2002, viewed 28 July 2009, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Frspub%2FNJM76%22>
 3. The *Members of Parliament (Staff) Act 1984* (Cth) is available at Attorney-General's Department, 'Members of Parliament (Staff) Act 1984', ComLaw website, viewed 28 July 2009, <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200403271?OpenDocument>

‘Office-holder’ is defined in section 3 of the MoPS Act to mean ministers, the Leader and Deputy Leader of the Opposition in the House of Representatives and the Senate, the leaders and deputy leaders of other recognised political parties, and former Prime Ministers.⁵ Staff of office-holders employed under Part III and staff of senators and members more generally employed under Part IV are commonly categorised as personal staff and electorate staff respectively.⁶ As the Australian National Audit Office (ANAO) has noted, however, an exception to this categorisation is the employment of electorate staff by office-holders under Part III of the Act:

In general, Senators and Members employ their electorate staff under Part IV... The exceptions are the electorate staff of Ministers, Parliamentary Secretaries, the Leader and Deputy Leader of the Opposition, the Leader and Deputy Leader of the Opposition in the Senate, and the Leader and Deputy Leader of the Australian Democrats. Those staff are employed under Part III of the Act.⁷

The ranks of the personal staff include ministerial staff, which are the personal staff employed by ministers and parliamentary secretaries. While individual office-holders, senators and members are the employers of their staff under Parts III and IV of the Act,⁸ the Act gives a wide discretion to the Prime Minister to determine the employment arrangements for MoPS staff. Subsections 13(2) and 20(2) of the Act provide that the power of office-holders, senators and members to employ staff:

... is not exercisable otherwise than in accordance with arrangements approved by the Prime Minister, and the exercise of that power is subject to such conditions as are determined by the Prime Minister.⁹

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4. Part V of the Act was repealed in 1984.
 5. Under section 3 also a senator or member is an office-holder if the Prime Minister makes a determination under section 12 that the senator or member ought to be empowered to employ staff under Part III.
 6. Some basis for this categorisation can be found in section 19 of Part III which states that nothing in Part III affects the power of an office-holder who is a senator or member to employ electorate staff under Part IV.
 7. Australian National Audit Office (ANAO), *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, Commonwealth of Australia, Canberra, 2003, p. 28, viewed 28 July 2009, http://www.anao.gov.au/uploads/documents/2003-04_Audit_Report_15.pdf
 8. Subsections 13(1) and 20(1) specify that office-holders, senators and members ‘may, on behalf of the Commonwealth, employ, under an agreement in writing, a person’ as a member of their staff. Remuneration of MoPS staff is administered by the Department of Finance and Deregulation (DoFD); the Department has a Ministerial and Parliamentary Services area which provides support and administrative services for parliamentarians and their staff.
 9. *Members of Parliament (Staff) Act 1984* (Cth), subsections 13(2), 20(2).

Under the Rudd Government a staffing committee of three, called the Government Staffing Committee, considers government staffing matters such as classifications (particularly regarding more senior staff) and makes recommendations to the Prime Minister.¹⁰ Previous governments have had similar committees.

The Prime Minister also has the ability to vary the terms and conditions of MoPS staff employed under Parts III and IV, excepting certain terms and conditions relating to superannuation determined by the employing office-holder, senator or member and the terms and conditions prescribed by the Act relating to termination of employment.¹¹

While there are individual variations, currently a typical cabinet minister's personal staff will comprise a senior adviser/chief of staff, a senior media adviser, three to five advisers, two assistant advisers, an executive assistant/office manager, and a secretary/administrative assistant. A junior (i.e. non-cabinet) minister's personal staff will consist of a senior adviser/chief of staff, a media adviser, an adviser, an assistant adviser, an executive assistant/office manager, and a secretary/administrative assistant. A parliamentary secretary's personal staff will consist of an assistant adviser and an executive assistant/office manager. All ministers and parliamentary secretaries will also have either four or five electorate staff in their offices (see further below). The various personal staff classifications as at 1 February 2009 are set out at Appendix A.

In addition to staff employed under the MoPS Act, there will be staff working in the offices of office-holders, senators and members who do not come under the MoPS Act framework. Examples include interns, volunteers, and the Departmental Liaison Officers (DLOs), who are APS officers employed by departments and who are located in ministers' offices in order to assist communication between ministers and departments.

Determinations and the Collective Agreement

Under the MoPS Act the Prime Minister has the power to make various determinations relating to the employment of staff and the terms and conditions of employment.¹² In recent years the Special Minister of State has made a range of determinations for and on behalf of the Prime Minister under the MoPS Act in relation to MoPS staffing arrangements; in 2003 the Senate Finance and Public Administration References Committee (SFPARC) noted that 'most of the powers [under the MoPS Act] are delegated to the Special Minister of State (other than for the staff of ministers and parliamentary secretaries)'.¹³ In the past

10. J Faulkner, 'Senate Standing Committee on Finance and Public Administration: Estimates', Senate, *Debates*, 27 May 2008, p. 166.

11. See subsections 14(1)–(4) and 21(1)–(4).

12. See sections 5 and 12 and subsections 13(2), 14(3), 20(2) and 21(3).

13. Senate Finance and Public Administration References Committee (SFPARC), *Staff employed under the Members of Parliament (Staff) Act 1984*, SFPARC, Commonwealth of Australia, 2003, p. 9, viewed 28 July 2009,

determinations have generally not been publicly available; in 2003 the Department of Finance and Administration (DoFA) informed the SFPARC that ‘It is not usual practice to make copies of determinations publicly available because they relate to terms and conditions of employment’.¹⁴ Some information regarding MoPS staffing and remuneration, however, has periodically been made publicly available through the Senate Estimates process, including one 2007 determination made by Prime Minister Rudd. In addition, in December 2008 the determinations made over 2007–2008, together with a range of other information, were made publicly available in the MoPS Act 2007–08 Annual Report (see further below).

Up to a certain level (media adviser (non-Cabinet minister)/adviser), the terms and conditions of employment for MoPS staff (including electorate staff) are set out in a Collective Agreement that is due to expire in December 2009.¹⁵ Under the Howard Government after December 1998, senior personal staff above the media adviser (non-Cabinet minister)/adviser level were employed according to terms and conditions set out in Australian Workplace Agreements (AWAs), the details of which were not publicly available.¹⁶ Under the Rudd Government AWAs are no longer offered for senior personal MoPS staff. Instead, determinations made by the Prime Minister in December 2007 and the Special Minister of State in March 2009 set out the terms and conditions for senior staff employed under Part III of the Act.¹⁷ These arrangements, which are intended to be interim in nature,¹⁸ cover a range

http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/report/report.pdf. See also ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 28.

14. Department of Finance and Administration (DoFA), Submission to the SFPARC part 2, *Inquiry into members of parliament staff (MOPS)*, 2003, p. 1, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/additionalinformation/DOFAsupp2.pdf
15. Successive collective agreements have been in place for MoPS staff up to the media adviser (non-Cabinet Minister)/adviser level since 1999. See ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 35. The current Collective Agreement, the *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, is available at Fair Work Australia, ‘Collective Agreements made after 27 March 2006’, Fair Work Online website, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAEN061326923.pdf>
16. See A Tiernan, *Power Without Responsibility: Ministerial staffers in Australian governments from Whitlam to Howard*, University of New South Wales Press, Sydney, 2007, p. 105; ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 36. By November 2005, around 98 per cent of senior personal staff employed by the government were employed under AWAs: Tiernan, *Power Without Responsibility*, p. 106.
17. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, Commonwealth of Australia, Canberra, 2008, pp. 61–74, viewed 28 July 2009, http://www.finance.gov.au/publications/mops_annual_reports/2007-2008/docs/MOPs_Annual_Report_2007-08.pdf; Australian Government, *Determination regarding the salary of senior staff*, Commonwealth of Australia, 25 March 2009, pp. 1–5, cited with the permission of DoFD.

of matters including salary ranges, leave, allowances, and severance benefits. In January 2009 it was reported that the government was considering the development of a ‘longer-term employment framework for senior staff which will incorporate remuneration and other terms and conditions of employment’.¹⁹

Remuneration and allowances

The remuneration of MoPS staff has three components: base salary, extra duties allowance, and other applicable allowances and entitlements such as study assistance and travel and relocation allowances. Up to the level of media adviser (non-Cabinet minister)/adviser (including electorate staff), salaries are determined by the current Collective Agreement. For senior personal staff, individual salaries are set either by the employing office-holder (for non-government staff) or by the Prime Minister (for government staff) within the salary ranges specified by the 2009 Determination.²⁰ Current salary ranges for MoPS staff are reproduced at Appendices B and C.

As the ANAO noted in 2003, it is also possible for staff to be paid at rates outside specified salary ranges by means of ‘personal classifications’:

Individual staff members may, with the approval of the Prime Minister, be assigned a personal classification that is higher or lower than the substantive classification of the position they hold and, accordingly, be paid at a rate applicable to another classification. Personal classifications are not additional positions. They are assigned to recognise the particular skills and responsibilities of individual staff.²¹

The ANAO further noted that in March 2003 the availability of personal classifications was extended to ‘non-Government office holders’ by the Howard Government.²² As at

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18. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 3.
 19. J Gordon, ‘Rudd’s top advisers ignore appeal for wage restraint’, *Sun Herald*, 25 January 2009.
 20. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 62; Australian Government, *Determination regarding the salary of senior staff*, pp. 1–5, cited with the permission of DoFD. Similar individual salary-setting arrangements applied under the Howard Government for senior personal staff employed under AWAs: ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, pp. 36–37.
 21. ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 37.
 22. ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 37.

17 February 2009, nine government staff, four Opposition staff, and one other non-government staff member were assigned personal classifications.²³

There are three categories of the extra duties allowance for MoPS staff: an electorate staff allowance (ESA) for electorate staff; a parliamentary staff allowance (PSA) for personal staff up to the media adviser/adviser level; and a ministerial staff allowance (MSA) for senior personal staff paid ‘in recognition of the long and irregular hours required in addition to the ordinary hours of duty and other special features of employment’.²⁴ ESA is payable at the discretion of the employing office-holder, senator or member and varies according to employee classification. The current maximum total ESA allocation per employing parliamentarian is \$39 313 (\$45 865 for those with a second electorate office).²⁵ The current PSA for the media adviser/adviser classification is \$18 678 per annum and the current MSA is \$18 900 per annum.²⁶ In addition, personal staff at the highest classifications—principal advisers, chiefs of staff and senior advisers—are entitled to the use of a private-plated vehicle or cash-in-lieu to the value of \$18 540 per annum.²⁷

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23. K Clarke, DoFD, ‘Senate Standing Committee on Finance and Public Administration: Budget Estimates’, Senate, *Debates*, 24 February 2009, pp. 77–78; DoFD, *Personal Classifications*, Senate Standing Committee on Finance and Public Administration (SSCFPA), Canberra, 2009, p. 1, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0809/finance/tables_documents/personal_classifications.pdf
 24. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 62; ESA and PSA are payable ‘in recognition of reasonable additional hours of work and other special features’ of employment: DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 28.
 25. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, Canberra, 2006, p. 18. Under the Collective Agreement different rates of ESA and PSA apply to different staff classifications, and both allowances are subject to annual increases; ESA and PSA rates are set out at p. 44. See also ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, pp. 33–35, 42–43.
 26. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, p. 44; Australian Government, *Determination regarding the salary of senior staff*, p. 1, cited with the permission of DoFD.
 27. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 63; Australian Government, *Determination regarding the salary of senior staff*, pp. 2–5, cited with the permission of DoFD.

Recent developments

2003 SFPARC inquiry and ANAO performance audit

In 2003 the SFPARC, chaired by Senator Michael Forshaw, conducted an inquiry into staff employed under the MoPS Act.²⁸ The Committee inquired into a range of matters including ‘the adequacy and appropriateness of the framework for employment and management of staff’ under the Act, the ‘remuneration and conditions of employment of MoPS staff’, appropriate amendments to the MoPS Act, and ‘suitable means by which the accountability of MoPS staff could be enhanced’.²⁹ In its October 2003 report a majority of the Committee made a total of 21 recommendations relating to the MoPS Act employment framework including:

- the restructuring of the MoPS Act in order to ‘define the different categories of MOPS employment’³⁰
- the preparation of a comprehensive annual report on MoPS staffing
- the introduction of a code of conduct for ministerial staff, and
- the eventual introduction of a code of conduct for non-ministerial staff.³¹

While there has been no formal government response to the SFPARC’s report to date,³² the Rudd Government has implemented some of the measures recommended by the SFPARC including introducing a code of conduct for ministerial staff and MoPS Act annual reporting (see further below).³³ In 2003 also, the ANAO conducted a performance audit of the

28. After 11 September 2006 the SFPARC and the Senate Finance and Public Administration Legislation Committee (SFPALC) were amalgamated into the SSCFPA. Subsequently, on 13 May 2009, the Senate resolved to return to the previous system of committees involving the establishment of legislation and references committees for the various subject areas including the SFPARC and SFPALC.

29. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. v.

30. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. xx.

31. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, pp. xix–xxiv. Government members of the SFPARC dissented from the conclusions and recommendations of the majority of the Committee.

32. On 3 February 2009 the government indicated that its response to the SFPARC report was ‘being considered’: C Evans, ‘Government responses to parliamentary committee reports: response to the report tabled by the President of the Senate on 26 June 2008’, Senate, *Debates*, 3 February 2009, p. 54.

33. The government stated that it was ‘following the recommendations for more transparency contained in the Forshaw Report’ in introducing MoPS Act annual reporting: J Faulkner,

administration of MoPS staff by DoFA. The Audit Office made a number of recommendations to improve the administration of MoPS staff.³⁴

Developments under the Rudd Government

Ministerial staff reduction and subsequent revision

In August 2007 the Australian Labor Party (ALP) announced its intention to reduce ministerial staff numbers by 30 per cent in order to equate with 1996 staffing levels (the effect of this reduction on staff numbers is detailed below).³⁵ A reduction of staff in this vein is not a new concept; in May 1996 the Howard Government, for example, employed 17.5 per cent fewer personal staff than had been employed by the Keating Government a year earlier in April 1995.³⁶

After the ALP took office and implemented the reduction a number of media reports commented on the pressure, workload and long working hours experienced by the new ministerial staff cohort, particularly in the Prime Minister's office.³⁷ Concern was also

Transparency and Accountability: Our Agenda, speech, 30 October 2008, viewed 28 July 2009, http://www.smos.gov.au/speeches/2008/sp_20081030.html

34. ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, pp. 18, 20–23.
35. L Tanner, *National Press Club Address*, speech, 8 August 2007, viewed 28 July 2009, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2FFIWN6%22>. See also Australian Labor Party (ALP), *Cleaning up Government*, ALP policy document, Election 2007, viewed 28 July 2009, http://www.alp.org.au/download/now/cleaning_up_government.pdf. In this document the ALP also indicated that it would cut the parliamentary liaison officer program. In October 2008 it was reported that the Western Australian Barnett Government would reduce ministerial staff funding by 27 per cent: P Lampathakis, 'Pollie offices face cuts', *Sunday Times*, 5 October 2008.
36. Two hundred and ninety-four government personal staff in May 1996 compared to 356.22 personal staff in April 1995: Department of the Prime Minister and Cabinet (DPMC), Submission to the SFPARC no. 11 Appendix 1, *Inquiry into members of parliament staff (MOPS)*, 2003, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/submissions/sub11c.xls
37. See for example J Koutsoukis, 'Time for bed, say weary Ruddites', *Sunday Age*, 9 March 2008; K-A Walsh and L Carty, 'Staffers finding it tough to keep up with Kev', *Sun Herald*, 23 March 2008; K Murphy, 'Rudd's will to power', *Age*, 29 March 2008; J Gordon, 'Catch him if you can: few pitstops on life on the run with Rudd', *Sunday Age*, 27 April 2008; M Grattan, 'It's 24/7 if you want to work for Kevin...', *The Age*, 31 May 2008; L Tingle, 'Plan to super-size ministry', *Australian Financial Review*, 18 August 2008; J Gordon, 'The men keeping Rudd afloat', *Sunday Age*, 2 November 2008.

expressed in the media about the potential for the staff reduction to have adverse effects on policy and decision-making.³⁸ In March 2008 the National Secretary of the Community and Public Sector Union was reported as suggesting that the 30 per cent reduction was ‘short-sighted’ and that, if it was not re-examined, the government would ‘have a steady stream of people falling over’.³⁹

In July 2008 it was reported that staff turnover in ministerial offices was very high.⁴⁰ Department of Finance and Deregulation (DoFD) figures released in December 2008 indicate that, between December 2007 and October 2008, 24 per cent of personal staff (at various levels) engaged by ministers had ceased employment, with a cessation rate of 41 per cent in the Prime Minister’s office.⁴¹ The DoFD stated that these figures:

... include employees who were engaged on an ongoing, non-ongoing or temporary transfer basis to enable a smooth transition to government, as well as employees who were promoted/transferred from or to electorate officer positions. The figures do not include employees who were promoted/transferred from non-government personal to government personal staff positions following the election.⁴²

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38. B Toohey, ‘Cutting ministerial staff will prove false economy for Rudd’, *West Australian*, 24 March 2008; G Milne, ‘Rudd rides high but wears out weary staffers’ and ‘Labor staff burn out’, *The Australian*, 3 November 2008; Australian Broadcasting Corporation (ABC), ‘Rudd’s staff turnover may affect financial crisis: Oppn’, ABC website, 7 December 2008, viewed 28 July 2009, <http://www.abc.net.au/news/stories/2008/12/07/2439885.htm?section=australia>; M Franklin, ‘Rudd cuts MP staff bill \$5m a month’, *The Australian*, 24 December 2008. See also J Gordon, ‘Catch him if you can: few pitstops on life on the run with Rudd’.
39. S Jones, National Secretary of the Community and Public Sector Union, quoted in J Koutsoukis, ‘Time for bed, say weary Ruddites’. See also J Gordon, ‘Catch him if you can: few pitstops on life on the run with Rudd’.
40. J Gordon, ‘Beyond the star chamber: the ins, outs and burn-outs of life on Team Rudd’, *Sunday Age*, 13 July 2008; for other comment see D D McNicoll, ‘PM’s adviser opts out’, *The Australian*, 7 August 2008; D Crowe, ‘Rudd loses business-savvy key adviser’, *Australian Financial Review*, 11 October 2008; C Kerr, ‘Rumbles as Labor veteran quits as PM’s chief of staff’, *Weekend Australian*, 11 October 2008; G Milne, ‘Rudd rides high but wears out weary staffers’ and ‘Labor staff burn out’.
41. SFPARC, Answers to Questions on Notice, Finance and Deregulation Portfolio, Supplementary Budget Estimates 2008–09, 20–21 October 2008, Question F41c, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/sup_0809/finance/f41c.pdf. For media comment see S Markson, ‘New blow to Rudd as 13 staff depart in 14 months’, *Sunday Telegraph*, 11 January 2009.
42. SFPARC, Answers to Questions on Notice, Finance and Deregulation Portfolio, Supplementary Budget Estimates 2008–09, 20–21 October 2008, Question F41c. The DoFD figures received some media attention—see K-A Walsh, ‘Staff flee 24/7 Rudd regime’, *Sun*

The SFPARC observed in 2003 that, while the ‘greatest turnover’ of MoPS staff will be at elections, the cessation rate ‘At other times ... is also relatively high’.⁴³

It was also reported in July 2008 that a review of ministerial staffing arrangements and levels was underway within the government, and in August 2008 there was speculation that the government was planning to increase ministerial staff numbers.⁴⁴ The government stated in August that it had no plans to alter the current ministerial staffing arrangements.⁴⁵

In December 2008 the Department of the Prime Minister and Cabinet (DPMC) engaged Alan Henderson PSM (formerly of the DPMC) to review ‘matters relating to the allocation of staff employed under the *Members of Parliament (Staff) Act*’.⁴⁶ The review, which was completed in late February 2009, concluded that, taking account of a range of factors including workload, challenges facing the government, and measures to improve ministerial staff accountability, an increase in ministerial staff numbers was warranted.⁴⁷ The review recommended an overall increase in ministerial staff numbers of 42 positions (though not all in the first instance), distributed amongst various offices and with some allocations of staff at specific levels.⁴⁸ The review also recommended concomitant increases of seven personal staff positions for the Opposition and one personal staff position for the Australian Greens.⁴⁹

Herald, 7 December 2008; ABC, ‘Rudd’s staff leaving in droves’, ABC website, 7 December 2008, viewed 28 July 2009,

<http://www.abc.net.au/news/stories/2008/12/07/2439765.htm?section=australia>; ‘PM staff shuffle’, *Daily Telegraph*, 8 December 2008.

43. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, pp. 11–12. The Committee noted cessation rates in 2002–03 of 23.2 per cent for office-holder staff and 26 per cent for electorate staff.
44. J Gordon, ‘Beyond the star chamber: the ins, outs and burn-outs of life on Team Rudd’; L Tingle, ‘Plan to super-size ministry’, and ‘Staff cuts on back burner’, *Australian Financial Review*, 19 August 2008; C Kerr, ‘Micromanagement tops the agenda’, *The Australian*, 19 August 2008.
45. J Gillard, *Transcript, Doorstop Interview*, 20 August 2008, viewed 28 July 2009, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2FF2CR6%22>
46. AusTender, ‘Contract Notice View—CN 148410’, AusTender website, viewed 28 July 2009, <https://www.tenders.gov.au/?event=public.cn.view&CNUUID=AA3AB00B-E987-706C-221A397F21C577EA>
47. A Henderson, *Review of Government Staffing*, SFPALC, Canberra, 2009, p. 20, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/bud_0910/finance/tables_documents/Review_govt_staffing.pdf
48. Henderson, *Review of Government Staffing*, pp. 20–23.
49. Henderson, *Review of Government Staffing*, pp. 26–28.

Following the Henderson review, in the 2009–10 Budget the government provided \$34.2 million over four years (2009–13) to employ an additional 44 government and non-government personal staff.⁵⁰ The government stated that:

The proposed increase in staffing is consistent with recommendations made by an independent review conducted by Mr Alan Henderson PSM and reflects the review's assessment of the excessive demands on staff in the face of the challenges facing the Australian Government.⁵¹

Shortly after the Budget it was reported in the media that, of the 44 additional staff, 34 would be allocated to ministers, seven to the Opposition, one to the Australian Greens, one to Independent Senator Nick Xenophon, and one to Family First Senator Steve Fielding.⁵² It was also reported that the Opposition was critical of the government's decision to increase staff numbers.⁵³ As would be expected, the most recent staffing figures from DoFD, which are for February 2009, show no increase in the numbers of personal staff. It is quite possible however that additional personal staff have been employed since the Budget.

Code of conduct and MoPS Act annual reporting

After the 2007 federal election it was reported in the media that the Rudd Government would introduce a code of conduct for ministerial staff; this was confirmed by the government during Senate Estimates hearings in February 2008.⁵⁴ The code was subsequently released on 26 June 2008 and took effect on 1 July 2008.⁵⁵ The code of conduct will be considered further in the future paper on MoPS Act accountability issues.

In October 2008 the government announced the introduction of annual reporting 'on Ministerial and Parliamentary staffing'.⁵⁶ The government stated that the annual reports will

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50. Australian Government, *Budget measures: budget paper no. 2 2009–10*, Commonwealth of Australia, Canberra, 2009, p. 250, viewed 28 July 2009, http://www.budget.gov.au/2009-10/content/bp2/download/bp2_Consolidated.pdf
 51. Australian Government, *Budget measures: budget paper no. 2 2009–10*, p. 250.
 52. N Berkovic, 'Staff numbers up despite promise of axe', *The Australian*, 14 May 2009; M Mannheim, 'Promise to prune advisers 'a failed stunt'', *Canberra Times*, 18 May 2009.
 53. M. Mannheim, 'Promise to prune advisers 'a failed stunt''.
 54. V Burgess, 'Hard line on ministers' staffers', *Australian Financial Review*, 12 December 2007; C Evans, 'Senate Standing Committee on Finance and Public Administration: Additional Budget Estimates', Senate, *Debates*, 18 February 2008, pp. 49, 81.
 55. J Faulkner, 'Questions Without Notice: Ministerial Staff Code of Conduct', Senate, *Debates*, 26 June 2008, pp. 3526–7; Australia, Senate, *Journals*, no. 21, 2008, p. 656. The Code of Conduct is accessible online at: http://www.smos.gov.au/media/code_of_conduct.html, viewed 28 July 2009.
 56. J Faulkner, *Transparency and Accountability: Our Agenda*.

‘provide an overview of the numbers of Ministerial staff and the costs of their employment’ and will ‘enhance the transparency of employment arrangements for all MOP(S) Act employees’.⁵⁷ The first Annual Report, covering the 2007–08 financial year, was released in December 2008 and contains a range of information including:

- MoPS staff home bases, staff numbers, salary ranges, allowances ranges, and personal classifications
- payroll, travel and support costs
- information on professional development, training, occupational health and safety, fraud prevention and control, and unfair dismissal
- the code of conduct for ministerial staff, and
- determinations made under the MoPS Act over the period 2007–08.

The MoPS Act annual reports will be convenient as consolidated information sources and beneficial from a transparency standpoint.

MoPS staff figures

Personal staff

The Prime Minister determines the government personal staff complement and also the personal staff complement of any minor parties/independents.⁵⁸ For the Opposition, a convention has been in place for some years whereby the Opposition personal staff complement is set at 21 per cent of that of the government.⁵⁹

Information regarding personal staff complements has periodically been made publicly available by DoFA (more recently DoFD) for a number of years during Senate Estimates rounds.⁶⁰ The SFPARC noted in 2003 that ‘information about the numbers, remuneration and so on of staff is only forthcoming if questions are asked in parliament or through a

57. J Faulkner, *Transparency and Accountability: Our Agenda*.

58. E Abetz, ‘Senate Finance and Public Administration Legislation Committee: Consideration of Additional Estimates’, Senate, *Debates*, 19 February 2002, p. 257.

59. E Abetz, ‘Senate Finance and Public Administration Legislation Committee: Consideration of Additional Estimates’, Senate, *Debates*, 19 February 2002, p. 257. See also SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 11.

60. On occasion information regarding MoPS personal staff has also been provided by the DPMC. On 3 December 2007 DoFA was renamed the Department of Finance and Deregulation: Australian Government, *Administrative Arrangements Order*, Commonwealth of Australia, Canberra, 3 December 2007, p. 22.

parliamentary committee'.⁶¹ This has now changed with the introduction MoPS Act annual reporting, which will make following such information easier, at least on an annual basis.

While MoPS staffing arrangements can be fluid, the information made available has provided periodic 'snapshots' of personal staff figures and classifications. Based on this information, the following table shows:

- MoPS personal staff figures for the government, Opposition, Australian Democrats, Australian Greens, other minor parties and independents at the same or nearest point over the period 2003–09 (1 February 2003 and 2009 and 1 May each year for 2004–08) and
- government personal staff figures at the nearest point over the period 2000–02 (1 March 2000, 20 February 2001, and 1 May 2002).

Table 1. Personal staff figures 2000–2009

	Government	Opposition	Aust. Democrats / Aust. Greens	Other minor parties / independents	TOTAL
1 Feb 2009	352	77.34	11 (Greens)	5	445.34
1 May 2008	345	76	5 (Democrats) 5 (Greens)	3	434
1 May 2007	474.3	101	5 (Democrats) 5 (Greens)	4	589.3
1 May 2006	449.6	87	5 (Democrats) 5 (Greens)	4	550.6
1 May 2005	407.6	86	15 (Democrats) 2 (Greens)	7	517.6
1 May 2004	391.6	83	15 (Democrats) 3 (Greens)	7	499.6
1 Feb 2003	369.6	77	15 (Democrats) 3 (Greens)	7	471.6
1 May 2002	365.6	–	–	–	–
20 Feb 2001	354.4	–	–	–	–
1 Mar 2000	344.9	–	–	–	–

Sources: see Appendix D.

61. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 22.

The figures above are as provided by DoFA/DoFD and are based on the groupings used by the Department. The figures include the personal staff of, as applicable:

- ministers and parliamentary secretaries
- the Cabinet Policy Unit
- the Government Members' Secretariat (Coalition)
- the Caucus Committee Support and Training Unit (ALP)
- 'pool positions'
- government whips
- government taskforces
- government consultants
- former government office-holders
- the President of the Senate and the Deputy President of the Senate (2006 onwards)
- the Speaker of the House of Representatives, the Deputy Speaker of the House of Representatives, and the Second Deputy Speaker of the House of Representatives (2009)
- the Leader and Deputy Leader of the Opposition in the House of Representatives and the Senate
- the Leader and Deputy Leader of the Nationals in the House and the Leader of the Nationals in the Senate
- Opposition shadow ministers
- Opposition whips
- former Opposition office-holders
- former leader personal positions, and
- minor parties and independents.

The figures may include vacant positions and span the full range of personal staff classifications from principal adviser down to secretary/administrative assistant and whips clerk.⁶² The figures do not include:

- DLOs and
- the personal staff of former Prime Ministers.⁶³

One problem with measuring personal staff figures is the ability to arrive at different measurements depending on the staff categories and classifications included in, or excluded from, the data. As the SFPARC observed in 2003, ‘Just how many MOPS staff provide the government with advice depends on how they are counted’.⁶⁴ The Committee also noted that the different ways of calculating staff figures ‘mean that figures are regularly quoted that seem mutually incompatible’.⁶⁵ The MoPS Act annual reports may serve to establish a standard measure of personal staff figures over time.

Ministerial staff

The ministerial staff complement—that is, personal staff employed by ministers and parliamentary secretaries—over the same period covered in Table 1 is as follows:

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62. Staff classifications are subject to change over time.
63. As at 21 May 2009 there were 71 DLOs in ministerial offices (out of 73 allocated positions): DPMC, *Departmental Liaison Officers as at 21 May 2009*, SFPALC, Canberra, 2009, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/bud_0910/pmc/tables/departmental_liaison.pdf. As at 1 February 2009 there were 15 personal staff in the offices of former Prime Ministers: DoFD, *Government Personal Positions as at 1 February 2009*, SSCFPA, Canberra, 2009, p. 8, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0809/finance/tables/government_personal_positions_as_at_1_february_2009.pdf
64. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 11.
65. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 11.

Table 2. Ministerial staff figures 2000–2009

	Ministerial staff	Government personal staff	Ministerial staff as percentage of government personal staff
1 Feb 2009	320	352	90.9
1 May 2008	318	345	92.2
1 May 2007	428.3	474.3	90.3
1 May 2006	406.5	449.6	90.4
1 May 2005	379.5	407.6	93.1
1 May 2004	364.5	391.6	93.1
1 Feb 2003	345.1	369.6	93.4
1 May 2002	343.1	365.6	93.8
20 Feb 2001	331.4	354.4	93.5
1 Mar 2000	322.9	344.9	93.6

Sources: as for Table 1 (Appendix D).⁶⁶

Again, figures are as provided by DoFA/DoFD (except for the percentages) and may include vacant positions.

As with personal staff figures, it is possible when calculating ministerial staff figures to arrive at different measurements depending on the staff categories and classifications included in or excluded from the data. For example, totals different to those above would be yielded by excluding the staff of parliamentary secretaries or by excluding personal staff classifications below adviser level in order to focus on staff fulfilling an advisory role.⁶⁷

66. The sources also provide breakdowns of staff numbers (including by classification) per minister.

67. For a discussion of some of the measurement issues involved here see I Holland, *Accountability of Ministerial Staff?*, Research paper, no. 19, 2001–02, Department of the Parliamentary Library, Canberra, 2002, pp. 5–6, viewed 28 July 2009, http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fp_rpub%2FBMS66%22. For an exploration of some of the permutations possible in calculating ministerial adviser numbers see M Maley, ‘Too Many or Too Few? The Increase in Federal Ministerial Advisers 1972–1999’, *Australian Journal of Public Administration*, vol. 59, no. 4, December 2000, pp. 48–53.

Electorate staff

Senators and members are allocated a set number of full-time electorate staff positions. In 2003 the SFPARC noted that:

Until 1985 there were two electorate staff for each Member and Senator. This was then increased to three. This meant the total numbers of electorate staff rose from 414 to around 680. Members serving large electorates are permitted a fourth electorate officer to staff a second electorate office.⁶⁸

In January 2007 senators and members were allocated an additional electorate staff position making a total of four full-time staff positions for each senator and member.⁶⁹ Members in certain geographically large electorates are also provided with a second electorate office and a further electorate staff position.⁷⁰ The maximum aggregate number of full-time electorate staff employable by senators and members under the MoPS Act currently, therefore, is 924. As at 30 June 2008 there were 961 ongoing electorate staff, 198 non-ongoing electorate staff, and 58 casual electorate staff—a grand total of 1 217 electorate staff.⁷¹ Of these, excluding casual staff, 793 electorate staff were full-time and 366 staff were part-time.⁷²

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68. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 10.
69. G Nairn, Special Minister of State, *MPs Staffing Boosted to Meet Community Demands*, media release, 11 January 2007, viewed 28 July 2009, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F2KYL6%22>; M Davis, 'MPs given staff boost for poll', *Sydney Morning Herald*, 12 January 2007; D Crowe, 'More resources for MPs' war chests', *Australian Financial Review*, 12 January 2007.
70. There are 20 such electorates: Barker (SA), Calare (NSW), Capricornia (QLD), Eden-Monaro (NSW), Farrer (NSW), Flynn (QLD), Gippsland (VIC), Grey (SA), Kalgoorlie (WA), Kennedy (QLD), Leichhardt (QLD), Lingiari (NT), Lyons (TAS), Mallee (VIC), Maranoa (QLD), New England (NSW), O'Connor (WA), Parkes (NSW), Riverina (NSW), and Wannon (VIC). In 2003 nine electorates were permitted a second electorate office and their members a further electorate staff position: ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 28. In October 2006 DoFA indicated that a decision had been taken to award a second electorate office to several further electorates with areas of over 30 000 km² with the corresponding additional electorate staff position: K Clarke, 'Senate Standing Committee on Finance and Public Administration: Supplementary Budget Estimates', Senate, *Debates*, 31 October 2006, pp. 96–97; SSCFPA, Answers to Questions on Notice, Finance and Deregulation Portfolio, Supplementary Budget Estimates 2006–07, 30–31 October 2006, Questions F38, 39, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/sup_0607/finance/f38_f39.pdf
71. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 7.
72. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 12.

Totals

As at June 2008, the maximum possible number of MoPS staff positions, as allocated by the Prime Minister under the MoPS Act, was 1 374.⁷³ This comprised maximum allocations of 924 full-time electorate staff and 450 personal staff.⁷⁴ As at 30 June 2008 the actual totals for *all* MoPS staff employed under the Act, including ongoing, non-ongoing, and casual staff, were 1 217 electorate staff and 441 personal staff—a grand total of 1 658 staff.⁷⁵ In the 2007–08 MoPS Act Annual Report DoFD stated that ‘At any given time the actual number of MOP(S) Act employees may differ from the number of staffing allocations if, for example, not all positions are filled or one position is filled by two or more part-time employees’.⁷⁶

Of note also are the costs of MoPS staff. MoPS staff salaries and associated costs over the 2007–08 financial year totalled \$148.21 million, while staff travel and other administrative costs amounted to \$25.35 million—an overall total cost of \$173.56 million.⁷⁷

Staffing trends

Table 1 above reveals a 37.5 per cent growth in government personal staff figures over the 2000–07 period and a 31 per cent growth in Opposition personal staff figures from 2003 to 2007. The drop in both over 2008–09 is due to the Rudd Government’s policy of a 30 per cent reduction in ministerial staff (in actuality a reduction of 27.3 per cent in February 2008 from October 2007 and a reduction of 26.4 per cent in February 2009 from October 2007) and the associated effect on Opposition staff.⁷⁸ The trend for ministerial staff is broadly similar to that for government personal staff, with Table 2 above revealing a 32.6 per cent growth in figures over 2000–07 followed by a significant drop in 2008. Ministerial staff as a percentage of government personal staff has stayed within the narrow range of between 90.3 and 93.8 per cent over the 2000–09 period.

Aggregate minor party and independent personal staff figures were virtually static from 2003 to 2005 before falling by 41.6 per cent in 2005–06 due to a sharp contraction in the

73. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 5.

74. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 6.

75. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, pp. 8–11.

76. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 6.

77. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 40.

78. DoFD, *Government Personal Positions as at 17 October 2007*, SSCFPA, Canberra, 2008, pp. 1–2, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0708/finance/tailed_docs/190208_gov_positions_at_17_Oct_2007.pdf; DoFD, *Government Personal Positions as at 1 February 2008*, SSCFPA, Canberra, 2008, pp. 1–2, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0708/finance/tailed_docs/190208_gov_positions_at_1_Feb_2008.pdf

Australian Democrats' staff numbers. From 2006 to 2008 aggregate minor party and independent personal staff figures held fairly steady, followed by a slight increase (despite the departure of the Democrats) into 2009 due to an expansion of the staffing numbers of the Australian Greens and other minor parties/independents. Growth in electorate staff figures has been widely spaced and episodic, with significant increases in 1985 and again in 2007 due to increases in staff allocations for senators and members.⁷⁹

Research has suggested that, overall, the numbers of MoPS staff rose considerably over the two decades to 2003. In 2003 the DPMC informed the SFPARC that, from 1983 to 2003, government personal staff figures rose by 79.5 per cent, Opposition personal staff figures rose by 84 per cent, and electorate staff figures rose by 72 per cent.⁸⁰ It has also been suggested that ministerial staff figures have grown over the past 20–30 years. In 2003 the SFPARC stated that 'The data shows a steady growth in ministerial staffing' over the 1983–2003 period,⁸¹ and Holland has suggested that, excepting the years 1996–97, ministerial staff figures maintained an upwards trend over the 1976–2001 period.⁸² More recently, Tiernan has stated that, again excepting 1996–97, 'the total number of ministerial staff has risen consistently' from 1983 to 2006.⁸³

As a result of the Henderson review and the 2009–10 Budget, an increase in personal staff numbers can be expected (the most recent DoFD figures, for February 2009, show no increase in personal staff). As noted above, after the Budget it was reported that 34 of the additional 44 personal staff provided for in the Budget would be allocated to ministers. Based on the February 2009 staff figures, such an allocation would scale the Rudd Government's 30 per cent ministerial staff reduction down to an 18.6 per cent reduction from October 2007 ministerial staffing levels.

79. A 2003 submission by the DPMC to the SFPARC reveals some slight variations in numbers of electorate staff between 1985 and 2003, separate to the large increase in 1985, due to factors such as the addition of two electorates in 2002. See DPMC, Submission to the SFPARC no. 11 Appendix 1.

80. DPMC, Submission to the SFPARC no. 11, *Inquiry into members of parliament staff (MOPS)*, 2003, p. 2, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/submissions/sub11b.doc. It appears that annual growth in personal staff numbers was not uniform for the period, and fluctuations are evident—between April 1995 and May 1996, for example, both government and Opposition personal staff numbers dropped, and between April 1986 and April 1987 and April 1993 and April 1994 there was a slight drop in government personal staff numbers. See SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 101.

81. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 11.

82. Holland, *Accountability of Ministerial Staff?*, p. 6.

83. Tiernan, *Power without Responsibility*, p. 22; see also pp. 92–93.

Employment issues

The main issues relating to employment under the MoPS Act are the adequacy of the MoPS Act framework and institutional arrangements; base salary value; employment security; and staff management and professional development.

Adequacy of the MoPS Act framework and institutional arrangements

Adequacy of the MoPS Act framework

The adequacy of the current MoPS Act employment framework has come under some scrutiny in recent years, mainly in relation to ministerial staff. In 2003 the SFPARC observed that ministerial staff are different from other MoPS staff due to ‘their attachment to the executive arm’, and concluded that ‘a clear distinction should be drawn between ministerial staff and other MOPS staff ... the distinctive role of ministerial staff should be reflected in a reorganisation of the MOPS Act’.⁸⁴ The Committee accordingly recommended that the MoPS Act should be restructured so as to:

... define the different categories of MOPS employment, in such a way as to distinguish between government staff (particularly ministerial staff), non-government office-holder staff, and electorate staff.⁸⁵

Tiernan and Weller have gone further, suggesting that ‘the ministerial staffing system requires its own regulatory framework’ due to the particular roles and responsibilities of ministerial staff, and for accountability reasons, rather than a framework ‘enmeshed within a broader set of arrangements for Electorate Office and other staff’.⁸⁶ Tiernan and Weller also suggest that the administration of ministerial staff is ‘fragmented and ambiguous’ and could be better managed by a single agency under a single minister appointed for the purpose.⁸⁷

Tiernan has also suggested that the ‘institutional framework is inadequate for a political institution of the ministerial staffing system’s size and complexity’,⁸⁸ and that the MoPS Act has not provided a ‘robust operating framework for the ministerial staffing institution’ or ‘management structures or systemic guidance’ for MoPS staff.⁸⁹ It has also been argued,

84. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 42.

85. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 42.

86. A Tiernan and P Weller, Submission to the SFPARC no. 4, *Inquiry into members of parliament staff (MOPS)*, 2003, p. 5, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/submissions/sub04.doc

87. Tiernan and Weller, Submission to the SFPARC no. 4, pp. 5–6.

88. A Tiernan, ‘If it’s broke, it’s time to fix it’, *The Public Sector Informant*, August 2003.

89. Tiernan, *Power Without Responsibility*, p. 62.

however, that there is a longstanding trend against including comprehensive employee management provisions in other Commonwealth legislation, and that ‘Ministers should have at least equal flexibility about the management of their staff’.⁹⁰

One other matter that can be raised in relation to the MoPS Act framework is the appropriateness of the wide discretion that the Act confers upon the Prime Minister with regard to MoPS staff employment arrangements and conditions, including for electorate staff and the staff of non-government party leaders. It may be more appropriate for further employment terms and conditions to be enshrined in the MoPS Act, particularly with regard to senior personal staff not covered by collective agreements. A related measure would be to amend the Act so as to further limit the ability of the Prime Minister to vary employment terms and conditions. Another possibility would be to involve the Parliament in MoPS staff determinations, for example by way of committee consideration.

Institutional arrangements

As noted above, the Opposition personal staff complement is set at 21 per cent of that of the government. The disadvantage of this approach is that a fixed staff complement may restrict the ability of employing senators, members and office-holders to structure their staffing profiles with more of an emphasis on classification. Perhaps a more functional approach would be to set the ratio in terms of the total MoPS staff salary cost, thereby providing greater flexibility in deciding staffing arrangements.

In its 2003 report the SFPARC considered the institutional arrangements for the provision of MoPS staff information to the Parliament and noted that:

Parliament’s only access to information about staffing establishment levels and staff classifications is through the Senate Legislation Committee hearings ... the Australian Parliament has less of a role in the staffing arrangements of its members than is the case in many jurisdictions.⁹¹

The Committee concluded that there should be greater reporting of MoPS staffing arrangements, and recommended the institution of an annual report containing a range of information including instruments issued under the MoPS Act, numerical and salary data, salary and non-salary costs of MoPS employment, and existing information required under section 31 of the Act.⁹² As noted above, the Rudd Government has recently acted in this area with the introduction of MoPS Act annual reporting.

90. P Gourley and M Delaney, ‘Rorts and sports of the Hollowmen’, *Canberra Times*, 5 August 2008. Gourley and Delaney note that ‘the vast majority of other employment legislation in the Commonwealth runs to a couple of lines for each organisation’.

91. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, pp. 43–44.

92. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, pp. 44–47.

Base salary value

Some caution must be exercised when interpreting MoPS staff remuneration data. It is difficult to meaningfully interpret the data across the classifications over time due to the presence of a number of significant variables. Changes in classifications and the assigning of personal classifications are unpredictable factors, and there may not be parity between government and non-government classifications or salary ranges. For example:

- government personal MoPS staff generally earn more than their non-government counterparts,⁹³ and
- the government personal staff classification of adviser is currently not present in the Opposition personal staff establishment, and the top of the salary range for the higher of the two equivalent Opposition classifications does not match the top of the salary range for the government adviser classification.⁹⁴

Given these sorts of variables and differences, MoPS staff remuneration data are more usefully interpreted in relation to individual classifications, although even here there are limitations such as gaps appearing in the data where information has not been made publicly available.

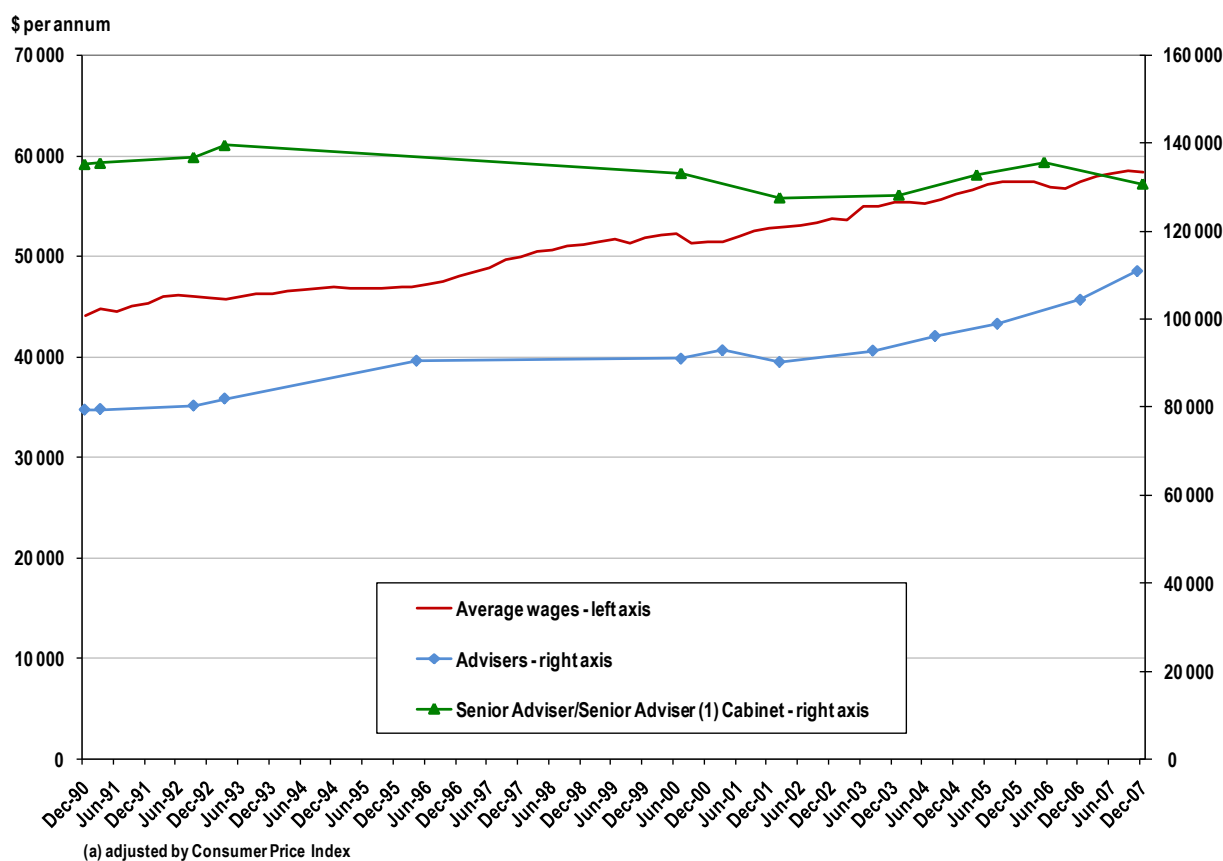
Despite these limitations, available data do suggest that the value of MoPS staff base salaries is an issue. Taking the top of the salary range for two of the more densely-populated government personal staff classifications—the high-level senior adviser/senior adviser (1) Cabinet classification and the mid-level adviser classification—as samples,⁹⁵ it can be seen that, in real terms over the 1990 to 2007 period, advisers' salaries have been uneven and senior advisers' salaries have decreased in value (Figure 1).

93. In 2003 the ANAO was advised by DoFA that 'It has been a longstanding view of successive Governments that the workload of Ministerial staff differs significantly from that of non-Government staff and that these differences are reflected in the salary levels that are applied': ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 36.

94. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, pp. 41–42.

95. At comparison points from 2000 to 2007 the senior adviser/senior adviser (1) Cabinet classification was the most densely-populated classification in the senior personal staff cohort and the second most densely-populated classification in the cohort at comparison points in 2008 and 2009. At comparison points from 2002 to 2009 the adviser classification was the most densely-populated classification in the junior staff cohort and the second most densely-populated classification in the cohort in 2000 and 2001.

Figure 1. Advisers salaries and annualised average weekly ordinary time wages 1990–2007 (2007–08 prices^(a))



Sources: see Appendix D.

Advisers’ salaries experienced a period of modest and uneven growth over the 11 years from 1990 to 2001 before declining slightly into 2002 and then commencing more regular increases from 2003 onwards. Senior advisers’ salaries rose slightly between 1990 and 1993 before declining in value over the nine years from 1993 to 2002 and then commencing a short period of growth from 2004 to 2006. In 2006, however, this growth had still not made up for the long decline (the top of the salary range at that point was still lower in real terms than the top of the range in 1992), and salaries then declined in real terms from 2006 to arrive, in December 2007, at a point below the December 1990 level. When compared against average weekly earnings growth of 30 per cent over 1990 to 2007,⁹⁶ advisers’ salaries have been slightly off the pace, growing in real terms by 28 per cent over the period, while senior

96. December quarter 1990–December quarter 2007.

advisers' salaries have declined by 3 per cent. A recent (March 2009) 4.5 per cent pay rise for senior staff has slightly improved the base salary rate for senior advisers.⁹⁷

While it is true that salaries for MoPS staff are supplemented by the extra duties allowances (ESA, PSA or MSA) and other applicable allowances and entitlements, it is still of note that *base* salary values for two of the more densely-populated government personal staff classifications have been uneven or have actually decreased over time. This should also be viewed in the context of the high level of responsibility that MoPS staff have along with long working hours (particularly for ministerial staff) and low employment security (see further below). The Henderson review reported indicative working hours for senior/policy ministerial staff of 10–14 hours per day in sitting periods and 9–12 hours per day in non-sitting periods, plus weekend work, with chiefs of staff and media staff working particularly long hours.⁹⁸ The review noted that:

... Chiefs of Staff and media staff typically work 60–70 hours Monday to Friday in parliamentary weeks and in addition, most work over the weekend ... Some other senior and policy staff, most commonly in Cabinet Ministers' offices, work similar hours but generally the hours for other policy staff are less during the week and also, weekend work is less frequent. The hours for administrative support staff are somewhat lower, in the range of 45–60 hours Monday to Friday in sitting weeks. The hours for most staff in non-sitting weeks appear to be about 10 hours less per week than in sitting weeks. As well as these very long hours of duty, all senior and media staff, as well as many other staff, are "on call and/or contactable" all hours of every day.⁹⁹

Under the new framework introduced by the Rudd Government the salary ranges for the higher classifications are very broad. The range for the government senior adviser (1) Cabinet classification, for example, commences at \$89 348 and reaches \$135 537 (a range of \$46 189), and the range for the highest government classification, principal adviser, commences at \$138 776 and reaches \$201 058 (a range of \$62 282).¹⁰⁰ Salary ranges for the higher classifications in the non-government MoPS staff ranks are also of considerable breadth. MoPS Act salaries for the higher classifications have long been flexible. Under the Howard Government after December 1998, AWAs provided flexibility regarding salaries and conditions for personal staff above the adviser level. Prior to the introduction of AWAs,

97. Australian Government, *Determination regarding the salary of senior staff*, p. 1, cited with the permission of DoFD.

98. Henderson, *Review of Government Staffing*, p. 37.

99. Henderson, *Review of Government Staffing*, p. 13.

100. Australian Government, *Determination regarding the salary of senior staff*, p. 1, cited with the permission of DoFD.

senior personal staff were remunerated with reference to the APS Senior Executive Service salary ranges with variations within the ranges.¹⁰¹

Employment security

MoPS staff have virtually no employment security beyond the legal protections available to employees generally.¹⁰² Under Parts III and IV of the MoPS Act, employing senators, members and office-holders may terminate the employment of their MoPS staff at any time.¹⁰³ In addition, under Parts III and IV the employment of MoPS staff is terminated if the employing senator or member ceases to be a senator or member, if the employing officer-holder ceases to hold the office, or if the employing senator, member or office-holder dies.¹⁰⁴ As the SFPARC noted in 2003:

... MOPS staff, consistent with the situation of their employers, have little job security. A MOPS employee loses their job automatically if their employer dies or loses office, and can readily be terminated by the employing Member or Senator.¹⁰⁵

The current Collective Agreement for MoPS staff up to the level of media adviser (non-Cabinet minister)/adviser states that the 'sole and exhaustive rights and remedies of an Employee in relation to termination of employment' are those contained in the *Workplace Relations Act 1996* (Cth), other Commonwealth laws, and at common law.¹⁰⁶ The Agreement also states that termination of employment or a decision to terminate employment 'cannot be reviewed under the dispute prevention and resolution procedures' set out elsewhere in the Agreement.¹⁰⁷

Employment can be particularly insecure for ministerial staff given the uncertainty of ministerial tenure and the demands of the role. As Tiernan has observed, 'The employment framework for ministerial staff ties the fortunes of the individual staffer to those of their

101. ANAO, *Administration of Staff Employed Under the Members of Parliament (Staff) Act 1984*, p. 36. The ANAO noted that government Senior Executive Staff were, 'on average, better remunerated': p. 36.

102. For example the protections contained in the *Workplace Relations Act 1996* (Cth).

103. Subsections 16(3), 23(2). MoPS staff employed under Parts III and IV may also terminate their employment at any time: see subsections 16(4), 23(3).

104. Subsections 16(1), (2) and 23(1). Subsections 16(5) and 23(4) however provide that in such circumstances the Prime Minister may direct that the employment of the MoPS staffer be deemed not to have been terminated and the employment be continued until a specified date.

105. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 11.

106. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 58.1, p. 36.

107. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 58.2, p. 36.

minister ... Their tenure lasts as long as they are of value to their minister.’¹⁰⁸ In addition, commentators have identified a scapegoat or sacrificial function for ministerial staff that can also abbreviate their employment:

... some advisers have become the “junk-yard attack dogs” of the political system: the hard men and the hit men. They are politically dispensable, convenient scapegoats who will take the bullet for their ministers and protect them from political fallout. At different times, staffers from the prime minister’s office and the deputy prime minister’s office have resigned as a means of preventing scandal from touching their masters.¹⁰⁹

The ability of senators, members and office-holders to easily dismiss MoPS staff, it can be argued, is necessary to the political nature of MoPS staff employment and the stakes involved, particularly in the ministerial context. If a staff member does not have the full confidence of their employer then they can be of little use to their employer.¹¹⁰ In this respect at least their situation seems little different to that of departmental secretaries, as the 1999 Barratt case demonstrated.¹¹¹ It is rare for MoPS staff to successfully claim unfair treatment given the straightforwardness of the dismissal provisions in the MoPS Act.¹¹²

Severance benefits

In the event of a MoPS staffer losing his/her employment, certain severance benefits are payable. For MoPS staff coming under the current Collective Agreement, severance benefits are payable for loss of employment under Parts III and IV of the MoPS Act other than

108. Tiernan, *Power without Responsibility*, p. 32.

109. P Weller, *Don't Tell the Prime Minister*, Scribe Publications, Melbourne, 2002, p. 72. For further discussion see J Walter, ‘Ministers, Minders and Public Servants: Changing Parameters of Responsibility in Australia’, *Australian Journal of Public Administration*, vol. 65, no. 3, September 2006, pp. 24–25; A Tiernan, ‘Overblown or overload? Ministerial staff and dilemmas of executive advice’, *Social Alternatives*, vol. 25, no. 3, 2006, p. 10.

110. The insecurity of ministerial staff employment (and the fragility of ministerial confidence) was illustrated in early 2008, albeit under a different system, by the dismissal of a ministerial staffer from the Tasmanian Deputy Premier’s office for writing to the Premier with concerns about ministerial staffing arrangements. See S Neales, ‘Fired ... for writing to the Premier’; ‘More heat over Kons’ ex-adviser’; ‘Lennon spills sacking truth’, *Hobart Mercury*, 20 and 21 March 2008, 2 April 2008; S Kons, Deputy Premier, *Staff Termination*, media release, 20 March 2008.

111. *Barratt v Howard* (1999) 165 ALR 605; *Barratt v Howard* [1999] FCA 1132. Under subsection 59(1) of the *Public Service Act 1999* (Cth) the Prime Minister may terminate the appointment of a secretary at any time (subject to certain requirements).

112. See for example *Catherine McGovern v Department of Finance and Administration*, Australian Industrial Relations Commission, Melbourne, 14 March 2002, U2001/5582 and U2001/6433.

through resignation and are determined on the basis of length of continuous service.¹¹³ Exclusions apply, for example to public service employees, non-ongoing or casual staff, and staff re-employed under the MoPS Act without a break.¹¹⁴ The minimum severance benefit is two weeks' pay (salary plus parliamentary or ministerial allowance) for up to one year of continuous service, and the maximum benefit is 12 weeks' pay for seven or more years of continuous service with an additional two weeks' pay for every completed year of service in excess of six years up to a maximum of 48 weeks' additional pay.¹¹⁵ There is also provision in the Collective Agreement for severance benefit entitlements to be increased by 30 per cent if termination of employment occurs due to an employing office-holder losing office and if certain taxation requirements are met.¹¹⁶ The same scheme applies for senior staff with some variation to the exclusions.¹¹⁷

A comparison of the severance benefit scheme in the MoPS staff Collective Agreement with the severance/redundancy benefit schemes in a range of APS/parliamentary agency agreements suggests that the severance benefits for MoPS staff are not unusually generous. The agency agreements typically provide for a severance benefit of two weeks' remuneration (salary plus applicable allowances) for each completed year of continuous service, with a minimum benefit of four weeks' salary and a maximum benefit of 48 weeks' salary.¹¹⁸ Pro-

113. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 55.1–55.2, pp. 33–34.

114. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 55.1, pp. 33–34. Proportionate deductions are also made for MoPS staff re-employed under the Act after a break but within the severance pay period (cl. 55.3–55.4).

115. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 55.2, p. 34.

116. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 56.1, p. 35.

117. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, pp. 68–69.

118. Agency agreements surveyed:
Department of Communications, Information Technology and the Arts, *Department of Communications, Information Technology and the Arts Collective Agreement 2007–2010*, Workplace Authority, Canberra, pp. 29–31, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAUN072797860.pdf>;
Department of the Prime Minister and Cabinet, *Department of the Prime Minister and Cabinet Collective Agreement 2007–2010*, Workplace Authority, Canberra, pp. 21–22, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAEN073260530.pdf>;
Attorney-General's Department, *Attorney-General's Department Agreement 2007*, Workplace Authority, Canberra, pp. 56–58, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAUN073430375.pdf>;
Department of the Treasury, *Treasury Workplace Agreement 2006–2009*, Workplace Authority, Canberra, pp. 32–33, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAEN06663715.pdf>;

rata amounts for service since the last competed year are also payable. The number of weeks of salary benefit payable to MoPS staff per completed service period is greater than that payable to APS/parliamentary agency staff up to the six-year service mark; after this point the two scales align. This, along with the potential 30 per cent benefit increase for certain MoPS staff, can be placed against certain beneficial aspects of the APS/parliamentary agency severance schemes that are lacking in the MoPS staff severance scheme. The agency severance schemes operate within a context of greater job security than the MoPS staff scheme and apply to voluntary redundancy rather than involuntary termination of employment. Unlike the MoPS staff scheme also, provision is made in the agency agreements for a range of service experience (e.g. service with the Australian Defence Force) to be counted as service in the calculation of severance benefits.

Ministerial staff management and professional development

Concern has been expressed by commentators regarding the levels of ministerial staff management and professional development. Walter, for example, has stated that:

Given staff numbers, and the many competing demands on ministers, appropriate management is often lacking—a great deal is left to depend on staff agreements that are said to require staff ‘to act with skill, discretion and integrity’.¹¹⁹

Tiernan and Weller have suggested that ‘a lack of induction, professional development and performance management systems’ are among the ‘Key weaknesses’ of the ministerial staffing system.¹²⁰ Tiernan has also indicated that surveys of ministerial staff have revealed formal induction programs for ministerial staff to be ‘rudimentary or absent in most ministerial offices’ and that:

Staff may have no handover with the person they are replacing; there is simply no time for induction and perhaps no recognition of its importance. New staff just have to learn as they go. My respondents have identified a serious lack of training and other professional development opportunities as an important weakness of the current system. ... In contrast to

Department of the House of Representatives, *Department of the House of Representatives Employee Collective Agreement 2009–10*, Workplace Authority, Canberra, 2008, pp. 49–51, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAEN085599308.pdf>;

Department of the Senate, *Department of the Senate Employee Collective Agreement 2006–2010*, Workplace Authority, Canberra, pp. 19–21, viewed 28 July 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAEN06315445.pdf>;

Department of Parliamentary Services, *Department of Parliamentary Services Union Collective Agreement 2008–2011*, Workplace Authority, Canberra, pp. 46–48, viewed 28 Jul 2009, <http://ca.workplaceauthority.gov.au/docs/CAs/CAUN085443425.pdf>

119. J Walter, ‘Ministers, Minders and Public Servants: Changing Parameters of Responsibility in Australia’, p. 24.

120. Tiernan and Weller, Submission to the SFPARC no. 4, p. 6.

the highly developed systems of performance management that characterise the APS, my respondents report there is no comparable framework for ministerial staff. Staff receive no structured feedback about their performance, and have very limited access to performance planning and appraisal—the usual frameworks within [*sic*] discussions about professional development needs and opportunities can be canvassed.¹²¹

In 2003 the SFPARC stated that both it and the ‘children overboard’ inquiry had ‘received evidence that the management structure for ministerial staff has weaknesses that should be rectified’,¹²² and that:

A systematic structure of management responsibility should exist within ministerial offices. ... there must be genuine performance management processes, particularly for senior staff and office managers who can be expected to have responsibility for key information flows and for implementing codes of conduct.¹²³

The SFPARC also stated that ‘there appears to be no training provided specifically for ministerial advisers’, and that ‘the absence of senior staff training, or communication protocols, may affect staff’s confidence in dealing with ministers offices’.¹²⁴ The Committee went on to express the view that:

... the training of MOPS staff is vital. It seems clear that this training needs to be radically boosted at the ‘top end’. Training should be increased for senior staff, and there should be an increased emphasis on high-level skills and professional development.¹²⁵

In accordance with these observations the SFPARC made a number of recommendations concerning management and professional development including:

- that ‘responsibility for ensuring proper record keeping in ministers’ offices should be allocated to a senior staff member, and that record keeping should be identified in that staff member’s duties and relevant performance review procedures’
- that the government should ‘develop and implement a new management framework for ministerial staff’

121. A Tiernan, Submission to the SFPARC no. 4a, *Inquiry into members of parliament staff (MOPS)*, 2003, pp. 2–3, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/submissions/sub4a.doc. See also Tiernan, *Power Without Responsibility*, p. 108.

122. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 53. The report of the Senate Select Committee on a Certain Maritime Incident is available at: http://www.aph.gov.au/Senate/committee/maritime_incident_ctte/report/report.pdf, viewed 28 July 2009.

123. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 53.

124. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 84.

125. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, p. 86.

- that all departments should ‘provide written guidance to staff regarding interactions with minister’s offices, and that all senior staff receive adequate training in this area’,¹²⁶ and
- that ‘the level and intensity of training for ministerial staff be increased, and be given a significantly higher priority by ministers’ along with the introduction of a ‘mandatory induction training process for staff commencing in ministers’ offices, which focuses on political ethics, relationships with the APS, and record keeping responsibilities’.¹²⁷

As noted above, there has been no formal government response to the SFPARC report to date. Other measures have also been suggested such as the involvement of the Public Service Commissioner (in the capacity of Parliamentary Service Commissioner) in the provision of professional development for ministerial staff, and a ‘non-partisan forum’ for ministerial staff to discuss staffing matters.¹²⁸

Apart from providing for study assistance and associated leave, the 2007 determination introduced by the Rudd Government for senior personal staff makes no specific provision for professional development or induction. For MoPS staff at the media adviser (non-Cabinet minister)/adviser level and below, the current Collective Agreement makes provision for staff induction, professional development opportunities, and studies assistance.¹²⁹ The Agreement specifies that development opportunities include ‘a professional development programme, sponsored by the Minister and arranged by the Department, which provides focussed and tailored training designed to enhance Employees’ skills and knowledge’.¹³⁰ The 2007–08 MoPS Act Annual Report indicates that training, including induction, was undertaken by 88 MoPS staff over the 2007–08 period under the professional development programme, and that a range of additional training was also available.¹³¹

126. In 2006 the Australian Public Service Commission (APSC) released a guide for APS employees regarding the interaction between public servants and Ministers’ offices. See APSC, *Supporting Ministers, Upholding the Values—a good practice guide*, Commonwealth of Australia, Canberra, 2006, viewed 28 July 2009, <http://www.apsc.gov.au/publications06/supportingministers.pdf>

127. SFPARC, *Staff employed under the Members of Parliament (Staff) Act 1984*, pp. 51, 53, 84, 86 (recommendations 7, 8, 20, 21).

128. See Tiernan, Submission to the SFPARC no. 4a, pp. 2, 4; G Davis, Submission to the SFPARC no. 16, *Inquiry into recruitment and training in the Australian Public Service (APS)*, 2002, p. 3, viewed 28 July 2009, http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/aps_recruit_training/submissions/sub16.pdf

129. See Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 50.1–51.6, pp. 29–30.

130. Australian Government, *Commonwealth Members of Parliament Staff Collective Agreement 2006–2009*, cl. 51.2, p. 29.

131. DoFD, *Members of Parliament (Staff) Act 1984: Annual Report 2007–08*, p. 42.

Research suggests that ministerial staff can find it difficult to access training and development opportunities due to workload. The Henderson review reported that ‘In general, the take-up rate for many of these training opportunities is not high, frequently reflecting the demands of more immediate work priorities’.¹³² The review recommended that the government consider the creation of a position under the MoPS Act to provide assistance ‘with staff training and support, and to facilitate the adoption of best office management practices’.¹³³ Some formal provision for induction and professional development for senior staff would also be desirable.

Conclusion

The MoPS Act employment framework is now in its 25th year of operation, and developments under the Rudd Government—the 30 per cent ministerial staff reduction and subsequent revision, the code of conduct, and MoPS Act annual reporting—have made 2008–09 an eventful period for MoPS staffing matters.

MoPS staffing will continue to be of interest to the Parliament, commentators and the media, particularly in the context of the Rudd Government’s changes. One issue which has had considerable coverage, the workload of ministerial staff, will warrant continued monitoring.

A number of employment issues associated with the MoPS Act would merit attention from the government. Base salary value, aspects of the MoPS Act framework and institutional arrangements, and professional development for ministerial staff all warrant further examination with a view to improving current arrangements.

132. Henderson, *Review of Government Staffing*, p. 24. See also Tiernan, Submission to the SFPARC no. 4a, p. 1.

133. Henderson, *Review of Government Staffing*, p. 25. The review also observed that office management systems varied among ministerial offices and concluded that ‘There appears to be significant scope to improve systems in general by facilitating the more widespread adoption of best practice systems applying in some offices and some departments’: p. 25.

Appendix A: MoPS personal staff classifications as at 1 February 2009

Government	Principal Adviser / Secretary to Cabinet	Senior Adviser (Chief of Staff) (Cabinet)	Senior Adviser 2 (PM / Deputy PM / Treasurer CPU)	Senior Adviser 1 (Cabinet)	Senior Adviser (Chief of Staff) / Senior Adviser 1 (non-Cabinet)	Media Adviser (Deputy PM / Treasurer)	Senior Media Adviser	Media Adviser	Adviser	Assistant Adviser	Executive Assistant / Office Manager	Secretary / Admin Assistant	Clerk to Whips
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Opposition	Chief of Staff	Senior Adviser (Leader)	Senior Adviser	Senior Media Adviser	Media Adviser	Adviser Level 2	Adviser Level 1	Assistant Adviser	Executive Assistant Level 3	Executive Assistant Level 2	Executive Assistant Level 1	Secretary / Admin Assistant 2	Secretary / Admin Assistant 1	Clerk to Whips
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Australian Greens	Senior Adviser	Media Adviser	Adviser Level 2	Adviser Level 1	Assistant Adviser	Executive Assistant Level 3	Executive Assistant Level 2	Executive Assistant Level 1	Secretary / Admin Assistant 2	Secretary / Admin Assistant 1	Clerk to Whip
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Other minority party / Independent	Senior Adviser	Adviser Level 2	Assistant Adviser	Executive Assistant Level 2
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Former PMs	Adviser Level 2	Assistant Adviser	Executive Assistant Level 2
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Source: DoFD, *Government Personal Positions as at 1 February 2009*, SSCFPA, Canberra, 2009, pp. 1–9, viewed 28 July 2009,
http://www.aph.gov.au/Senate/committee/fapa_ctte/estimates/add_0809/finance/tailed_documents/government_personal_positions_as_at_1_february_2009.pdf

Note: not all classifications will necessarily be filled.

President / Deputy President of the Senate Speaker / Deputy Speaker / Second Deputy Speaker of the House of Representatives	Senior Adviser	Adviser Level 2	Adviser Level 1	Assistant Adviser	Executive Assistant Level 3	Executive Assistant Level 2	Executive Assistant Level 1	Secretary / Admin Assist 2	Secretary / Admin Assist 1
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Appendix B: base salary ranges for MoPS staff above the media adviser (non-Cabinet minister) / adviser level

Ministerial Senior Staff Salaries

	Principal Adviser	Senior Adviser (Chief of Staff) (Cabinet) Media Adviser (Deputy PM / Treasurer)	Senior Adviser 2 (PM / Deputy PM / Treasurer)	Senior Adviser 1 (Cabinet)	Senior Adviser (Chief of Staff) / Senior Adviser 1 (non-Cabinet) Senior Media Adviser	Special Adviser (Personal Classification)
\$201,058						
\$189,354						
\$177,650						
\$167,200						
\$160,617						
\$151,525						
\$146,718						
\$142,225						
\$138,776						
\$135,537						
\$131,461						
\$127,281						
\$123,206						
\$121,638						
\$116,936						
\$112,547						
\$108,158						
\$105,441						
\$102,097						
\$98,753						
\$95,618						
\$92,483						
\$89,348						
\$86,213						
\$83,182						

1. Ministerial Staff Allowance (MSA) of \$18,900 per annum (as at 25 March 2009) is payable in addition to salary. MSA is by way of compensation for long and irregular hours and other special features of the positions.

2. Principal Advisers and Senior Advisers are entitled to a private-plated vehicle or cash-in-lieu of \$18,540 per annum (as at 1 January 2005).

3. The Special Adviser classification is available through a personal classification subject to the demonstration of particular skills and responsibilities, the approval of the Prime Minister and the availability of funds.

25 March 2009

Opposition Senior Staff Salaries

	Chief of Staff (Leader of the Opposition)	Senior Adviser/ Media Adviser (Leader of the Opposition)	Senior Adviser	Senior Media Adviser	Special Adviser (Personal Classification)
\$142,225					
\$138,776					
\$135,537					
\$131,461					
\$127,281					
\$123,206					
\$121,638					
\$116,936					
\$112,547					
\$108,158					
\$105,441					
\$102,097					
\$98,753					
\$95,618					
\$92,483					
\$89,348					
\$86,213					
\$83,182					

1. Ministerial Staff Allowance (MSA) of \$18,900 per annum (as at 25 March 2009) is payable in addition to salary. MSA is by way of compensation for long and irregular hours and other special features of the positions.

2. Senior Advisers are entitled to a private-plated vehicle or cash-in-lieu of \$18,540 (as at 1 January 2005).

3. The Special Adviser classification is available through a personal classification subject to the demonstration of particular skills and responsibilities, the approval of the Prime Minister and the availability of funds.

25 March 2009

Minority Party Senior Staff Salaries

	Senior Adviser	Special Adviser (Personal Classification)
\$121,638		
\$116,936		
\$112,547		
\$108,158		
\$105,441		
\$102,097		
\$98,753		
\$95,618		
\$92,483		
\$89,348		
\$86,213		
\$83,182		

1. Ministerial Staff Allowance (MSA) of \$18,900 per annum (as at 25 March 2009) is payable in addition to salary. MSA is by way of compensation for long and irregular hours and other special features of the positions.

2. Senior Advisers are entitled to a private plated vehicle or cash-in-lieu of \$18,540 (as at 1 January 2005).

3. The Special Adviser classification is available through a personal classification subject to the demonstration of particular skills and responsibilities, the approval of the Prime Minister and the availability of funds.

25 March 2009

Presiding Officers' Senior Staff Salaries

	Senior Adviser	Special Adviser (Personal Classification)
\$121,638		
\$116,936		
\$112,547		
\$108,158		
\$105,441		
\$102,097		
\$98,753		
\$95,618		
\$92,483		
\$89,348		
\$86,213		
\$83,182		

1. Ministerial Staff Allowance (MSA) of \$18,900 per annum (as at 25 March 2009) is payable in addition to salary. MSA is by way of compensation for long and irregular hours and other special features of the positions.

2. Senior Advisers are entitled to a private-plated vehicle or cash-in-lieu of \$18,540 (as at 1 January 2005).

3. The Special Adviser classification is available through a personal classification subject to the demonstration of particular skills and responsibilities, the approval of the Prime Minister and the availability of funds.

25 March 2009

Source: Australian Government, *Determination regarding the salary of senior staff*, Commonwealth of Australia, 25 March 2009, pp. 1–5, reproduced with the permission of DoFD.

Appendix C: base salary ranges for MoPS staff at the media adviser (non-Cabinet minister) / adviser level and below

Classification Structure: Government Personal Employees										
Classification		Current Salary	Classification		Salary effective from lodgement	Classification		Salary effective from 29 Nov 07	Salary effective from 27 Nov 08	
Original			From lodgement		+ 4.5%	From 29 Nov 2007		+ 4.5%	+ 4.5%	
Ewo2-5								109,967	114,916	
Ewo2-5					100,529			105,053	109,780	
Ewo2-4	Media Adviser (Non-Cabinet Minister) / Adviser	91,772			95,902			100,218	104,728	
Ewo2-3		88,659			92,649			96,818	101,175	
Ewo2-2		82,196			85,895			89,760	93,799	
Ewo2-1		77,684			81,180			84,833	88,650	
Ewo1-2		73,916			77,242			80,718	84,350	
Ewo1-1		68,236			71,307			74,516	77,869	
MOP58-5			63,762			66,631			69,629	72,762
MOP58-4	Assistant Adviser	61,385			64,147			67,034	70,051	
MOP58-3		58,446			61,076			63,824	66,696	
MOP58-2	Clerk to Minip	56,889			59,449			62,124	64,920	
MOP58-1		55,507			58,005			60,615	63,343	
MOP55-3	Executive Assistant / Office Manager	54,496			56,948			59,511	62,189	
MOP55-2		53,008			55,388			57,880	60,485	
MOP55-1		51,392			53,705			56,122	58,647	
MOP54-4		50,080			52,281			54,634	57,093	
MOP54-3		48,779			50,974			53,268	55,665	
MOP54-2		47,542			49,681			51,917	54,253	
MOP54-1		46,076			48,149			50,316	52,580	
MOP53-4	Secretary / Administrative Assistant	44,621			46,629			48,727	50,920	
MOP53-3		43,494			45,451			47,496	49,633	
MOP53-2		42,416			44,325			46,320	48,404	
MOP53-1		41,342			43,202			45,146	47,178	
MOP52-5			40,249			42,060			43,953	45,831
MOP52-4			39,269			41,036			42,883	44,813
MOP52-3			38,276			39,998			41,798	43,679
MOP52-2			37,296			38,974			40,728	42,561
MOP52-1		36,295			37,928			39,635	41,419	

The Members of Parliament (Staff) Act 1984 framework and employment issues

Classification Structure: Non-Government Personal Employees															
	Classification			Current Salary	Classification			Salary effective from Adjustment	Classification			Salary effective from 29 Nov 87	Salary effective from 27 Nov 88		
	Original				From Judgement			+ 4.5%	From 29 Nov 2007			+ 4.5%	+ 4.5%		
Exec2.6												105,053	109,780		
Exec2.4								95,902				100,218	104,728		
Exec2.3	Media Adviser	Adviser Level 2		88,050	Media Adviser	Adviser Level 2		92,649	Media Adviser	Adviser Level 2		96,818	101,175		
Exec2.2				92,196				95,695				99,760	99,799		
Exec2.1		Adviser Level 1		77,684		Adviser Level 1		81,180		Adviser Level 1		84,833	88,650	88,718	84,350
Exec2.0				73,916				77,242				80,718	84,350		
Exec1.1				69,226				71,307				74,516	77,689		
MOP51.8	Assistant Adviser	Clark to Whip		63,762	Assistant Adviser	Clark to Whip		66,631	Assistant Adviser	Clark to Whip		69,629	72,762		
MOP51.4				61,365				64,147				67,034	70,051		
MOP51.3				59,416				61,076				63,924	66,696		
MOP51.2				56,869				59,449				62,124	64,920		
MOP51.1				55,907				58,005				60,615	63,343		
MOP51.0			Executive Assistant 3				54,426	Executive Assistant 3				56,948	Executive Assistant 3	59,511	62,184
MOP51.2							53,003					55,388			57,860
MOP51.1				51,362				53,705				56,122	58,647		
MOP51.4			Executive Assistant 2				50,030	Executive Assistant 2				52,291	Executive Assistant 2	54,634	57,093
MOP51.3							48,779					50,974			53,268
MOP51.2	Executive Assistant 1		47,542	Executive Assistant 1		49,681	Executive Assistant 1	51,917	54,253						
MOP51.1			46,076			48,149			50,316	52,580					
MOP51.4	Secretary - Administrative Assistant 2		44,621	Secretary - Administrative Assistant 2		46,623	Secretary - Administrative Assistant 2	48,727	50,920						
MOP51.3			43,404			45,451			47,406	49,633					
MOP51.2	Secretary - Administrative Assistant 1		42,416	Secretary - Administrative Assistant 1		44,325	Secretary - Administrative Assistant 1	46,320	48,404						
MOP51.1			41,342			43,202			45,146	47,176					
MOP51.0	Secretary - Administrative Assistant 1		40,349	Secretary - Administrative Assistant 1		42,060	Secretary - Administrative Assistant 1	43,953	45,881						
MOP51.4			39,269			41,036			42,963	44,813					
MOP51.3			38,276			39,998			41,798	43,679					
MOP51.2			37,296			38,974			40,728	42,561					
MOP51.1			36,295			37,928			39,635	41,419					

Classification Structure: Electorate Employees													
	Classification			Current Salary	Classification			Salary effective from lodgement	Classification			Salary effective from 28 Nov 07	Salary effective from 27 Nov 08
	Original				From lodgement			- 1.5%	From 29 Nov 2007			- 1.5%	- 1.5%
MOP36-4												67,034	70,051
MOP36-3								61,076				63,824	66,696
MOP36-2				56,889				59,449				62,124	64,920
MOP36-1				55,507				58,005				60,615	63,343
MOP35-3				54,496				56,948				59,511	62,169
MOP35-2				53,003				55,368				57,880	60,485
MOP35-1				51,392				53,705				56,122	58,647
MOP34-4				50,030				52,281				54,634	57,093
MOP34-3				48,779				50,974				53,268	55,665
MOP34-2				47,542				49,681				51,917	54,253
MOP34-1				46,076				48,149				50,316	52,580
MOP33-4				44,621				46,629				48,727	50,920
MOP33-3				43,494				45,451				47,496	49,633
MOP33-2				42,416				44,325				46,320	48,404
MOP33-1				41,342				43,202				45,146	47,178
MOP32-5				40,249				42,060				43,953	45,931
MOP32-4				39,269				41,036				42,883	44,813
MOP32-3				38,275				39,998				41,798	43,679
MOP32-2				37,296				38,974				40,728	42,561
MOP32-1				36,295				37,928				39,635	41,419

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