



Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act 2022

No. 7, 2022

**An Act to amend the law in relation to
parliamentary workplaces, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Termination of employment of parliamentarians’ staff		3
	<i>Members of Parliament (Staff) Act 1984</i>	3
Schedule 2—Clarifying work health and safety duties of parliamentarians		5
	<i>Work Health and Safety Act 2011</i>	5
Schedule 3—Clarifying the operation of anti-discrimination legislation for parliamentarians’ staff		7
	<i>Age Discrimination Act 2004</i>	7
	<i>Disability Discrimination Act 1992</i>	7



Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act 2022

No. 7, 2022

An Act to amend the law in relation to parliamentary workplaces, and for related purposes

[Assented to 22 February 2022]

The Parliament of Australia enacts:

1 Short title

This Act is the *Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act 2022*.

No. 7, 2022

Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act 2022

1

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	23 February 2022

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Termination of employment of parliamentarians' staff

Members of Parliament (Staff) Act 1984

1 At the end of Part I

Add:

3A Relationship with Fair Work Acts

- (1) This Act has effect subject to the *Fair Work Act 2009* and the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.
- (2) Subsection (1) is not intended to imply anything about the relationship between this Act and any Act other than the *Fair Work Act 2009* or the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

2 After subsection 16(3)

Insert:

- (3A) The notice must specify the ground or grounds that are relied on for the termination.

Note 1: The *Fair Work Act 2009* has rules and entitlements that apply to termination of employment. See, for example, Parts 3-1 (general protections) and 3-2 (unfair dismissal) of that Act.

Note 2: Additional rules or procedures to be followed in terminating the employment of a person under this Part may be set out in:
(a) the agreement for the employment of the person; or
(b) fair work instruments (within the meaning of the *Fair Work Act 2009*); or
(c) determinations made under subsection 13(2) or 14(3) of this Act.

Note 3: Termination of employment may be unlawful under anti-discrimination laws in certain circumstances.

3 After subsection 23(2)

Insert:

Schedule 1 Termination of employment of parliamentarians' staff

(2A) The notice must specify the ground or grounds that are relied on for the termination.

Note 1: The *Fair Work Act 2009* has rules and entitlements that apply to termination of employment. See, for example, Parts 3-1 (general protections) and 3-2 (unfair dismissal) of that Act.

Note 2: Additional rules or procedures to be followed in terminating the employment of a person under this Part may be set out in:

- (a) the agreement for the employment of the person; or
- (b) fair work instruments (within the meaning of the *Fair Work Act 2009*); or
- (c) determinations made under subsection 20(2) or 21(3) of this Act.

Note 3: Termination of employment may be unlawful under anti-discrimination laws in certain circumstances.

Schedule 2—Clarifying work health and safety duties of parliamentarians

Work Health and Safety Act 2011

1 Section 4

Insert:

parliamentarian means:

- (a) a Senator; or
- (b) a Member of the House of Representatives; or
- (c) a Minister of State who is not a Senator or Member of the House of Representatives; or
- (d) a person who is taken to be the President of the Senate under the *Parliamentary Presiding Officers Act 1965* and who is not a Senator or Member of the House of Representatives; or
- (e) a person who is taken to be the Speaker of the House of Representatives under the *Parliamentary Presiding Officers Act 1965* and who is not a Senator or Member of the House of Representatives; or
- (f) any other person to whom remuneration is payable under section 49 of the *Parliamentary Business Resources Act 2017*.

2 Subsection 247(2)

Omit “A Minister”, substitute “Subject to subsection (3), a Minister”.

3 At the end of section 247

Add:

- (3) To avoid doubt, a parliamentarian is an officer of the Commonwealth for the purposes of this Act in respect of the business or undertaking of the Commonwealth constituted by the provision by the Commonwealth of support for the functioning of the Parliament.
- (4) Subsection (3) does not limit:

Schedule 2 Clarifying work health and safety duties of parliamentarians

- (a) who may be an officer of the Commonwealth for the purposes of this Act in respect of the business or undertaking described in that subsection; or
- (b) the circumstances in which a parliamentarian may be an officer of a person conducting a business or undertaking for the purposes of this Act.

Schedule 3—Clarifying the operation of anti-discrimination legislation for parliamentarians' staff

Age Discrimination Act 2004

1 Section 5 (at the end of the definition of *administrative office*)

Add:

; or (i) an office of a person employed or engaged under the *Members of Parliament (Staff) Act 1984*.

Note: A person who holds an office mentioned in paragraph (h) or (i) is covered by the definition of *Commonwealth employee*.

2 Section 5 (at the end of the definition of *Commonwealth employee*)

Add:

; or (g) is a person employed or engaged under the *Members of Parliament (Staff) Act 1984*.

Note: See also section 8 (Commonwealth taken to be employer of Commonwealth employees).

Disability Discrimination Act 1992

3 Subsection 4(1) (at the end of the definition of *administrative office*)

Add:

; or (i) an office of a person employed or engaged under the *Members of Parliament (Staff) Act 1984*.

Note: A person who holds an office mentioned in paragraph (h) or (i) is covered by the definition of *Commonwealth employee*.

4 Subsection 4(1) (at the end of the definition of *Commonwealth employee*)

Add:

Schedule 3 Clarifying the operation of anti-discrimination legislation for parliamentarians' staff

; or (h) is a person employed or engaged under the *Members of Parliament (Staff) Act 1984*.

Note: See also section 124 (Commonwealth taken to be employer of Commonwealth employees).

[*Minister's second reading speech made in—
Senate on 9 February 2022
House of Representatives on 15 February 2022*]

(19/22)
