

Members of Parliament (Staff) (Employee Direction) Determination 2025

I, Don Farrell, Special Minister of State, make the following determination.

Dated 12 February 2025

Don Farrell

Special Minister of State

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Part 1—Preliminary

1 Name

This instrument is the *Members of Parliament (Staff) (Employee Direction) Determination 2025*.

2 Commencement

This instrument commences on the day after this instrument is registered.

3 Authority

This determination is made under section 13(2) of the *Members of Parliament (Staff) Act 1984*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the definitions section of the MOP(S) Act, including the following:

(a) office-holder;

(b) parliamentarian.

In this instrument:

***MOP(S) Act*** means the *Members of Parliament (Staff) Act 1984*.

***MOP(S) Act employee*** means, for the purposes of this determination, an electorate employee and a personal employee and does not include an official establishment employee.

***Official establishment employee*** means a person employed under subsection 11(2) of the MOP(S) Act who is:

(a) employed to work in the Prime Minister’s official establishments (including Kirribilli House, The Lodge, and the Prime Minister’s Suite in the Australian Parliament House and in the Commonwealth Parliament Office in Sydney); and

(b) covered by the Prime Minister’s Official Establishments Enterprise Agreement 2024-26 and any enterprise agreement replacing it.

Part 2—Directing electorate and personal employees

5 Responsibilities of parliamentarians and office-holders

(1) Parliamentarians and office-holders:

(a) employ MOP(S) Act employees to assist them to carry out the duties of the employing parliamentarian or office-holder; and

(b) may direct a MOP(S) Act employee to undertake activities that support, assist or facilitate the employing parliamentarian or office-holder’s duties, including the conduct of the parliamentary business of the employing parliamentarian or office-holder.

Note: Section 7 of the MOP(S) Act provides that parliamentarians and office‑holders have powers to employ people on behalf of the Commonwealth to assist them in carrying out duties (see section 11). Those duties include but are not limited to the conduct of parliamentary business.

Note: The meaning of ***parliamentary business*** is determined in accordance with section 6 of the *Parliamentary Business Resources Act 2017.*

(2) A parliamentarian or office-holder must not direct MOP(S) Act employees to undertake:

(a) activities that do not comply with all relevant laws; and

(b) activities that do not support, assist or facilitate the conduct of the employing parliamentarian or office-holder’s parliamentary business or other duties.

Note: Relevant laws include, but are not limited to, the *Commonwealth Electoral Act 1918*, state, territory and local government election laws, *Referendum (Machinery Provisions) Act 1984* and the *Parliamentary Business Resources Act 2017*.

Note: Section 7 of the MOPS Act provides that parliamentarians and office holders have powers to employ people on behalf of the Commonwealth to assist them in carrying out duties. Parliamentarians and office‑holders are ultimately responsible for the day‑to‑day management of MOP(S) Act employees, including if direction of management is conducted through other authorised MOP(S) Act employees.