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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Members of Parliament (Staff) Amendment (Fair and Independent Staffing) Bill 2026

No. , 2026

(Special Minister of State)

A Bill for an Act to amend the Members of Parliament (Staff) Act 1984 and the Remuneration Tribunal Act 1973 to provide for fair, proportionate, transparent and independently determined staffing resources for non-government parliamentarians, to prevent political interference in parliamentary staffing allocations, and for related purposes.

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A Bill for an Act to amend the Members of Parliament (Staff) Act 1984 and the Remuneration Tribunal Act 1973 to provide for fair, proportionate, transparent and independently determined staffing resources for non-government parliamentarians, to prevent political interference in parliamentary staffing allocations, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the Members of Parliament (Staff) Amendment (Fair and Independent Staffing) Act 2026.

2 Commencement

(1) Each provision of this Act specified in column 1 of the following 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.	Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.
2.	Schedule 1	The 28th day after this Act receives the Royal Assent.
3.	Schedule 2	At the same time as Schedule 1.
4.	Schedule 3	At the same time as Schedule 1.

Note: *This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Amendment of the Members of Parliament (Staff) Act 1984

Members of Parliament (Staff) Act 1984

1 Section 2A

At the end of section 2A, add:

(d) to ensure that parliamentarians outside the Executive Government have access to fair, proportionate, transparent and adequate staffing resources necessary for the effective discharge of their parliamentary duties;

(e) to ensure that the allocation of personal employees to non-government parliamentarians is determined independently of the Executive Government;

(f) to prevent staffing allocations, classifications, employment arrangements or administrative processes from being used to favour, disadvantage, obstruct, punish or retaliate against a political party or parliamentarian;

(g) to protect the capacity of all elected parliamentarians to scrutinise legislation, participate effectively in parliamentary proceedings, undertake committee work, communicate with the public and represent their constituents;

(h) to provide transparency and accountability concerning the allocation and classification of personal employees; and

(i) to ensure that comparable parliamentary responsibilities receive substantially comparable staffing support regardless of political affiliation.

2 Section 2B

Repeal the section, substitute:

2B Simplified outline of this Act

This Act enables parliamentarians and office-holders to employ persons on behalf of the Commonwealth and provides for certain terms and conditions of that employment.

All parliamentarians may employ electorate employees.

Ministers and other eligible office-holders may employ personal employees.

Staffing arrangements for Ministers and government parliamentarians may be determined by the Prime Minister in accordance with this Act.

Non-government parliamentarians have statutory minimum personal staffing entitlements under Part IIIA. Those entitlements operate by force of this Act and do not depend upon approval by the Prime Minister or another Minister.

The Official Opposition has a separate statutory floor under Part IIIA.

Additional staffing allocations for non-government parliamentarians are determined independently by the Remuneration Tribunal.

The Prime Minister, Ministers and Commonwealth officers must not reduce, obstruct, circumvent or otherwise interfere with a non-government staffing entitlement.

3 Section 3

Insert:

additional staffing position means a personal employee (non-Ministerial) position allocated by the Tribunal in excess of a statutory minimum staffing entitlement.

government parliamentarian means a parliamentarian who is a Minister or is a member of a government political party.

government political party means a registered political party whose parliamentary members comprise, or form part of, the Government of the Commonwealth.

independent parliamentarian means a parliamentarian who is not a member of a registered political party that has at least one other parliamentarian.

non-government parliamentarian means a parliamentarian who is not a Minister and is not a member of a government political party.

non-government political party means a registered political party that has at least one parliamentarian and is not a government political party.

Official Opposition means the party or parties recognised as the Opposition in the House of Representatives.

parliamentary leader in relation to a political party, means the person recognised by that party as its parliamentary leader or, if there is no single parliamentary leader, the person nominated in writing by a majority of that party's parliamentarians for the purposes of this Act.

personal employee position means authority under this Act to employ a personal employee (non-Ministerial) for an aggregate full-time equivalent value of 1.0.

recognised non-government political party means a non-government political party (other than a party that forms part of the Official Opposition) having at least 5 parliamentarians serving in either or both Houses of the Parliament.

registered political party means a political party registered under Part XI of the Commonwealth Electoral Act 1918.

staffing allocation matter means a matter relating to eligibility to employ personal employees; the number of personal employee positions; full-time equivalent value; classification or seniority; distribution or redistribution; funding; administrative approval; continuation, reduction, withdrawal, suspension or reallocation; employment arrangements necessary to give effect to a position; or any condition, decision, administrative act or omission having substantially the same effect.

statutory minimum staffing entitlement means an entitlement arising under section 21C, 21D, 21E or 21EA.

Tribunal means the Remuneration Tribunal established under the Remuneration Tribunal Act 1973.

Note: *The 5-member threshold used in the definition of recognised non-government political party is the same threshold used for a minority party in regulation 4 of the Parliamentary Business Resources Regulations 2017.*

4 Section 3 (definition of office-holder)

Repeal paragraph (c) of the definition, substitute:

(c) a parliamentarian in respect of whom a determination under section 4 is in force; or

(d) a non-government parliamentarian to whom a statutory minimum staffing entitlement or additional staffing position applies under Part IIIA.

Note: *Paragraph (c) is restated so that existing Prime Ministerial determinations for government parliamentarians and other office-holders continue. Paragraph (d) makes a non-government parliamentarian an office-holder by force of Part IIIA.*

5 Section 4

Repeal the section, substitute:

4 Eligibility to employ personal employees

(1) The Prime Minister may, in writing, determine that a government parliamentarian, or a parliamentarian who holds a relevant office, may employ personal employees under subsection 11(3).

Note: *The determination has the effect of making the parliamentarian an office-holder (see paragraph (c) of the definition of office-holder in section 3).*

(2) A non-government parliamentarian to whom a statutory minimum staffing entitlement applies is entitled, by force of this Act, to employ personal employees (non-Ministerial) under subsection 11(3).

(3) No determination, approval or authorisation by the Prime Minister or a Minister is required for the purposes of subsection (2).

(4) The Tribunal may determine that a non-government parliamentarian may employ personal employees (non-Ministerial) pursuant to an additional staffing allocation made under Part IIIA.

(5) The Prime Minister has no power to refuse, reduce, suspend, revoke, qualify, delay or otherwise interfere with an entitlement arising under subsection (2) or (4).

(6) An instrument made by the Prime Minister under subsection (1) is not a legislative instrument.

(7) A determination made by the Tribunal under this section is a notifiable instrument.

6 After subsection 7(4)

Insert:

(5) The Tribunal has the functions and powers conferred upon it by Part IIIA in relation to the staffing of non-government parliamentarians.

(6) Nothing in subsection (4) authorises the Prime Minister to exercise a staffing allocation power in relation to a non-government parliamentarian except to the extent expressly authorised by this Act.

7 After subsection 11(3)

Insert:

(3A) The power of an office-holder under subsection (3) includes the power of a non-government parliamentarian to employ a personal employee (non-Ministerial) in accordance with a statutory minimum staffing entitlement or an additional staffing position under Part IIIA.

(3B) Subsection (3) is not limited by an arrangement or condition under section 12 to the extent that the arrangement or condition would prevent employment authorised by Part IIIA.

8 After section 11

Insert:

11A Transfer of personal employees between non-government parliamentarians

(1) A personal employee (non-Ministerial) may be transferred from one non-government employing individual to another non-government employing individual where both employing individuals agree in writing, the employee agrees in writing, and the transfer is consistent with the staffing entitlements applying under Part IIIA.

(2) A transfer under subsection (1) does not constitute a termination of employment.

(3) The employee's continuity of service, accrued entitlements and other employment rights are preserved.

(4) The Department of Finance and the Parliamentary Workplace Support Service must take all administrative steps reasonably necessary to give effect to a transfer within 5 business days.

(5) An administrative delay does not invalidate the transfer or interrupt the employee's continuity of service.

9 At the end of section 12

Add:

(4) The Prime Minister must not approve an arrangement or determine a condition concerning a staffing allocation matter affecting the Leader of the Opposition, an Opposition office-holder, a non-government political party, a non-government parliamentarian or an independent parliamentarian, except to the extent expressly authorised by this Act.

(5) An arrangement or condition made by the Prime Minister has no effect to the extent that it conflicts with a statutory minimum staffing entitlement or a Tribunal determination, reduces the number, full-time equivalent value or classification of positions available to a non-government parliamentarian, restricts the distribution of party positions authorised under Part IIIA, imposes a less favourable administrative requirement upon non-government employment, or otherwise circumvents Part IIIA.

(6) Nothing in this section prevents the Prime Minister from determining staffing allocation matters relating exclusively to Ministers or government parliamentarians.

(7) The exercise of a power under subsection (6) does not authorise a corresponding or compensating reduction in the staffing or other parliamentary resources of a non-government parliamentarian.

(8) A purported arrangement or condition contrary to subsection (4) or (5) is of no effect.

(9) The Department of Finance, the Parliamentary Workplace Support Service and any other Commonwealth entity responsible for administering employment under this Act must disregard an arrangement or condition to the extent that subsection (8) applies.

(10) If there is an inconsistency between an arrangement or condition made by the Prime Minister and a statutory entitlement or Tribunal determination under Part IIIA, the statutory entitlement or Tribunal determination prevails to the extent of the inconsistency.

10 At the end of section 13

Add:

(7) The Prime Minister must not make a determination that imposes less favourable terms or conditions upon a non-government personal employee than those applying to a government personal employee performing substantially comparable work.

(8) A determination has no effect to the extent that it discriminates because of political party membership, independent status, political opinion, opposition to government policy, parliamentary voting conduct, committee activity, or scrutiny of the Executive Government.

(9) A determination applying generally to employees under this Act may apply to non-government personal employees only to the extent that it is applied on materially equal terms to comparable government personal employees.

(10) The Prime Minister must not use a determination under this section for the purpose of defeating or reducing the practical value of a staffing entitlement under Part IIIA.

(11) A purported determination contrary to subsection (7), (8), (9) or (10) is of no effect to the extent of the inconsistency.

11 After Part III

Insert:

Note: *Part III of the compiled Act ends at section 20. Part VI begins at section 28. The new Part is therefore Part IIIA, numbered sections 21A to 21ZD.*

Part IIIA—Non-government personal staffing entitlements

Division 1—Preliminary

21A Simplified outline of this Part

This Part establishes minimum personal staffing entitlements for parliamentarians outside the Executive Government. The Official Opposition receives a statutory floor. Recognised non-government political parties receive staffing according to a statutory formula. Smaller non-government political parties and independent parliamentarians receive separate minimum entitlements. The entitlements arise directly under this Act. The Tribunal may allocate additional positions according to published and politically neutral criteria. The Executive Government cannot reduce, delay, offset or circumvent the entitlements.

21B Application of Part

(1) This Part applies to non-government parliamentarians.

(2) This Part does not determine the staffing allocation of the Prime Minister, Ministers, Assistant Ministers or other government parliamentarians.

(3) Nothing in subsection (2) permits the staffing of a government parliamentarian to be increased for the purpose of justifying a reduction in the staffing of a non-government parliamentarian.

(4) This Part does not affect the allocation of electorate employees under subsection 11(1).

Division 2—Statutory minimum entitlements

21C Recognised non-government political parties

(1) A recognised non-government political party is entitled to a minimum number of personal employee positions calculated according to the formula:

Number of party parliamentarians × 3 ÷ 2

(2) If the result produced by subsection (1) is not a whole number, the result must be rounded up to the next whole number.

(3) The entitlement belongs collectively to the parliamentary party.

(4) Each position represents an aggregate full-time equivalent value of 1.0.

(5) The parliamentary leader may allocate or reallocate positions among the party's parliamentarians in accordance with section 21G.

(6) The entitlement arises automatically and does not depend upon approval by the Prime Minister, a Minister, the Department of Finance, a Tribunal determination, or any other administrative authorisation.

(7) Neither the Tribunal nor any member of the Executive Government may reduce the entitlement established by this section.

Note: *A party that forms part of the Official Opposition is not a recognised non-government political party. Its staffing is determined under section 21EA.*

21D Smaller non-government political parties

(1) A non-government political party that is not the Official Opposition, and that has fewer than 5 parliamentarians, is entitled to at least one personal employee position for each parliamentarian belonging to that party.

(2) Each position represents an aggregate full-time equivalent value of 1.0.

(3) The entitlement arises automatically.

(4) The Tribunal may allocate additional positions under Division 3.

21E Independent parliamentarians

(1) Each independent parliamentarian is entitled to at least one personal employee position.

(2) The position represents an aggregate full-time equivalent value of 1.0.

(3) The entitlement arises automatically.

(4) The Tribunal may allocate additional positions under Division 3.

21EA Official Opposition

(1) The Official Opposition is entitled to a minimum number of personal employee positions equal to the greater of:

(a) the number produced by applying the formula in subsection 21C(1) to the total number of parliamentarians belonging to the Official Opposition, rounded in accordance with subsection 21C(2); and

(b) 22% of the total number of personal employee positions allocated to Ministers and other government parliamentarians, rounded to the nearest whole number and rounded up if the first decimal place is 5 or more.

(2) The entitlement belongs collectively to the Official Opposition.

(3) The Leader of the Opposition may allocate or reallocate the positions among Opposition office-holders, shadow Ministers and other Opposition parliamentarians.

(4) The entitlement arises automatically.

(5) Neither the Tribunal nor any member of the Executive Government may reduce the entitlement established by this section.

(6) The Tribunal may allocate additional positions under Division 3.

21F Entitlements are statutory minimums

(1) An entitlement under section 21C, 21D, 21E or 21EA is a statutory minimum.

(2) A statutory minimum must not be treated as an ordinary maximum, a presumptive maximum, a cap upon staffing resources, a substitute for additional staffing justified by parliamentary responsibilities, or a reason for reducing an existing additional allocation.

(3) The Tribunal may determine additional positions wherever justified under this Part.

Division 3—Allocation and additional positions

21G Distribution of party positions

(1) The parliamentary leader of a recognised non-government political party may determine how the party's positions are distributed among its parliamentarians.

(2) A determination may allocate more than one position to a particular parliamentarian.

(3) The parliamentary leader may redistribute a position at any time.

(4) A distribution or redistribution takes effect when written notice is given to the Tribunal and the Department of Finance.

(5) Neither the Prime Minister nor a Minister may direct how positions are distributed, require a position to remain attached to a particular parliamentarian, prevent a redistribution, require reasons for a redistribution, or impose a condition substantially interfering with the party's control over its statutory positions.

(6) The Department of Finance must give administrative effect to a distribution or redistribution within 5 business days.

21H Full-time equivalent value and job sharing

(1) A personal employee position allocated under this Part has an aggregate value of 1.0 full-time equivalent.

(2) An employing individual may divide a position between two or more employees for legitimate part-time or job-sharing arrangements.

(3) The aggregate full-time equivalent value of the position must not be reduced because it is divided between employees.

(4) A Commonwealth entity must not divide, fractionalise or restructure a position for the purpose of reducing its practical staffing value.

21J Additional staffing determinations

(1) The Tribunal may determine additional personal employee positions for:

(a) the Official Opposition;

(b) the Leader of the Opposition;

(c) a Deputy Leader of the Opposition;

(d) a recognised non-government political party;

(e) another non-government political party;

(f) an independent parliamentarian;

(g) an Opposition office-holder;

(h) a party leader or deputy leader;

(i) a whip or deputy whip;

(j) a parliamentary committee chair or deputy chair;

(k) a shadow Minister or spokesperson carrying substantial portfolio responsibilities;

(l) a parliamentarian performing another substantial parliamentary function.

(2) An additional allocation may relate to the number of positions, full-time equivalent value, classification, seniority, specialist capability, or another staffing matter reasonably necessary for the performance of parliamentary duties.

(3) A determination under this section is a notifiable instrument.

(4) An additional determination must not reduce a statutory minimum.

21K Matters Tribunal must consider

In determining an additional staffing allocation, the Tribunal must have regard to:

(a) the number of parliamentarians represented;
(b) representation across the Senate and the House of Representatives;
(c) legislative workload;
(d) committee workload;
(e) leadership responsibilities;
(f) whip responsibilities;
(g) shadow portfolio or spokesperson responsibilities;
(h) parliamentary sitting requirements;
(i) constituent demand;
(j) geographic and operational requirements;
(k) media and public communication responsibilities;
(l) the need to scrutinise legislation and Executive Government activity;
(m) the need for safe, stable and sustainable employee workloads;
(n) the level of experience and classification reasonably required;
(o) staffing allocations made to parliamentarians performing comparable functions;
(p) proportionality between comparable political parties and parliamentarians;
(q) relevant historical staffing requirements;
(r) significant changes in parliamentary responsibilities;
(s) responsible and efficient use of public money.

21L Matters Tribunal must not consider

(1) The Tribunal must not take into account:

(a) a political party's ideology;
(b) a political party's policies;
(c) a parliamentarian's political opinions;
(d) speeches or public statements made by a parliamentarian;
(e) whether a party supports or opposes government legislation;
(f) a party's voting record;
(g) whether a parliamentarian initiated, supported or participated in an inquiry;
(h) criticism of the Prime Minister, a Minister or the Government;
(i) opinion polling;
(j) electoral popularity;
(k) media criticism or approval;
(l) whether a political party or parliamentarian represents an electoral threat to the Government;
(m) willingness or refusal to negotiate with the Government;

(n) representations by the Prime Minister or a Minister seeking favourable or unfavourable treatment of a particular political party or parliamentarian;

(o) any other consideration substantially political rather than administrative or parliamentary in character.

(2) Subsection (1) does not prevent consideration of a neutral legal, security, workplace safety or integrity requirement that is authorised by law, is relevant to the position concerned, and is applied consistently to comparable government and non-government positions.

21M Classification of positions

(1) The Tribunal must determine the classification framework applicable to personal employee positions allocated under this Part.

(2) The framework must provide reasonable access, where justified, to positions performing functions including administration, research, policy development, parliamentary and legislative analysis, media and communications, senior advisory work, specialist advisory work, and chief of staff or equivalent leadership functions.

(3) Comparable responsibilities must receive substantially comparable classifications.

(4) A position must not be classified at a lower level because of the political affiliation of the parliamentarian, the political opinions of the parliamentarian, disagreement with the Government, opposition to government legislation, or the exercise of parliamentary scrutiny.

(5) Classification arrangements must operate consistently with applicable fair work instruments, including the Commonwealth Members of Parliament Staff Enterprise Agreement as in force from time to time.

21N No artificial reduction in staffing value

A person or Commonwealth entity must not defeat or diminish an entitlement by assigning an artificially low classification, reducing ordinary working hours, withholding salary authority, imposing an artificial employment ceiling, replacing a full-time position with a position of lesser aggregate value, withholding ordinary employment benefits available to comparable employees, or otherwise reducing the effective value of an allocated position.

Division 4—Changes in parliamentary representation

21P Automatic recalculation

(1) A statutory entitlement must be recalculated whenever a general election, a new Senate term or a by-election alters parliamentary representation; a parliamentarian joins, leaves or changes political party; a political party ceases to be registered; a party becomes or ceases to be the Official Opposition or a recognised non-government political party; or another event alters the number of serving parliamentarians belonging to a party.

(2) An increase in statutory entitlement takes effect automatically from the date upon which the relevant change in parliamentary representation takes legal effect.

(3) An administrative delay does not suspend or postpone an increased entitlement.

21Q Review following change in representation

(1) The Tribunal must review additional staffing allocations within 28 days after the return of the writs for a general election or the commencement of a new Senate term; within 14 days after a by-election affecting representation, a change of party membership, or a change of recognised or Official Opposition status; and upon written request by an affected parliamentary leader or independent parliamentarian.

(2) The Tribunal may make an interim determination where delay would materially impair the performance of parliamentary duties.

(3) An interim determination takes effect immediately.

Division 5—Decision-making and independence

21R Tribunal independence

(1) In exercising functions or powers under this Part, the Tribunal is independent.

(2) The Tribunal is not subject to direction by the Prime Minister, a Minister, Cabinet, the Department of the Prime Minister and Cabinet, the Department of Finance, another Commonwealth entity, a political party or a parliamentarian.

(3) The Prime Minister and Ministers may make submissions to the Tribunal on the same basis as other parliamentarians.

(4) The Prime Minister or a Minister has no special standing, veto or right of approval in relation to a Tribunal staffing determination.

21S Procedure for determinations

(1) The Tribunal must act fairly, consistently and expeditiously.

(2) Before making a determination that could adversely affect an existing additional staffing allocation, the Tribunal must notify the affected parliamentarian or parliamentary leader, identify the proposed change and reasons, provide a reasonable opportunity to make submissions, and consider those submissions.

(3) The Tribunal must ordinarily determine an application for additional staffing within 20 business days.

(4) An urgent application must be determined as soon as reasonably practicable.

(5) A failure to determine an application within the period specified in subsection (3) does not extinguish the application.

21T Reconsideration

(1) An affected parliamentary leader or parliamentarian may request reconsideration of a Tribunal determination concerning additional staffing.

(2) A request must ordinarily be made within 28 days after publication of the determination.

(3) The Tribunal may accept a later request where it is reasonable to do so.

(4) On reconsideration, the Tribunal may affirm the determination, vary the determination, or revoke the determination and substitute another determination.

(5) Reconsideration must be completed as soon as reasonably practicable.

(6) A request for reconsideration does not affect a statutory minimum staffing entitlement.

Division 6—Transparency

21U Parliamentary Staffing Register

(1) The Tribunal must maintain a publicly accessible Parliamentary Staffing Register.

(2) The Register must identify the number of personal employee positions allocated to the Government, the Official Opposition, each non-government political party and independent parliamentarians; the aggregate full-time equivalent value; the classifications or classification ranges applicable; additional

positions allocated by the Tribunal; the legislative or administrative basis for each allocation; and the date upon which each allocation took effect.

(3) The Register must not publish employee names, personal information, security-sensitive information, or information prohibited from disclosure by another law.

(4) The Register must be updated within 7 days after a relevant change.

21V Written reasons

(1) The Tribunal must provide written reasons for every determination concerning additional staffing.

(2) Reasons must identify the material considered, the criteria applied, relevant comparisons, the principal findings, and the basis for the determination.

(3) Reasons must be published with the determination.

(4) Information may be redacted only where reasonably necessary to protect personal privacy, national security, parliamentary security, legal professional privilege, or information whose disclosure is prohibited by law.

Division 7—Protection against political retaliation and avoidance

21W Politically motivated reduction prohibited

(1) An additional staffing allocation must not be reduced during a parliamentary term except because relevant parliamentary representation has decreased, an office carrying an additional staffing entitlement is no longer held, the parliamentary responsibilities supporting the allocation have materially ceased, or as part of a neutral and independently determined change applying consistently to comparable parliamentarians.

(2) Staffing must not be reduced because a party or parliamentarian opposed government legislation, initiated or supported an inquiry, criticised the Prime Minister, a Minister or the Government, refused to negotiate with the Government, exercised a parliamentary vote against the Government, sought documents or accountability from the Executive, questioned a Minister, pursued committee scrutiny, or gained electoral support or political influence.

(3) A purported reduction contrary to this section is invalid.

21X Anti-avoidance

(1) The Prime Minister, a Minister, a Commonwealth officer or a Commonwealth entity must not exercise, or fail to exercise, a power for the purpose of defeating, limiting or circumventing an entitlement under this Part.

(2) Prohibited conduct includes withholding funding; delaying administrative approval; refusing to process an employment agreement; reducing classification, hours or full-time equivalent value; imposing discriminatory administrative conditions; withholding an ordinary workplace resource; transferring responsibilities without corresponding resources; manipulating another staffing category to offset an entitlement; imposing an internal budget ceiling inconsistent with this Part; or using another statutory, financial or administrative power to achieve substantially the same result.

(3) An act done contrary to this section has no legal effect to the extent of the contravention.

(4) A failure to act contrary to this section does not postpone or extinguish the underlying staffing entitlement.

21Y No offset against other parliamentary resources

(1) A staffing entitlement under this Part must not be used as a reason to reduce electorate employee positions, electorate office resources, parliamentary office accommodation, information technology resources, communications resources, travel entitlements, parliamentary research support, or another parliamentary resource otherwise available to a comparable parliamentarian.

(2) A purported reduction made for the purpose of offsetting a staffing entitlement is invalid.

Division 8—Administration and enforcement

21Z Administrative effect must be given to entitlements

(1) The Department of Finance, the Parliamentary Workplace Support Service and any other relevant Commonwealth entity must take all reasonable administrative steps necessary to give practical effect to an entitlement or determination under this Part.

(2) Without limiting subsection (1), this includes establishing authorised positions, processing employment agreements, establishing payroll authority, implementing classifications, processing reallocations, recognising transfers under section 11A, and providing ordinary administrative and employment support.

(3) An entity must not require approval from the Prime Minister or a Minister where this Act does not require that approval.

(4) Administrative action required to implement a statutory minimum entitlement must be commenced immediately and completed as soon as reasonably practicable.

21ZA Information to Tribunal

(1) The Tribunal may require the Department of Finance, the Parliamentary Workplace Support Service or another Commonwealth entity to provide information reasonably required to exercise functions under this Part.

(2) The information may include staffing numbers, full-time equivalent values, classifications, historical allocations, employment expenditure, and staffing arrangements applying to comparable government offices.

(3) Information must be provided within the period reasonably specified by the Tribunal, subject to any law prohibiting disclosure.

21ZB Federal Court jurisdiction

(1) The Federal Court of Australia has jurisdiction in relation to a contravention of this Part.

(2) An application may be made by an affected parliamentarian, a parliamentary leader of an affected political party, or another person whose employment is directly affected by the alleged contravention.

(3) The Court may make any order it considers appropriate, including a declaration, an injunction, an order requiring administrative action, an order restraining unlawful interference, an order setting aside an invalid decision, or another order necessary to give effect to this Part.

(4) Nothing in this section limits any jurisdiction otherwise conferred upon a court, or any right under the Fair Work Act 2009.

21ZC Funding and estimates

(1) Staffing entitlements under this Part are to be administered from money lawfully appropriated by the Parliament for purposes including employment under this Act.

(2) The Finance Minister must ensure that estimates prepared for relevant appropriations make reasonable provision for liabilities arising under this Part.

(3) An internal departmental budget, administrative allocation or expenditure target does not authorise a reduction of a statutory entitlement.

(4) Nothing in this section authorises expenditure otherwise than in accordance with an appropriation made by the Parliament.

21ZD Annual report on non-government staffing

(1) The Tribunal must prepare an annual report concerning the operation of this Part.

(2) The report must include statutory entitlements, additional allocations, applications received, applications granted or refused, average decision times, reconsideration applications, significant administrative delays, identified systemic disparities, compliance with publication requirements, and any recommendations for legislative or administrative improvement.

(3) The report must not identify individual employees.

(4) The report must be given to the Presiding Officer of each House of the Parliament.

(5) Each Presiding Officer must cause the report to be tabled in that House within 10 sitting days after receiving it.

12 At the end of section 14

Add:

(6) To avoid doubt, the employment of a personal employee does not terminate merely because a recognised non-government political party redistributes a position under section 21G, the Leader of the Opposition reallocates a position under section 21EA, an employee is transferred in accordance with section 11A, a statutory minimum staffing entitlement replaces or is added to a determination under section 4, or an administrative authority is altered for the purpose of implementing Part IIIA.

13 After subsection 15(2)

Insert:

(2A) In relation to a personal employee of a non-government parliamentarian, the Tribunal may, by written instrument, direct that employment that would otherwise terminate under section 14 is taken not to have terminated, and continues until a specified date, where the Tribunal considers the continuation reasonably necessary to facilitate an orderly staffing transition.

(2B) The Prime Minister must not refuse, revoke or vary a direction made under subsection (2A).

(2C) A direction under subsection (2A) is a notifiable instrument.

14 At the end of section 30

Add:

(4) This section does not authorise the Prime Minister to delegate a function or power that the Prime Minister is prohibited from exercising in relation to a non-government parliamentarian under Part IIIA.

15 At the end of section 32

Add:

(4) In addition to any review required under subsection (1), the Minister must cause an independent review of the operation of Part IIIA to be conducted no later than 3 years after the commencement of Part IIIA, and at intervals not exceeding 5 years thereafter.

(5) Persons conducting a review must be independent of the Government, political parties, the Department of Finance, and any person responsible for a staffing allocation under review.

(6) A review must consider whether statutory minimums remain proportionate; whether staffing arrangements operate fairly between comparable parliamentarians; whether classifications remain appropriate; whether anti-avoidance protections are effective; whether administrative delays have occurred; international parliamentary staffing models; the financial sustainability of the arrangements; and whether amendments are necessary to preserve the independence and effectiveness of the scheme.

(7) The Minister must cause a report of each review to be tabled in each House of the Parliament within 15 sitting days after receiving it.

Schedule 2—Amendment of the Remuneration Tribunal Act 1973

Remuneration Tribunal Act 1973

1 After subsection 5(2E)

Insert:

(2F) An additional function of the Tribunal is to perform the functions and exercise the powers conferred upon it by the Members of Parliament (Staff) Act 1984 in relation to parliamentary staffing.

Note: *Subsection 5(2E) already provides that the Parliamentary Business Resources Act 2017 may confer additional functions on the Tribunal. The new function is therefore subsection 5(2F).*

2 After section 7

Insert:

7A Parliamentary staffing functions

(1) The Tribunal has the functions and powers conferred upon it by Part IIIA of the Members of Parliament (Staff) Act 1984.

(2) In exercising those functions and powers, the Tribunal must act independently and impartially.

(3) The Tribunal may undertake inquiries reasonably necessary for the purpose of exercising a parliamentary staffing function.

(4) The Tribunal may obtain information from the Department of Finance, the Parliamentary Workplace Support Service, parliamentary departments, parliamentarians, political parties and other Commonwealth entities.

(5) The Tribunal may receive submissions from affected persons.

(6) A Minister must not direct the Tribunal in relation to a particular staffing allocation, political party, parliamentarian, classification determination, or the outcome of an application or reconsideration.

(7) The Tribunal must ensure that a member having an actual or reasonably perceived conflict of interest in relation to a staffing matter does not participate in determining that matter.

3 At the end of section 11

Add:

(5) In conducting an inquiry in relation to parliamentary staffing, the Tribunal is not bound by the rules of evidence, must observe procedural fairness, may inform itself in such manner as it considers appropriate, and must ensure substantially comparable matters are treated consistently.

4 At the end of section 12AA

Add:

(4) The annual report must include a summary of the Tribunal's exercise of functions under the Members of Parliament (Staff) Act 1984.

Schedule 3—Application, saving and transitional provisions

1 Definitions

In this Schedule:

amended Act means the Members of Parliament (Staff) Act 1984 as amended by this Act.

commencement day means the day Schedule 1 commences.

existing non-government allocation means a personal employee position available immediately before commencement to a non-government parliamentarian or political party.

transition period means the period beginning on the commencement day and ending 90 days after that day.

2 Existing allocations protected

(1) An existing non-government allocation continues in force on and after commencement.

(2) An existing allocation continues until it is incorporated into an entitlement or determination under the amended Act, or it lawfully ceases under the amended Act.

3 No reduction during transition

During the transition period, a non-government political party, non-government parliamentarian or independent parliamentarian must not receive fewer personal employee positions, a lower aggregate full-time equivalent value, or materially lower classifications than were available immediately before commencement.

4 Statutory minimum takes immediate effect

(1) A statutory minimum staffing entitlement under section 21C, 21D, 21E or 21EA of the amended Act applies from the commencement day.

(2) If the statutory minimum exceeds an existing allocation, the Department of Finance must make the additional positions administratively available within 14 days after commencement.

(3) A failure to complete administrative processing within that period does not postpone the legal entitlement.

5 Existing employees

(1) Nothing in this Act, merely by its commencement, terminates the employment of an existing personal employee.

(2) Existing service, salary, accrued leave and other employment entitlements continue.

6 Existing employment agreements

An employment agreement in force immediately before commencement continues according to its terms except to the extent that a provision of the agreement is inconsistent with the amended Act. The amended Act prevails to the extent of an inconsistency.

7 Existing Prime Ministerial determinations

(1) A determination, arrangement or condition made by the Prime Minister before commencement continues to apply to a non-government parliamentarian only to the extent that it is consistent with the amended Act.

(2) A determination, arrangement or condition has no effect after commencement to the extent that it reduces a statutory entitlement, interferes with party distribution of positions, imposes a discriminatory classification or condition, conflicts with a Tribunal determination, or otherwise circumvents Part IIIA.

8 First Parliamentary Staffing Register

The Tribunal must establish the Parliamentary Staffing Register required by section 21U of the amended Act within 60 days after commencement.

9 First comprehensive Tribunal review

(1) The Tribunal must conduct a comprehensive review of non-government staffing allocations within 60 days after commencement.

(2) The review must consider the statutory minimum entitlement of each party and independent parliamentarian, existing additional positions and classifications, leadership and office-holder responsibilities, comparability between parliamentary parties, committee and legislative workloads, and any material historical disparity.

(3) The Tribunal must complete the review within 120 days after commencement.

10 Existing higher allocation not automatically reduced

Where a party or parliamentarian has an existing allocation exceeding the statutory minimum, the higher allocation is not automatically reduced to the statutory minimum; the Tribunal must determine whether the additional positions remain justified under section 21K of the amended Act; and the fact that the allocation exceeds the statutory minimum is not, by itself, a ground for reduction.

11 Current parliamentary representation

For the purpose of calculating the first statutory minimum entitlement, party membership is determined according to the parliamentarians serving on the commencement day, by reference to official parliamentary records.

12 Administrative preparation

Before the commencement of Schedule 1, the Tribunal, the Department of Finance, the Parliamentary Workplace Support Service and relevant parliamentary departments may undertake administrative preparation necessary to ensure that the amended Act can operate effectively from the commencement day.