Fair and Independent Parliamentary Staffing Policy

FIS-P 2026/01

Operative policy giving effect to statutory personal staffing rights for non-government parliamentarians
Companion instruments: Members of Parliament (Staff) Amendment (Fair and Independent Staffing) Bill 2026 and Explanatory Memorandum

September 2026

1. Purpose and status

Human rights implications — ICCPR 2, 25, 26; ICCPR 19, 22

Application to this policy: ICCPR Article 25 guarantees citizens meaningful participation in public affairs through chosen representatives. When a minor-party member is elected but lacks advisers to assess bills or prepare amendments, the constituents' ability to participate through that representative may be materially weakened. Article 26 requires equal protection without unjustified discrimination; Article 19 protects seeking and communicating political information.

Required Safeguard: Give each elected member funded access to effective legislative research and drafting support; publish minimum positions and an independently assessed workload adjustment. A position counts only if budgeted, recruited and operational.

1.1 This paper states Australian Government policy on the allocation of personal employees to non-government parliamentarians. It converts the published demand for fair minority-party staffing — equal treatment once a party meets the Parliament's own five-member recognition threshold — into an operational instrument that can be legislated and administered without further Prime Ministerial permission.

1.2 Personal employees are not a gift of the Executive. They are the people who read bills, draft amendments, run committees, brief a leader, and make an elected parliamentarian capable of scrutinising a government that already employs hundreds of advisers. Leaving that capacity to the Prime Minister's unfettered discretion is not an administrative convenience. It is a conflict of interest.

1.3 This paper is Government policy. The Members of Parliament (Staff) Amendment (Fair and Independent Staffing) Act 2026 gives it legal effect. Departments administering the Members of Parliament (Staff) Act 1984, the Parliamentary Workplace Support Service and the Remuneration Tribunal are to apply this paper until that Act commences and, after commencement, consistently with it.

1.4 This paper does not regulate electorate employees. Every senator and member already receives those positions under subsection 11(1) of the MOP(S) Act. This paper is about personal employees (non-Ministerial): the senior adviser class used for legislation, strategy, media and leadership work.

2. Policy problem

Human rights implications — ICCPR 2, 19, 25, 26; ICCPR 22

Application to this policy: ICCPR Article 25 is engaged when executive control of a rival party's staff impairs its legislative or scrutiny work. Article 26 is engaged by differential allocations that lack objective, reasonable reasons. Article 19 becomes relevant if an office loses staffing after criticising government policy; Article 22 may be relevant where political association is penalised.

Required Safeguard: Compare same-category parties on membership, committee seats, leadership and workload, not political alignment. Require written and reviewable reasons for every difference, and reverse any staffing penalty linked to an MP's speech, affiliation or votes.

2.1 Under section 4 of the Members of Parliament (Staff) Act 1984 the Prime Minister decides, in writing, which parliamentarians may employ personal employees. Under section 12 the Prime Minister approves the arrangements and conditions of that employment, including how many employees an office-holder may have. The power is not confined by a statutory formula, a published criterion, a duty of political neutrality, or an independent reviewer.

2.2 The Jenkins-era rewrite of the MOP(S) Act improved employment principles, created the Parliamentary Workplace Support Service, and restated the Prime Minister's determination power as section 4. It did not take the allocation of non-government personal staff out of executive hands. That is the remaining structural defect.

2.3 The result of executive discretion is visible on the public record. As at August 2026:

Group	Parliamentarians	Personal employees	Ratio
Government (ALP)	124	504	4.1 per MP
Official Opposition	68	96	1.4 per MP
Australian Greens	11	17	1.5 per MP
Pauline Hanson's One Nation	6	4	0.7 per MP

2.4 Commonwealth law and regulation 4 of the Parliamentary Business Resources Regulations 2017 already treat five members as the threshold at which a party that is neither the Executive Government nor the recognised Official Opposition receives certain additional parliamentary resources. The Greens meet it and have been staffed on that basis. One Nation now meets the same threshold and has been left on four advisers. The Prime Minister is the person who decides the difference.

2.5 The same discretion has been used, in this term and the last, to cut Opposition and crossbench allocations, to delay requests, and to leave individual senators without personal staff. A system that lets the Government set the resources of the people whose job is to oppose the Government will always look like what it is.

3. What the law already recognises

Human rights implications — ICCPR 25, 26; ICERD 5(c); CEDAW 7

Application to this policy: ICCPR Articles 25 and 26 require scrutiny of whether equal institutional recognition yields meaningful opportunities to participate; recognition of two five-member parties coupled with sharply different support raises a question requiring objective justification. ICERD Article 5(c), CEDAW Article 7 and CRPD Article 29 become additionally relevant where unequal administration also produces race-, sex- or disability-related exclusion.

Required Safeguard: Apply the five-member threshold consistently. Provide automatic staffing once verified parliamentary numbers meet it and separately audit disparate effects on women, First Nations parliamentarians and parliamentarians with disability, without treating political-party membership itself as a protected racial or sex characteristic.

3.1 This policy does not invent the five-member recognition threshold. Regulation 4 of the Parliamentary Business Resources Regulations 2017 uses the label "minority party" for a registered political party that has at least five members and that is not the party or parties forming the Executive Government and is not the single party or parties recognised as the Official Opposition. That label is a technical resource classification only. Every person elected by the people is a member of the Parliament and participates in the government of the Commonwealth. The word "Opposition" in the Regulations and in this paper means only the recognised Official Opposition for the purpose of certain resource allocations. It does not mean that any other elected party or parliamentarian stands outside the government of the people. That status already carries additional salary, travel, postage and office entitlements under the Parliamentary Business Resources Act 2017 and Remuneration Tribunal determinations.

3.2 What the Regulations do not do — and what section 4 of the MOP(S) Act still does — is leave personal staffing outside that recognition and inside the Prime Minister's office. This policy closes that gap. Five members is the recognition threshold. Staffing follows recognition by force of statute, not by correspondence with the Prime Minister.

3.3 The compiled MOP(S) Act as at 14 March 2026 (C2026C00093) is the base text. Part III ends at section 20. Part VI begins at section 28. The Bill therefore inserts a new Part IIIA as sections 21A to 21ZD. It does not insert sections 13A to 13ZD after section 13.

3.4 Subsection 5(2E) of the Remuneration Tribunal Act 1973 already records that the Parliamentary Business Resources Act 2017 may confer additional functions on the Tribunal. The new staffing function is therefore subsection 5(2F).

4. Policy objectives

Human rights implications — ICCPR 2(3), 19, 25, 26; CRPD 5, 29

Application to this policy: ICCPR Article 2(2) asks states to adopt measures giving effect to Covenant rights; Article 2(3) calls for an effective remedy for established violations. Article 25 concerns practical political participation, not a ceremonial entitlement. CRPD Article 29 requires effective political participation for persons with disabilities.

Required Safeguard: Write transparent legal entitlements, an application and appeal pathway, swift enforceable orders, accessible forms and specific disability adjustments into the Bill. Require annual proof that entitlements work in real offices.

The objectives of this policy are:

(a) to fix a statutory minimum personal-staff entitlement for every class of non-government parliamentarian;

(b) to use the existing five-member recognition threshold as the point at which a non-government party is staffed by formula rather than by discretion;

(c) to preserve the convention that the Official Opposition is staffed as a proportion of the government personal-staff pool;

(d) to transfer additional allocations and classifications from the Prime Minister to the Remuneration Tribunal;

(e) to make party leaders, not the Executive, responsible for distributing a party's own statutory positions;

(f) to prohibit political retaliation, administrative delay and offset against other parliamentary resources;

(g) to publish every allocation on a public register; and

(h) to give affected parliamentarians, leaders and employees a Federal Court remedy without displacing Fair Work rights.

4.1 The objects in the companion Bill include giving effect to the right of an elected representative to participate effectively in the conduct of public affairs by ensuring non-government parliamentarians have the personal staffing capacity required to draft legislation, prepare amendments, participate in committee work and coordinate with other members. A failure to provide that capacity, or a reduction of it on political grounds, is a contravention the Federal Court may remedy by an order requiring comparable staffing for comparable responsibilities. The rights are the capacity to do the work. The staffing entitlement is how the capacity is supplied.

5. Statutory minimum formula

Human rights implications — ICCPR 25, 26; CEDAW 7; CRPD 29

Application to this policy: ICCPR Article 25 can be undermined when a parliamentarian lacks enough staff to conduct legislation review or committee work. Article 26 flags unexplained differences between comparably situated five-member-plus parties. CEDAW Article 7 and CRPD Article 29 require attention to exclusion facing women and people with disabilities, not automatic assumptions that every political disparity breaches those articles.

Required Safeguard: Calculate 1.5 fully funded FTE per elected member for each qualifying party, rounded up, as a minimum. On the document's illustrative six-member figure this means nine positions, not four. Publish a reconciliation showing entitlement, actual funded FTE, vacancies, classifications and date remedied.

5.1 A recognised non-government political party — five or more parliamentarians, not forming part of the Official Opposition — is entitled to a minimum number of personal employee positions calculated as the number of party parliamentarians × 3 ÷ 2, rounded up to the next whole number.

5.2 The formula is 1.5 positions per parliamentarian. It is the rate already applying, in substance, to the Australian Greens (11 members, 17 advisers). Applying the same rate to a six-member party produces nine positions.

5.3 Worked examples on August 2026 numbers:

Party	MPs	Current personal staff	Statutory minimum
Australian Greens	11	17	17 (11 × 1.5, rounded up)
Pauline Hanson's One Nation	6	4	9 (6 × 1.5)
A future 5-member party	5	discretionary	8 (5 × 1.5, rounded up)
A future 8-member party	8	discretionary	12

5.4 The entitlement belongs to the parliamentary party, not to a particular member. The parliamentary leader distributes the positions and may redistribute them. The Prime Minister has no role in that distribution.

5.5 The statutory number is a floor. It is not a cap, a presumptive maximum, or a reason to strip a party that already has more.

6. Official Opposition

Human rights implications — ICCPR 25, 26

Application to this policy: ICCPR Article 26 permits distinctions based on substantially different duties where criteria are objective and reasonable. The Official Opposition's formal shadow-cabinet and leadership responsibilities may justify additional capacity; Article 25 still requires that other parties can undertake their own parliamentary work effectively.

Required Safeguard: Apply the separate Opposition floor transparently, itemise the functions justifying any extra positions, prohibit counting government ministerial advisers as comparable non-government staff, and audit whether smaller parties can perform equivalent committee and legislative tasks.

6.1 The Official Opposition is not staffed under the five-member party formula. It is staffed under a separate statutory floor equal to the greater of 1.5 personal employee positions for each Opposition parliamentarian, rounded up, and 22 per cent of the total number of personal employee positions allocated to Ministers and other government parliamentarians.

6.2 On the August 2026 figures, 68 × 1.5 produces 102 positions. Twenty-two per cent of 504 produces 111 positions. The statutory floor is therefore 111. The Leader of the Opposition distributes the pool among Opposition office-holders and shadow Ministers.

6.3 Twenty-two per cent is the figure used in the Members of Parliament (Staff) Amendment (Providing Certainty and Improving Integrity) Bill 2025. It is slightly above the 21 per cent convention reported over recent terms. This policy adopts the higher figure so that a government cannot shrink the Opposition by inflating its own ministry and then refusing the consequential increase.

6.4 A Coalition in opposition is treated as one Official Opposition for this purpose. The Liberal Party and the Nationals are not also paid the minority-party formula on top of the Opposition floor.

7. Independents and small parties

Human rights implications — ICCPR 25, 26; CRPD 5, 9, 29

Application to this policy: ICCPR Article 25 protects the opportunity for constituents to act through independent or small-party representatives. A nominal one-person staff entitlement may be insufficient for several committees or extensive legislative responsibilities. CRPD Articles 5, 9 and 29 bear on reasonable accommodation, accessibility and equal political participation when disability is involved.

Required Safeguard: Guarantee at least one personal FTE for each independent or member of a sub-five party; allow documented workload-based increases and separately funded reasonable adjustments, accessible technology and support staff where appropriate.

7.1 A non-government party with fewer than five parliamentarians is entitled to at least one personal employee position for each of its parliamentarians. Each independent parliamentarian is entitled to at least one personal employee position.

7.2 One is the statutory floor, not the working allocation for a senator or member carrying a heavy committee load, a large electorate, or a recognised public function. Additional positions are a matter for the Remuneration Tribunal.

7.3 Existing higher allocations are not automatically reduced to the floor. Transitional rules freeze current numbers for 90 days and require the Tribunal to assess any amount above the floor against published criteria, not against the fact that it exceeds the floor.

8. Additional allocations — Remuneration Tribunal

Human rights implications — ICCPR 2(3), 19, 25, 26; CEDAW 7; CRPD 29

Application to this policy: ICCPR Article 26 challenges unequal, politically selected outcomes without objective reasons; Article 19 raises concern where scrutiny or criticism triggers poorer treatment; Article 2(3) requires an effective avenue for redress. CEDAW Article 7 and CRPD Article 29 guide inclusive treatment where their protected interests arise.

Required Safeguard: Require the Tribunal to score documented parliamentary functions against published benchmarks, hear the affected member, explain comparator differences and decide quickly. Exclude party ideology, government criticism and electoral threat from the decision.

8.1 Additional personal employee positions, and the classification of positions allocated under this policy, are determined by the Remuneration Tribunal. The Prime Minister does not approve, vary or veto those determinations.

8.2 The Tribunal already determines parliamentary salaries, additional office-holder salary and a range of public-office conditions. Staffing the non-government side of the Parliament is the same kind of decision: politically consequential, and therefore not safe in the hands of one of the parties to the contest.

8.3 The Tribunal must have regard to numbers, Houses, legislative and committee workload, leadership and whip functions, shadow-portfolio load, sitting patterns, geography, constituent demand, scrutiny of the Executive, safe workloads, comparable classifications, historical requirements, changes in responsibility, and the responsible use of public money.

8.4 The Tribunal must not have regard to ideology, policy, speeches, voting records, inquiries, criticism of the Government, polling, popularity, media sentiment, electoral threat, willingness to negotiate, or representations from the Prime Minister or a Minister seeking favourable or unfavourable treatment.

8.5 Determinations are notifiable instruments. Written reasons are published. An affected leader or parliamentarian may seek reconsideration. Ordinary decision time is 20 business days.

9. Party control of distribution

Human rights implications — ICCPR 22, 25, 26; CEDAW 7; CRPD 5

Application to this policy: ICCPR Article 22 protects freedom of association; Article 25 protects effective participation through parliamentary parties. Government interference in which minor-party MP receives staff could

indirectly frustrate party organisation and legislative activity. Employment rights also protect staff against improper transfer or disadvantage.

Required Safeguard: Vest distribution of the party's funded entitlement in its elected parliamentary leader, subject to fair employment law and internal accountability. Enforce prompt payroll activation and maintain staff continuity on agreed transfers.

9.1 A recognised party's statutory positions are a party resource. The parliamentary leader allocates them and may move them. Finance must give administrative effect within five business days. The Prime Minister may not attach a position to a favoured member, freeze a distribution, demand reasons, or hold up payroll.

9.2 Transfers of employees between non-government employing individuals, where the employee and both employers agree and the transfer is within entitlement, are not terminations. Continuity of service is preserved.

10. Classifications and staffing value

Human rights implications — ICESCR 6, 7, 8; ICCPR 26; CEDAW 11; CRPD 27

Application to this policy: ICCPR Article 25 cannot be fulfilled by unfunded "positions": a Grade A adviser without pay authority, equipment or working hours cannot review legislation. ICESCR Articles 6 and 7 address the right to work and just and favourable work conditions for the affected employees, including fair and equal remuneration as relevant. CEDAW Article 11 and CRPD Article 27 apply where discrimination concerning sex or disability affects employment.

Required Safeguard: Count actual funded FTE and equivalent grades, hours, equipment, entitlements and safe conditions; audit job classifications and equal pay for equivalent work; prohibit downgrading or part-time substitution as a disguised staffing cut.

10.1 A position that exists only on paper is not an entitlement. Classification, hours, salary authority and ordinary workplace support are part of the entitlement.

10.2 Comparable work receives comparable classification. The classification framework must be consistent with the Commonwealth Members of Parliament Staff Enterprise Agreement as in force from time to time.

10.3 Job-sharing and part-time arrangements are permitted. They do not reduce the 1.0 full-time-equivalent value of the position. Artificial ceilings, withheld payroll, shortened hours and stripped benefits are prohibited as avoidance.

11. Prohibited considerations and retaliation

Human rights implications — ICCPR 19, 22, 25, 26

Application to this policy: ICCPR Article 19 protects freedom of expression, including parliamentary criticism; Article 22 concerns political association; Article 25 concerns participating in public affairs. Retaliatory withdrawal of staff after opposition speech or voting creates a serious rights concern distinct from a legitimate function-based adjustment. Article 26 informs the equality comparison.

Required Safeguard: Expressly ban staff reductions because of votes, speeches, investigations or political alliances. Require immediate reinstatement pending independent review when credible retaliatory timing or communications are identified, subject to fair process.

11.1 Staffing is not a discipline mechanism. It must not be reduced because a party or parliamentarian opposed government legislation, supported an inquiry, criticised a Minister, voted against the Government, refused to negotiate, sought documents, questioned a Minister, ran a committee, or became more popular.

11.2 An additional allocation may be reduced during a term only because representation or the supporting office has gone, the underlying parliamentary function has materially ceased, or a neutral Tribunal change applies consistently to comparable parliamentarians.

11.3 A purported reduction that breaks those rules is invalid.

12. Anti-avoidance and no offset

Human rights implications — ICCPR 2(3), 25, 26; ICESCR 7

Application to this policy: ICCPR Article 25 requires meaningful rather than illusory political participation; Article 26 is implicated if neutral-looking administrative substitutions disproportionately undermine comparable minority-party work without justification. ICCPR Article 2(3) is relevant when circumvention makes formal remedies ineffective.

Required Safeguard: Treat staffing value as a whole-of-office measure: funded FTE, grade, vacancies, IT and research access. Prohibit offsetting other allowances or delaying approvals, and direct Finance to fund shortfalls rather than reclassify them.

12.1 The Prime Minister, a Minister, an officer or a Commonwealth entity must not use another power — funding, delay, classification, hours, an internal budget ceiling, a different staffing category — to achieve what Part IIIA forbids directly.

12.2 A statutory personal-staff entitlement is not a reason to cut electorate employees, offices, IT, travel, communications or Parliamentary Library support. Offsets of that kind are invalid.

12.3 Internal Finance or departmental expenditure targets do not authorise a reduction. Expenditure still requires an appropriation. The Finance Minister must put reasonable provision for these liabilities into the estimates.

13. Transparency

Human rights implications — ICCPR 19, 25, 26; CRPD 9

Application to this policy: ICCPR Article 19 includes seeking and receiving information; transparency about the basis of public staffing decisions enables scrutiny. Articles 25 and 26 support a verifiable comparison between similarly situated groups. CRPD Article 9 points toward accessible publication formats.

Required Safeguard: Publish allocated and filled FTE, vacancies, grade bands, role functions, decision criteria and reasons for departures; issue accessible tables and annual disparity audits while withholding employees' personal details.

13.1 The Remuneration Tribunal is to keep a public Parliamentary Staffing Register showing, for the Government, the Official Opposition, each non-government party and the independents: positions, full-time-equivalent value, classification ranges, the legal basis for the allocation, and the date it took effect.

13.2 The Register does not name employees and does not publish personal or security-sensitive information. It is updated within seven days of a change.

13.3 The Tribunal reports annually to both Presiding Officers. The report is tabled. It covers entitlements, applications, decision times, delays, disparities and recommended amendments. It does not identify staff.

14. Administration, review and enforcement

Human rights implications — ICCPR 2(3), 25, 26; CRPD 13

Application to this policy: ICCPR Article 2(3) calls for an effective remedy for substantiated Covenant violations. Without rapid correction, a minor-party MP may lose a full parliamentary sitting period, so later explanation may not repair the participation loss under Article 25. CRPD Article 13 requires access to justice where disability-related barriers arise.

Required Safeguard: Provide expedited independent review, interim preservation of existing positions, enforceable make-good staffing and compensation where legally warranted. Refer possible Commonwealth human rights concerns to the Australian Human Rights Commission and preserve Fair Work and discrimination pathways.

14.1 Finance and the Parliamentary Workplace Support Service give administrative effect. They do not re-impose Prime Ministerial approval where the Act no longer requires it. Statutory-minimum positions are stood up immediately; additional positions follow the Tribunal determination.

14.2 The Federal Court has express jurisdiction to declare, restrain and compel. Fair Work rights are not displaced. Affected parliamentarians, party leaders and directly affected employees have standing.

14.2A The Court may order that a non-government parliamentarian or party be provided with personal staffing capacity comparable to that provided to a parliamentarian or party of comparable status. In determining comparability the Court may have regard to the published allocation figures, the absence of a published neutral formula under the previous law, and any refusal to inquire into a disparity. The order enforces the staffing entitlement. It does not invent a new right.

14.3 Part IIIA is independently reviewed within three years of commencement and at least every five years after that. Reviewers cannot be the Government, a party, Finance, or a person who runs an allocation under review.

15. Implementation

Human rights implications — ICCPR 2(2), 2(3), 25, 26

Application to this policy: ICCPR Article 2(2) requires concrete legislative or other steps to give effect to rights; Articles 25 and 26 are tested by whether new allocations actually arrive. Delayed funding after passage can perpetuate the very disparity being addressed.

Required Safeguard: On commencement automatically calculate every entitlement, identify gaps and activate paid positions within 14 days; publish the baseline and an implementation ledger; require first audit at 120 days and independently investigate missed deadlines.

15.1 The Bill commences 28 days after Royal Assent. That is long enough for Finance, the Parliamentary Workplace Support Service and the Tribunal to open positions and stand up the Register.

15.2 On commencement, statutory minimums apply automatically from official parliamentary numbers that day; any shortfall against the minimum is to be made administratively available within 14 days; existing employees are not terminated by the mere fact of commencement; existing Prime Ministerial determinations survive only to the extent they are consistent with Part IIIA; current allocations cannot be cut during the 90-day transition; and the Tribunal completes a first comprehensive review within 120 days.

15.3 Before commencement, the Tribunal, Finance, the Parliamentary Workplace Support Service and the parliamentary departments may do the administrative work required so the Act operates on day one.

15.4 This policy is to be read with the Bill. If there is an inconsistency after the Bill receives the Royal Assent, the Act prevails.

16. Definitions

Human rights implications — ICCPR 26; CRPD 2, 5

Application to this policy: ICCPR Article 26 requires consistent treatment of genuinely comparable situations, while Articles 25 and 2(3) require measurable opportunities and remedies. Vague terms such as “personal employee” or “comparable” could allow nominal compliance without effective parliamentary capacity.

Required Safeguard: Define funded full-time equivalent, same-function comparator, objectively justified differential treatment, indirect effects, political retaliation, reasonable adjustment, material vacancy and effective remedy. Include enforceable reporting definitions.

personal employee has the meaning given by the Members of Parliament (Staff) Act 1984, and in this paper means a personal employee (non-Ministerial) unless the context is the government ministerial pool.

recognised non-government political party means a registered political party that is not a government party, is not part of the Official Opposition, and has at least five parliamentarians.

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

statutory minimum means the entitlement arising under sections 21C, 21D, 21E or 21EA of the amended Act.

Tribunal means the Remuneration Tribunal.

Human Rights Compliance Schedule — Specific Risks And Corrective Measures

Legal Position

Australia has ratified the ICCPR, ICESCR, ICERD, CEDAW, CRPD and other human rights conventions, undertaking to perform its treaty obligations in good faith. The Government must demonstrate implementation through practical, funded and fairly administered parliamentary staffing. A distinction between international commitments and domestic enforcement powers must not become an excuse to leave unequal capacity unexamined: this policy demands legislation, reasons, public audits and enforceable corrective remedies. International obligations and existing domestic causes of action must be analysed precisely; ratification alone is not a finding that a particular allocation is unlawful.

Directly Relevant Civil And Political Rights

ICCPR Article 2(1): non-discriminatory enjoyment of Covenant rights — prohibit distinctions based on political opinion and other protected grounds. Article 2(2): legislative implementation — enact staffing guarantees. Article 2(3): effective remedy — independent review, enforceable orders and compensation where authorised. Article 19: expression — prevent retaliatory reductions for parliamentary speech. Article 22: association — protect political-party organisation. Article 25(a): effective participation through elected representatives — provide functional research, drafting and scrutiny support. Article 25(b): genuine electoral choice — assess whether structurally unequal resources unreasonably distort elected representation; no treaty guarantee of equal campaign or office budgets follows automatically. Article 26: equal protection — require objective, reasonable and proportionate justification for differences.

Protected Group And Employment Dimensions

ICERD Articles 2 and 5(c): prevent racial discrimination affecting participation; monitor impacts where evidence indicates racial disadvantage. CEDAW Articles 2, 7 and 11: protect equal participation of women and equal employment treatment. CRPD Articles 5, 9, 13, 27 and 29: provide reasonable accommodation, accessible procedures and political participation for persons with disabilities. ICESCR Articles 6, 7 and 8: protect staff working conditions, fair pay and associational rights. CRC Article 12: relevant only where staffing decisions demonstrably affect children's opportunities to be heard in public decisions; not an automatic staff-allocation entitlement. CAT: no ordinary direct staffing-allocation nexus; do not claim a violation without extraordinary supporting facts.

Operational Equality Test

1. Identify comparable duties and documented workload. 2. Publish each group's funded FTE, grade and functional responsibilities. 3. Identify differences in effective capacity, not just headcount. 4. Require the decision-maker to give an objective, legitimate and proportionate explanation. 5. Correct unjustified disparities by automatic minimums or additional needs-based allocations. 6. Offer independent merits reconsideration and court enforcement. 7. Publish aggregate results and repeat the audit annually.

Illustrative Allocation And Compliance Trigger

Using the policy's August 2026 illustrative figures, the proposed 1.5 FTE formula yields nine positions for six One Nation parliamentarians compared with four recorded in the source policy. This is a five-position gap against the proposed formula, not by itself proof of five human-rights violations. The same formula yields seventeen for eleven Greens parliamentarians and eight for a hypothetical five-member party. The Official Opposition's separate 22% floor must be justified by distinct duties and independently assessed.

Legislative Drafting Requirement

Insert an objects clause expressly referencing ICCPR Articles 2, 19, 22, 25 and 26; a mandatory equality assessment; a prohibition on direct and indirect discrimination; a statutory funded-FTE formula; objective exceptions; independent determination and review; a publication duty; an anti-retaliation clause; and Federal Court remedies. Any human rights statement accompanying the Bill should analyse actual limits and justifications, not merely recite treaty names.

Scope And Evidentiary Caution

These are distinct rights and possible legal pathways, not dozens of proven violations. A single staffing decision may engage several provisions, but findings require facts, causal connection and treaty interpretation. No core treaty expressly mandates identical staffing numbers for all parliamentary parties.

Australian Human Rights Commission — Assessment And Remedial Pathway

Why an AHRC assessment matters

The Australian Human Rights Commission Act 1986 (Cth), sections 11(1)(f) and 20, permits inquiry into certain Commonwealth acts or practices alleged to be inconsistent with human rights, including ICCPR rights. A written complaint by or on behalf of an aggrieved person can prompt an assessment, and the Commission may examine a matter on its own initiative. The Commission must first assess jurisdiction, whether the act is attributable to the Commonwealth or otherwise within the statutory definition, whether the applicant is aggrieved, and any discretionary grounds for declining an inquiry.

How the Commission would apply ICCPR Article 25

The Commission would identify the parliamentary functions impaired: reviewing government bills, drafting amendments, conducting committee inquiries, requesting documents and responding to constituent concerns. It could compare staff resources available to members exercising comparable functions, examine the duration of the shortfall, test whether administrative delays prevented substantive participation, and seek government reasons. A political staffing difference alone is not proof of an Article 25 breach; the material question is whether the state imposed an unreasonable restriction on effective participation.

How the Commission would apply ICCPR Article 26

The Commission would test whether like situations received different treatment, and whether the distinction was based on objective and reasonable criteria. For example, the policy's August 2026 illustration records six One Nation members and four personal staff, compared with eleven Greens members and seventeen staff. The apparent per-member difference invites examination of office-holding duties, committee workload, grades, appropriations, vacancies, timing and any legitimate functional explanation. If comparable work is unequally supported without adequate justification, the Commission could identify a human rights concern and recommend a remedy.

How Articles 19, 22 And 2 relate to staffing

For ICCPR Article 19, the Commission would examine whether loss of policy, research or media advisers followed criticism of government and materially obstructed an MP's ability to seek, receive or impart political information. For Article 22, it would ask whether resource penalties targeted association with a lawful political party. Under Article 2, it would assess discriminatory enjoyment of covered rights and whether effective redress is available. Contemporaneous letters, decision records, staffing change dates and comparable treatment are critical; ideological disagreement alone does not establish unlawful retaliation.

How other ratified conventions apply when relevant

CEDAW Article 7 concerns women's equal participation in political life: investigate if women parliamentarians experience systematically lower staffing or if ostensibly neutral allocation criteria disadvantage them. ICERD Article 5(c) concerns political rights free of racial discrimination: assess any evidence that a race-based pattern impairs representation. CRPD Article 29 concerns effective political participation by persons with disabilities; Articles 5 and 9 concern equality and accessibility, and Article 27 concerns staff employment. ICESCR Articles 6–7 concern affected workers' employment and fair conditions. These instruments must not be invoked as automatic findings merely because an office belongs to a minor party.

Evidence requested and procedural steps

A properly particularised submission should attach the Prime Ministerial or departmental decisions, parliamentarian counts by date, staff positions and funded FTE by category, job grades, vacant positions, parliamentary functions and committee responsibilities, delays, refused applications, relevant communications, and comparator data. The submission should identify the specific Commonwealth act or practice, the person aggrieved, the treaty provisions invoked and the corrective result sought. The Commission may seek information, inquire, attempt conciliation and provide findings and recommendations, observing procedural fairness.

Possible Commission findings and recommendations

Where it finds an inconsistent Commonwealth act or practice, the Commission can report and recommend measures such as restoration of withdrawn staff, objective allocation rules, revised decision-making, a published parity audit, prevention of retaliation, reconsideration of adverse decisions, and where appropriate compensation. The Commission's human rights reporting recommendations are not themselves binding court orders. That present limit is precisely why the companion Bill should require agencies to respond publicly within 30 days and allow statutory entitlement disputes to be determined by a court.

Proposed Additional AHRC Accountability Duties

The companion Bill should require a written human rights staffing-impact assessment for every material adverse determination; enable any affected parliamentarian, parliamentary party or staff member to refer relevant Commonwealth practices to the Commission; require the decision-maker to give the Commission documents lawfully requested; require a public government response to a published AHRC report within 30 days; and require an independent Tribunal reconsideration within 20 business days. None of these proposed duties should be portrayed as existing AHRC powers before enactment.

Model application of an equality review

Example: a six-member qualifying party is recorded with four advisers instead of the proposed floor of nine. The Tribunal must first certify whether the statutory five-member threshold applies and whether all four are fully funded. It would then allocate five additional FTE to reach nine, with grade and resource parity. If the shortfall appears linked to party identity or political criticism, an AHRC complaint could seek an independent human rights assessment. If the proposed statute is enacted, a party could separately seek interim and final judicial relief to enforce its nine-position entitlement. This approach connects each asserted right to an observable shortfall and a precise correction.

Accountability without an enforcement gap

The policy's standard is compliance in practice: equal baseline formula for comparable parties, objectively explained function-based enhancements, funded positions rather than paper allowances, no retaliation, prompt correction and independent scrutiny. Treaty ratification must lead to measurable government action and explicit domestic safeguards, not solely a statement of principle.

17. References

Human rights implications — ICCPR, ICESCR, ICERD, CEDAW, CRPD; domestic implementing law

Application to this policy: The principal direct participation analysis is ICCPR Articles 25, 26, 19, 22 and 2; employment conditions implicate ICESCR Articles 6–7. ICERD Article 5(c), CEDAW Articles 7 and 11, and CRPD Articles 5, 9, 13, 27 and 29 are context-specific and need factual connections to the protected characteristics.

Required Safeguard: For each claimed violation document the protected right, the act or practice, comparator, evidence, adverse impact, objective justification offered and specific remedy. The resulting record supports independent review and an informed AHRC complaint where its jurisdiction applies.

Members of Parliament (Staff) Act 1984 (Cth), compilation C2026C00093, 14 March 2026.

Remuneration Tribunal Act 1973 (Cth), subsection 5(2E).

Parliamentary Business Resources Act 2017 (Cth); Parliamentary Business Resources Regulations 2017, regulation 4.

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