Date: 19 October 2026

To: The President and Human Rights Commissioner
Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001
Email: infoservice@humanrights.gov.au

Subject: Formal Human Rights Complaint And Request For Systemic Inquiry Into Parliamentary Staffing Allocations Under The Members Of Parliament (Staff) Act 1984

Relevant Legislation: *Australian Human Rights Commission Act 1986*, sections 3, 10A, 11, 20, 20A, 21, 22 and 29; *Members of Parliament (Staff) Act 1984*, sections 4, 11 and 12.

International Human Rights Obligations: *International Covenant on Civil and Political Rights* (ICCPR), Articles 2(1), 2(3), 25 and 26.

Dear President and Human Rights Commissioner,

1. Formal Complaint And Request For Investigation

I formally request that the Australian Human Rights Commission investigate the Commonwealth's allocation of personal parliamentary staffing resources under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act), particularly the discretionary powers exercised by the Prime Minister under sections 4 and 12.

This complaint concerns **potential systemic political discrimination and unequal access to publicly funded parliamentary resources**, affecting smaller political parties, independent parliamentarians and, consequently, the Australian citizens who elect them.

I contend that the present staffing framework raises serious questions concerning Australia's compliance with Articles 2, 25 and 26 of the *International Covenant on Civil and Political Rights*.

The issue is not simply whether every parliamentarian receives an identical number of employees. It is whether elected representatives have a reasonable and equitable opportunity to perform their parliamentary responsibilities, independently examine legislation, scrutinise government decisions and represent their constituents effectively.

The Prime Minister should not possess unrestricted practical control over the staffing capacity of the parliamentarians responsible for holding the Prime Minister and the executive government accountable.

A system that allows the executive to determine the resources available to its parliamentary opponents, without sufficiently transparent and independently enforceable safeguards, creates an inherent institutional conflict of interest.

Where the resulting allocations disadvantage elected representatives because of their political affiliation or party status, without objective and reasonable justification, the consequences extend beyond individual parliamentarians.

They directly concern the democratic rights of the Australian citizens who elected those representatives.

I request that the Commission investigate the actual staffing allocations, their practical consequences, the reasons for differential treatment and the adequacy of the legal safeguards governing those decisions.

2. Documentary Evidence Of Unequal Parliamentary Staffing Allocations

The Department of Finance's *Personal Employee Positions as at 1 February 2026*, tabled through Senate Estimates, provides official evidence of substantial differences in authorised parliamentary staffing resources.

2.1 Parliamentary Staffing Comparison

Political Party / Parliamentary Group	Allocated Personal Support Staff
Australian Labor Government	**492**
Liberal Opposition	**88**
Australian Greens	**17**
One Nation	**4**

Source: Department of Finance, *Personal Employee Positions as at 1 February 2026*. [1]

The published schedule demonstrates the substantial differences in the scale of staffing resources allocated to these parliamentary groups.

One Nation was allocated just four personal employee positions, compared with 17 for the Australian Greens, 88 for the Liberal Opposition and 492 across the Labor-led Government's staffing pool.

The figures are not entirely equivalent categories. The government total includes ministerial and executive support, while the Opposition and minor-party totals relate to different parliamentary responsibilities. These distinctions must be accounted for when assessing whether the allocations are objectively justified.

Nevertheless, the figures establish a substantial disparity in the distribution of authorised personal employee positions and warrant a detailed examination of how those allocations are determined.

The government and Opposition have access to established parliamentary structures through which legislative research, policy analysis and scrutiny responsibilities can be coordinated.

Smaller parliamentary parties must address a broad range of parliamentary responsibilities with substantially fewer personnel.

The critical question is whether the Commonwealth has undertaken an objective assessment of those differences in responsibilities and available institutional resources.

Simply asserting that a smaller party has fewer parliamentarians does not establish that it has proportionately fewer legislative, committee or scrutiny responsibilities.

The Commission should obtain the most recent allocation schedules, including those applying in October 2026, to determine whether these disparities have increased, decreased or otherwise changed.

2.2 Historical Reduction In Crossbench Staffing

The Australian Parliamentary Library's report of 19 July 2022 documented the reduction in personal staffing allocations affecting newly elected crossbench parliamentarians from four positions to one. [2]

The reduction was implemented following a change of government.

The Commonwealth's stated justification included budgetary restraint, comparisons with major-party backbench parliamentarians and increased Parliamentary Library support.

However, the decision illustrates how substantially a parliamentarian's professional support can change through the exercise of Prime Ministerial discretion.

A reduction of three personal employee positions represents a **75 per cent reduction in the relevant allocation**.

The reduction did not correspond to a 75 per cent reduction in parliamentary responsibilities.

Affected parliamentarians remained responsible for examining legislation, preparing amendments, conducting committee work, scrutinising government decisions and representing their constituents.

The Commission should examine whether sufficient consideration was given to those responsibilities before the decision was implemented.

The historical reductions are not presented as proof of the current staffing entitlements of every crossbench parliamentarian. They demonstrate the importance of examining both historical and continuing executive allocation practices.

3. Statutory Framework And Executive Control Over Parliamentary Resources

Section 4(1) of the MOP(S) Act empowers the Prime Minister to determine, in writing, that a parliamentarian may employ personal employees, having regard to that parliamentarian's parliamentary duties.

Section 11 establishes relevant employment powers.

Section 12 enables the Prime Minister to approve arrangements and determine conditions affecting the exercise of those powers, including the number of employees who may be engaged.

The Department of Finance confirms that the Prime Minister determines allocations to ministers, the Opposition, minority parties and independent parliamentarians. [3]

This gives the executive government substantial control over the professional resources available to elected representatives.

The structural concern is clear: the government being scrutinised can determine staffing resources available to those conducting the scrutiny.

The present arrangements raise important questions concerning transparency, consistency, proportionality, independence and accountability.

Section 4 determinations are expressly excluded from the definition of legislative instruments. The Act's allocation arrangements therefore do not provide the same parliamentary scrutiny mechanisms that ordinarily apply to legislative instruments.

There is also a critical distinction between a decision being authorised under Commonwealth legislation and that decision being consistent with Australia's human rights obligations.

The Commission is requested to examine the actual operation of the legislation, rather than treating the existence of statutory authority as sufficient justification for the resulting disparities.

4. Australia's International Human Rights Obligations

Australia is a State Party to the ICCPR.

The Covenant is expressly relevant to the Australian Human Rights Commission's statutory functions through section 3 of the *Australian Human Rights Commission Act 1986*.

Australia has undertaken international obligations to respect and ensure the rights recognised by the Covenant.

Ratification of an international human rights instrument requires meaningful attention to the practical enjoyment of the rights it protects. Formal recognition alone is insufficient.

The relevant obligations extend to the manner in which Commonwealth institutions exercise powers affecting political participation, equality and democratic representation.

4.1 Article 2(1) — Non-Discrimination In The Enjoyment Of Rights

Article 2(1) requires States Parties to respect and ensure Covenant rights without prohibited distinctions, including distinctions based upon political or other opinion.

Parliamentary staffing arrangements raise concerns under this provision where political affiliation, parliamentary status or party classification produces material disadvantages affecting the enjoyment of rights protected by the Covenant.

A distinction does not become objectively justified merely because it is applied according to an established administrative practice.

The Commission should investigate whether staffing allocations genuinely reflect parliamentary responsibilities or instead reinforce advantages associated with particular political groupings.

Where political status determines access to resources essential for effective parliamentary participation, the Commonwealth must be able to demonstrate that the resulting treatment is objectively justified.

4.2 Article 25 — The Right To Participate In Public Affairs

Article 25 protects the right and opportunity of citizens to participate in public affairs, directly or through freely chosen representatives, without prohibited distinctions or unreasonable restrictions.

This protection has practical significance beyond the act of voting.

Citizens elect representatives to examine legislation, question government decisions, scrutinise expenditure, participate in parliamentary committees and advocate their interests.

Where those representatives lack sufficient professional resources to perform these functions effectively, the practical quality of political representation may be diminished.

An independent parliamentarian or smaller party representative does not cease to have substantial parliamentary responsibilities merely because that representative does not belong to the government or Official Opposition.

Australian citizens should not experience materially inferior opportunities for effective representation simply because they elect a smaller-party or independent parliamentarian.

The Commission should examine whether staffing arrangements impose unreasonable practical restrictions on political participation through freely chosen representatives.

Article 25 does not prescribe a particular number of employees for elected representatives.

The relevant question is whether differences in resources create unreasonable or discriminatory restrictions on the practical exercise of the rights it protects.

4.3 Article 26 — Equality Before The Law And Equal Protection

Article 26 guarantees equality before the law and equal protection of the law without discrimination, including on grounds of political or other opinion.

Differences in parliamentary staffing are not automatically discriminatory.

Ministers and parliamentary office-holders may have additional responsibilities justifying additional personnel.

However, **differences in treatment must be supported by objective and reasonable criteria rather than political convenience, historical preference or unexplained executive discretion.**

The Commission should assess whether the Commonwealth's allocation methodology takes account of the actual responsibilities of smaller parties and independents, including their limited access to shared specialist resources.

It should also examine whether the same standards are consistently applied across political groups.

Where substantial differences cannot be objectively justified, the allocation arrangements raise serious questions of compatibility with Article 26.

4.4 Article 2(3) — Effective Remedies

Article 2(3) requires effective remedies for violations of Covenant rights.

Parliamentary responsibilities operate within fixed legislative timetables.

A staffing decision that leaves a parliamentarian unable to examine legislation or participate effectively in an inquiry may cause consequences that cannot be corrected once the relevant parliamentary proceedings have concluded.

Consequently, a system intended to protect against unjustified allocation decisions must provide timely and meaningful review.

A remedy that cannot correct a demonstrated staffing disadvantage while the affected parliamentary work is being undertaken risks failing to provide effective practical protection.

The Commission is requested to examine the absence or inadequacy of independent review and whether reform is required to protect against unreasonable or discriminatory staffing decisions.

5. United Nations Human Rights Committee Guidance

The United Nations Human Rights Committee's *General Comment No. 25* provides guidance on the interpretation of Article 25.

It emphasises genuine opportunities for participation in public affairs and the requirement that conditions and restrictions on political participation be based upon objective and reasonable criteria. [4]

These principles are directly relevant to the present complaint.

The Commonwealth should be able to explain how the allocation of parliamentary staffing resources supports effective democratic participation and why any differences in treatment are justified.

The practical capacity of a parliamentarian to perform parliamentary duties is a relevant consideration when examining whether citizens enjoy meaningful opportunities to participate in public affairs through their representatives.

The Commission should examine whether staffing allocation criteria adequately protect that capacity across political affiliations.

6. Institutional Conflict Of Interest And The Independence Of Parliament

The Prime Minister leads the executive government.

Members of Parliament, including smaller-party and independent representatives, are responsible for scrutinising executive decisions and holding the government accountable.

These functions are essential to representative democracy.

The present staffing arrangements permit the executive to exercise substantial discretion over the professional resources available to those conducting that scrutiny.

This creates a structural conflict between executive interests and parliamentary independence.

No allegation of personal misconduct is necessary for this institutional concern to arise.

A system can create risks to independence even where individual decision-makers act in good faith.

The allocation of resources used to scrutinise government should not depend upon the unrestricted discretion of the government being scrutinised.

The Commission should examine whether current safeguards adequately prevent arbitrary treatment, political favouritism or retaliation against parliamentarians who oppose government policies or legislation.

The Commonwealth should adopt allocation arrangements that protect parliamentary independence regardless of which political party forms government.

7. Substantive Equality And Parliamentary Workload

A proper assessment of staffing equality must distinguish between numerical allocations and effective parliamentary capacity.

Government and opposition parliamentarians may have access to coordinated parliamentary party structures, specialist policy advisers, shadow portfolio arrangements and shared research resources.

Smaller parties and independents often need to assess legislation across numerous portfolios with much smaller professional teams.

Their parliamentary responsibilities can include legislative examination, amendment drafting, committee research, Senate Estimates preparation, policy development, government expenditure scrutiny and constituent advocacy.

The Parliamentary Library provides valuable services, but it does not necessarily replace dedicated professional staff responsible for continuing legislative and policy work.

Providing identical numbers of directly allocated employees does not necessarily produce equality where access to additional institutional resources differs substantially.

Equally, allocating additional staff to ministers because of executive responsibilities may be justified.

The Commission should distinguish those responsibilities from the parliamentary scrutiny functions shared across political groups.

The appropriate assessment is whether parliamentarians undertaking comparable responsibilities have reasonably comparable capacity to fulfil them.

8. The Commission's Statutory Jurisdiction And Responsibilities

8.1 Human Rights Inquiry Functions

Section 11(1)(f) of the *Australian Human Rights Commission Act 1986* expressly provides for inquiries into acts or practices that may be inconsistent with or contrary to human rights.

The Commonwealth's staffing determinations and associated administrative practices are capable of falling within this function.

Section 11(1)(e) also enables the Commission to examine enacted legislation for compatibility with human rights.

This complaint therefore raises matters within the Commission's statutory functions concerning Commonwealth practices and legislative arrangements.

8.2 Section 20 — Performance Of Human Rights Functions

Section 20(1) provides for the Commission to perform its human rights inquiry functions following a Ministerial request, a qualifying written complaint by or on behalf of an aggrieved person, or where the Commission considers an inquiry desirable.

I request that this correspondence be assessed as a formal human rights complaint where the statutory requirements are satisfied.

I further request that the Commission independently consider initiating a systemic inquiry under section 20(1)(c).

Where individual standing is disputed, the Commission should consider the broader institutional matters separately rather than treating an individual standing question as resolving the substantive human rights issues.

Section 20(2) contains grounds upon which the Commission may decline or discontinue an inquiry.

However, the existence of those grounds does not place all executive staffing determinations outside the Commission's statutory human rights functions.

Section 20(3) requires a decision within two months on whether to inquire into a complaint made under that provision.

Section 20(4) provides for written notice and reasons where an inquiry into a complaint is declined or discontinued, subject to the statutory exceptions.

I request a substantive, reasoned consideration of the matters raised rather than a response addressing only procedural classification.

8.3 Legislative Reform And International Compliance

Section 11(1)(j) enables the Commission to report to the Minister concerning laws that should be enacted or action that should be taken by the Commonwealth on human rights matters.

Section 11(1)(k) also authorises reporting concerning measures necessary for Australia to comply with the ICCPR and other relevant international instruments.

The Commission's responsibilities therefore extend beyond individual complaint resolution.

They include identifying systemic concerns and recommending appropriate reforms.

8.4 Investigative Powers

Sections 21 and 22 provide powers to obtain relevant information, documents and witness evidence in connection with applicable inquiries.

Sections 20A and 29 govern reporting and recommendations in relevant circumstances.

These powers provide a means of examining staffing determinations and the administrative reasons underlying them.

The Commonwealth should not avoid scrutiny merely because the evidence required to assess its decisions is principally held by Commonwealth departments and executive offices.

9. Anticipated Commonwealth Justifications

The Commonwealth may argue that existing arrangements are justified by expenditure restraint, administrative efficiency, ministerial responsibilities or comparisons with major-party backbench members.

These considerations deserve examination.

However, the existence of a legitimate objective does not automatically establish that every allocation difference is reasonable.

9.1 Budgetary Restraint

Responsible management of public expenditure is an appropriate governmental objective.

Nevertheless, budgetary restraint should be applied according to transparent and defensible criteria.

The Commission should determine whether reductions affecting smaller parties and independents were assessed against actual parliamentary workload and whether less restrictive alternatives were considered.

9.2 Comparisons With Major-Party Backbenchers

A numerical comparison between a crossbench parliamentarian and a major-party backbencher does not necessarily establish equivalent working conditions.

The proper assessment should include shared parliamentary party support, coordinated policy resources and the extent to which legislative responsibilities can be distributed among colleagues.

9.3 Parliamentary Library Support

Parliamentary Library services cannot automatically be treated as a complete replacement for dedicated personal employees.

Research services are not identical to staff providing continuing policy development, amendment drafting, parliamentary coordination and administrative assistance.

The Commonwealth should identify the precise functions it considers interchangeable and provide evidence supporting that assessment.

9.4 Existing Statutory Authority

The Prime Minister's authority under the MOP(S) Act establishes the legal basis for allocation decisions.

It does not determine whether each decision or the overall practice is consistent with international human rights principles.

Statutory authority does not eliminate the requirement for objective, reasonable and accountable government decision-making.

10. Proposed Legislative Reform

The *Members of Parliament (Staff) Amendment (Fair and Independent Staffing) Bill 2026* provides a proposed model for addressing these concerns.

The proposed reforms include statutory minimum staffing entitlements, objective allocation criteria, independent review and enforceable remedies for unjustified disparities.

The draft model contemplates protections under proposed sections 21C, 21D, 21E, 21K, 21ZB and 21ZBA.

The mechanisms include minimum staffing allocations for qualifying non-government parties and independents, the assessment of comparable parliamentary capacity, access to the Federal Court and corrective orders where unjustified differences are established.

These are proposed reforms rather than provisions of existing law.

The Commission is requested to assess their merits and consider whether corresponding legislative measures should be recommended.

The objective should be to prevent politically influenced or unjustifiably unequal staffing decisions through transparent statutory standards and independent enforcement.

11. Information Requested From The Commonwealth

I request that the Commission obtain or seek disclosure of the staffing determinations and supporting records necessary to assess the alleged discrimination.

The information should include the written determinations made under sections 4 and 12 from 2022 onwards, complete staffing allocation schedules, the criteria used to determine allocations, details of full-time-equivalent positions and classifications, and records explaining changes in staffing entitlements.

The Commission should also obtain relevant assessments of parliamentary workload, consultation with affected parties, information about shared parliamentary resources, and any human rights or equality assessments undertaken before staffing decisions were made.

Particular attention should be given to whether the Commonwealth can demonstrate an objective and consistently applied basis for the differences between the Government, Opposition, Australian Greens, One Nation and independent parliamentarians.

Evidence should also be obtained from affected parliamentarians concerning the practical consequences of the allocations.

12. Remedies And Recommendations Sought

I request that the Commission consider the following outcomes.

A. Formal Human Rights Inquiry

Investigate the Commonwealth's staffing determinations and administrative practices under sections 4 and 12 of the MOP(S) Act for possible inconsistency with ICCPR Articles 2, 25 and 26.

B. Transparent Allocation Criteria

Recommend legislation establishing clear, published and objectively measurable criteria for parliamentary staffing entitlements.

C. Comparable Parliamentary Capacity

Recommend that allocations take account of actual parliamentary responsibilities, available institutional resources and the specialist capacity required to perform legislative and scrutiny functions.

D. Statutory Minimum Entitlements

Recommend enforceable minimum staffing allocations for qualifying non-government parliamentary parties and independents.

E. Independent Administration

Recommend arrangements that remove unrestricted executive control over staffing allocations affecting parliamentary opponents.

F. Effective Review And Enforcement

Recommend accessible independent review and timely, enforceable correction of unjustified staffing disparities.

G. Protection Against Political Retaliation

Recommend express safeguards preventing reductions in staffing entitlements because of a parliamentarian's political opinions, voting decisions, scrutiny of government or lawful parliamentary activities.

H. Publication And Accountability

Recommend regular publication of staffing allocations, applicable criteria and meaningful comparative information.

I. Examination Of Historical Decisions

Investigate the 2022 staffing reductions and subsequent allocation changes to determine whether affected parliamentarians experienced unjustified disadvantages.

J. Formal Legislative Recommendations

Consider reporting to the responsible Minister concerning reforms necessary to protect equality in democratic representation and compliance with Australia's international human rights obligations.

13. Formal Request For Determination

I formally request that the Commission acknowledge receipt of this complaint, identify the statutory basis upon which it will be assessed and determine whether an inquiry will be undertaken.

Where the requirements for an individual complaint are not satisfied, I request separate consideration of a systemic inquiry under section 20(1)(c).

I also request that the Commission consider the legislative reporting functions available under section 11(1)(j) and section 11(1)(k).

If the Commission declines to inquire, I request written reasons addressing the substantive jurisdictional and human rights questions raised.

A decision not to investigate an individual complaint should not be treated as a determination that the underlying Commonwealth staffing practices comply with Australia's international human rights obligations.

14. Conclusion

The allocation of parliamentary staffing resources is fundamental to the effective functioning of representative democracy.

Members of Parliament are elected to represent citizens, examine legislation and hold the executive government accountable.

A system in which the executive exercises substantial discretion over the resources available to parliamentary opponents creates legitimate concerns about political equality, independence and institutional accountability.

The published allocations demonstrate significant differences in authorised staffing resources.

The Commonwealth should be required to explain those differences through transparent, objective and reasonable criteria.

The democratic rights of Australian citizens do not become less important because they elect a representative from a smaller political party or an independent parliamentarian.

Australia's international human rights commitments must be reflected in the practical operation of its parliamentary institutions.

The Commission is requested to examine whether the Commonwealth's staffing arrangements provide fair and effective opportunities for representation and, where unjustified disparities are established, recommend enforceable reforms.

The question is not simply whether the Prime Minister has the authority to allocate parliamentary staff. It is whether that authority is exercised in a manner consistent with political equality, democratic participation and the independence of parliamentary scrutiny.

Yours faithfully,

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Annexure A

Comparative Parliamentary Staffing Capacity And Human Rights Impact Assessment

Submitted In Support Of: Formal Human Rights Complaint Concerning Parliamentary Staffing Allocations

Respondent: Commonwealth of Australia

Assessment Date: 19 October 2026

Human Rights Engaged: ICCPR Articles 2(1), 2(3), 25 and 26.

A1. Purpose Of The Assessment

This annexure examines the practical effect of allocating substantially different personal staffing resources to parliamentary groups whose members share important legislative, representational and scrutiny responsibilities.

The relevant assessment is whether those differences are justified by actual parliamentary functions or whether they create unreasonable disadvantages associated with political affiliation.

The principal documentary comparison is the Department of Finance's allocation schedule dated 1 February 2026, reproduced in section 2.1 of the complaint.

This annexure does not repeat that table.

A2. Australian Labor Government

Documented Allocation: 492 Personal Employee Positions

The government staffing pool includes employees supporting the Prime Minister, ministers, assistant ministers and other designated government offices.

Government ministers carry substantial executive responsibilities that can justify additional personal employees.

However, government parliamentarians also benefit from structured parliamentary party processes and the coordination of legislative and policy responsibilities across a large parliamentary group.

The relevant comparative issue is the extent to which government staffing resources support functions equivalent to those performed by non-government parliamentarians.

The Commission should distinguish legitimate executive staffing requirements from any institutional advantages affecting parliamentary policy development and scrutiny.

Human Rights Relevance: Articles 25 and 26 require consideration of whether staffing arrangements contribute to unreasonable or unjustified differences in effective political representation.

A3. Liberal Opposition

Documented Allocation: 88 Personal Employee Positions

The Official Opposition undertakes parliamentary scrutiny, legislative examination, alternative policy development and shadow portfolio responsibilities.

Its staffing allocation supports a structured opposition organisation, including parliamentary leadership and shadow ministers.

Such responsibilities can justify additional resources.

However, smaller parliamentary parties also conduct legislative scrutiny, prepare amendments, examine government expenditure and develop alternative policy positions.

The existence of an established opposition structure does not eliminate the need to assess the comparable parliamentary responsibilities of smaller political groups.

The Commission should examine the functions supported by the Opposition's staffing allocation and determine whether other parliamentary groups have sufficient capacity to perform comparable duties.

Human Rights Relevance: Articles 25 and 26 concern effective political participation and the objective justification of different treatment.

A4. Australian Greens

Documented Allocation: 17 Personal Employee Positions

The February 2026 schedule recorded 17 personal positions for the Australian Greens, including 15 associated with the office of the Greens Leader.

The allocation provides a substantial pool of professional support compared with smaller parliamentary parties.

The Greens conduct legislative scrutiny, develop policy, participate in parliamentary committees and negotiate amendments.

These functions are also undertaken by One Nation and other non-government parliamentarians.

Although the size of a parliamentary party is a relevant consideration, **party size alone should not be treated as a complete measure of the resources required to perform its parliamentary responsibilities**.

The Commission should examine the criteria used to determine the Greens' allocation and whether those criteria were applied consistently to other non-government parties.

Human Rights Relevance: Article 26 is relevant to objectively justified distinctions, while Article 25 concerns effective participation through elected representatives.

A5. One Nation

Documented Allocation: 4 Personal Employee Positions

The February 2026 schedule recorded four personal employee positions for One Nation across three senators listed at that date.

Those positions were distributed between the party leader and two other senators.

One Nation parliamentarians are required to examine legislation, prepare amendments, scrutinise executive decisions, participate in committees and contribute to parliamentary debates.

These responsibilities extend across a broad range of Commonwealth policy matters.

A limited professional staffing allocation may require employees to divide their attention between multiple portfolios, legislative proposals and parliamentary proceedings.

The relevant issue is whether those resources provide adequate capacity relative to the responsibilities actually undertaken.

An elected parliamentarian does not have fewer obligations to scrutinise legislation merely because that parliamentarian belongs to a smaller political party.

The Commission should obtain evidence of One Nation's parliamentary workload, its requests for additional staffing, the Commonwealth's responses and any resulting operational disadvantages.

The assessment should also examine how changes in the party's parliamentary membership after February 2026 affected its staffing entitlements.

Human Rights Relevance: Articles 2(1), 25 and 26 are engaged where political status produces unjustified restrictions on effective democratic participation or unequal treatment.

Article 2(3) becomes relevant to ensuring an effective remedy where an underlying violation is established.

A6. Independent Parliamentarians

Independent members and senators conduct legislative scrutiny, constituency representation, policy research and committee work without the same established parliamentary party infrastructure available to larger groups.

The 2022 reduction in personal employees demonstrates the extent to which these parliamentarians' resources have historically been affected by executive decisions.

Their lack of shared party staffing is relevant to determining the actual capacity available for parliamentary work.

Equality must be assessed by the ability to carry out parliamentary responsibilities, not simply by comparing individual employment entitlements.

The Commission should examine whether the allocations received by independents are supported by objective and reasonable criteria.

Human Rights Relevance: Articles 2(1), 25 and 26.

A7. Practical Consequences Of Inadequate Staffing

The potential consequences of unjustified staffing disparities include reduced capacity to review complex legislation, delays in preparing amendments, inadequate preparation for committee proceedings and reduced scrutiny of executive decisions.

A smaller parliamentary team may need to address simultaneous legislative matters across multiple portfolios.

The relevant disadvantage is not merely an inconvenience to an elected representative.

It concerns the practical ability to carry out parliamentary responsibilities on behalf of citizens.

A failure to provide adequate parliamentary capacity can affect the effectiveness of democratic representation even where the formal right to vote remains unchanged.

These consequences require examination through parliamentary workload records, employee allocations and evidence from affected representatives.

A8. Required Evidentiary Assessment

The Commission should undertake a consistent assessment of the resources actually available to each parliamentary group.

This should include authorised and occupied personal employee positions, employee classifications, access to shared parliamentary party advisers, committee and legislative workloads, and the availability of specialist policy and legal assistance.

The inquiry should examine whether affected parliamentarians have been unable to undertake particular parliamentary functions because of inadequate resources.

It should also obtain the Commonwealth's reasons for the respective allocations.

The decisive question is whether the Commonwealth can demonstrate a rational and proportionate connection between the resources allocated and the parliamentary functions to be performed.

A9. International Parliamentary Comparisons

The Australian Parliamentary Library's January 2026 policy brief examined staffing arrangements in the United Kingdom, Canada and New Zealand. [5]

It identified alternative models involving independent authorities and parliamentary institutional arrangements.

In particular, the United Kingdom's Independent Parliamentary Standards Authority provides an example of independent parliamentary resourcing administration.

The comparison demonstrates that Prime Ministerial discretion is not an unavoidable requirement of parliamentary democracy.

The Commission should consider whether greater independence and transparency can be achieved through legislative reform.

A10. Proposed Independent Allocation Framework

An effective legislative framework should establish statutory minimum entitlements and a transparent methodology for determining additional staffing according to parliamentary duties.

Allocations should be assessed independently, with written reasons explaining material differences in treatment.

The system should include safeguards against arbitrary or retaliatory reductions, periodic review when parliamentary membership or responsibilities change, and timely access to independent review.

Where unjustified disparities are established, corrective decisions should be enforceable.

Such arrangements would preserve legitimate distinctions between parliamentary offices while protecting against political discrimination and unnecessary executive influence.

A11. Final Human Rights Assessment

The available evidence establishes that the Commonwealth has allocated substantially different numbers of personal employee positions to government, opposition and other parliamentary groups.

It also establishes that Prime Ministerial discretion plays a central role in determining those allocations.

Further investigation is required to determine whether the differences are adequately justified by actual parliamentary functions, institutional resources and operational requirements.

The Commonwealth should be able to demonstrate that its staffing framework supports effective democratic representation without conferring unjustified advantages or disadvantages based upon political affiliation.

The Commission is requested to conduct that assessment and recommend legislative reform wherever the evidence identifies incompatibilities with Australia's human rights obligations.

Sources And References

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https://www.pwss.gov.au/hr/office-restructure

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[5] Australian Parliamentary Library — Allocating Parliamentarians' Staff: Insights From The UK, Canada And New Zealand, 21 January 2026.
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[7] Members Of Parliament (Staff) Act 1984 — Federal Register Of Legislation.
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https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/Research_Papers/2023-24/Parliamentarians_Personal_Staff

AUSTRALIAN LEGISLATIVE ETHICS COMMISSION