



Directing a MOP(S) Act employee

The [Members of Parliament \(Staff\) \(Employee Direction\) Determination 2025](#) came into effect on 20 February 2025.¹ It makes it clear that parliamentarians or office-holders may direct their staff, both personal and electorate, to support, assist or facilitate in the conduct of their **parliamentary business** or other duties. This includes during a federal election.

Responsibilities of parliamentarians and office-holders

At all times, employing parliamentarians, including Ministers and office-holders, must be aware of and comply with their broad employment obligations. This includes appropriately managing work health and safety (WHS) obligations, such as ensuring safe working hours and managing fatigue for staff who work for an employing parliamentarian in both a MOP(S) Act and volunteer capacity.

Under the MOP(S) Act, parliamentarians and office-holders have powers to employ people on behalf of the Commonwealth to assist them in carrying out their duties. It is the responsibility of the employing **parliamentarian** or **office-holder** to ensure that all directions to MOP(S) Act employees are reasonable, lawful, and defensible – as MOP(S) Act employees are funded by the Commonwealth.

Parliamentary business

Parliamentary business includes parliamentary, electorate, party political, and official duties as prescribed by the [Parliamentary Business Resources \(Parliamentary Business\) Determination 2025](#).²

The Employee Direction Determination establishes a link between the *Parliamentary Business Resources Act 2017* (PBR Act) and the activities MOP(S) staff can be directed to do. Where a **parliamentarian** is satisfied that an activity is permitted and

¹ This replaces the *Employment of Electorate Employees Determination 2023-09*.

² Parliamentarians should refer to these activities when considering what duties are appropriate for MOP(S) Act employees. When considering what activities a MOP(S) Act employee can be directed to undertake, the determinations should be read alongside the *Parliamentary Business Resources Act 2017* (PBR Act) and [Parliamentary Business Resources Regulations 2017](#) (PBR Regulations), which outline other principles or restrictions in relation to **parliamentary business**.

can be claimed under the PBR Act, a MOP(S) Act employee can be reasonably directed to support, assist or facilitate such an activity.

While parliamentarians may direct their staff to undertake 'other' duties to support them as a parliamentarian or office-holder, the employing parliamentarian must be satisfied that any such direction is lawful, reasonable and defensible. If public funding for an activity is not permitted under the PBR framework, it may be difficult to defend why it is reasonable to direct MOP(S) Act employees to undertake such activities.

Restrictions under the PBR framework

When directing MOP(S) Act employees to support, assist or facilitate an activity, the employing parliamentarian must be satisfied:

- that the dominant purpose of the activity is conducting their **parliamentary business**
- that the activity does not provide a personal benefit to the parliamentarian and
- that the activity does not provide a commercial benefit to the parliamentarian or another person.

The PBR framework prohibits parliamentarians from using office expenses (their office budget or related claims and resources) to produce, communicate or distribute material that:

- solicits a vote for a person other than the employing parliamentarian
- fundraises, solicits memberships or solicits subscriptions, or
- provides instruction on how to complete a ballot paper (e.g. 'how to vote' cards).

If public funding for an activity is not permitted under the PBR framework, it may be difficult to defend why it is reasonable to direct MOPS Act employees to undertake such activities.

A parliamentarian must comply with their obligations under the PBR framework, including the requirement to justify publicly, as well as their obligations as an employer.

A MOP(S) Act employee may choose to take leave and undertake duties prohibited by the PBR framework in a volunteer capacity. However, a parliamentarian cannot direct their employees to use their leave entitlements for this purpose.

Even when acting in a volunteer capacity (whether an employee on leave, outside of working hours, or volunteer) office expenses, including Commonwealth property, cannot be used for activities prohibited under the PBR framework.

Further assistance

HR

The PWSS HR Advice team can assist with employment and HR related matters and be contacted via 1800 747 977 (Option 2) or hr@pwss.gov.au between 9am and 5pm, from Monday to Friday. Further information will also be provided via the PWSS CPO monthly update. The PWSS can also assist parliamentarians to complete WHS risk assessments and implement mitigation strategies.

Office expenses

For information relating to office expenses please contact the Ministerial and Parliamentary Services Help Desk on 02 6215 3333 (option 2) or mpshelp@finance.gov.au

Travel

IPEA should be contacted regarding any travel related queries and can provide personal advice on planned travel on (02) 6215 3000 or enquiries@ipea.gov.au. All personal advice from IPEA is exempt from disclosure under the *Freedom of Information Act 1984*. Where a parliamentarian relies upon advice provided by IPEA, safe harbour provisions under the PBR Act may apply.

Frequently Asked Questions

This guidance is not exhaustive but designed to support parliamentarians applying the principles of the frameworks.

Is there a difference between what electorate and personal employees can be directed to do?

This new determination eliminates the distinction between what duties personal and electorate employees can be directed to undertake as a MOP(S) Act employee.

For all employees, parliamentarians should be satisfied that directions are lawful, reasonable and defensible, and consistent with their broad employment obligations, including appropriately managing work health and safety (WHS) obligations, ensuring safe working hours, and managing fatigue.

Can MOP(S) Act employees fundraise on behalf of their employing parliamentarian?

MOP(S) Act employees cannot be directed to fundraise, solicit memberships, or solicit subscriptions in paid time.

Fundraising or soliciting donations is not **parliamentary business** and therefore cannot be undertaken using Commonwealth resources (including MOP(S) Act employees) under these frameworks.

MOP(S) Act employees are permitted to undertake fundraising activities in a volunteer capacity when outside of their work hours or on approved leave, however employees cannot be directed to take leave to volunteer.

Can a MOP(S) Act employee attend an official political party conference or meeting?

MOP(S) Act employees are permitted to attend official political party events where their attendance is directed to support, assist, or facilitate their parliamentarian carrying out their duties, including their **parliamentary business**.

Parliamentarians must always be satisfied that their use of public resources is reasonable and defensible. With this in mind, where the parliamentarian is not able to be satisfied that the dominant purpose of an event or activity is connected to conducting their **parliamentary business** or other duties, they cannot direct a MOP(S) Act employee to support, assist or facilitate them.

MOP(S) Act employees are not permitted to attend such events as a delegate in their own right or as a delegate on behalf of their employing parliamentarian.

If a MOP(S) Act employee is accompanying a parliamentarian to a number of events over the course of a day, one of which is a fundraising event, it may be appropriate for the employee to be directed to attend the event to assist their parliamentarian in managing their broader arrangements, but the MOP(S) Act employee must not participate in or assist with the event in any way, other than the support, assistance, or facilitation of their employing parliamentarian's duties.

Where a standalone event is for the dominant purpose of fundraising or soliciting donations for the political party, it is not **parliamentary business**, and MOP(S) Act employees cannot be directed to attend.

What duties can a MOP(S) Act employee be directed to undertake in the lead up to a federal election?

MOP(S) Act employees can be directed to undertake a range of activities relating to a parliamentarian's electorate duties, parliamentary duties, party political duties and official duties, as outlined in the Parliamentary Business determination, including in the context of a federal election.

The following activities will generally be appropriate for MOP(S) Act employees to undertake in the electorate of their employing parliamentarian:

- communicate with constituents, including by telephone, in-person, or electronically,
- prepare and distribute information that outlines the work of their employing parliamentarian, which may include doorknocking, street stalls, town hall meetings, community forums, and visits to local institutions such as schools or businesses, and
- engage with the parliamentarian's constituents.

A **parliamentarian** or **office-holder** must ensure that public resources are not used to produce, communicate or distribute 'how to vote' cards or material that provides instruction on how to complete a ballot paper. If public funding for an activity is not permitted it would be difficult to defend why it is reasonable to direct employees to undertake such activities.

If a MOP(S) Act employee is accompanying a parliamentarian to a number of events over the course of a day, one of which includes the parliamentarian communicating with constituents and soliciting votes for themselves at a pre-poll or polling centre, it may be appropriate for the employee to attend and assist their parliamentarian in managing their broader arrangements, including supporting and facilitating this activity.

Parliamentarians and office-holders are only able to direct MOP(S) Act employees to undertake activities related to their own duties and activities, noting this can include

party political duties. Employing parliamentarians may direct their staff to work from, participate in, and/or represent them and their views at a party headquarters or other administrative support functions, including during a federal election period, where the **parliamentarian** is participating, in their capacity as an elected senator or member, in engaging or working with that headquarters or administrative support function. Employing parliamentarians may not direct their staff to undertake parliamentary, electorate, party political or official duties on behalf of another parliamentarian.

The employing parliamentarian's judgement must be used when directing MOP(S) Act employees to work from or assist at the party's headquarters or other administrative support functions. They must ensure that the dominant purpose is connected to the conduct of their **parliamentary business** or other duties or functions as **parliamentarian** or **office-holder**. They must also ensure that any MOP(S) Act employee working at the party's headquarters or other administrative support functions remains under the direction of the employing parliamentarian, and that duties being performed by the employee are for the dominant purpose of their **parliamentary business**.

Parliamentarians and office-holders may need to be prepared to explain publicly how the employee is acting and using public resources in a way which is for the dominant purpose of conducting their **parliamentary business** or otherwise clearly connected with their duties as a **parliamentarian** or **office-holder**.

It is not appropriate for employees to be directed to travel to undertake activities relating to state and territory or local elections as this would not be for the conduct of their employing parliamentarian's **parliamentary business**.

Can a MOP(S) Act employee wear a 'how to vote' t-shirt or other article of clothing?

The production and purchasing of such clothing is not claimable under the PBR Act framework.

In the conduct of their duties, as directed by their employing parliamentarians, MOP(S) Act employees may be permitted to wear clothing that states '*vote for [name]*' (where *[name]* is the employing parliamentarian).

However, during work hours, MOP(S) Act employees are prohibited from wearing clothing that provides instruction on how to complete a ballot paper, or promotes a vote for anyone who is not their employing parliamentarian. Particular care should be taken by employees in Electorate Offices, as the wearing of such items may lead to the perception of Commonwealth property being utilised as a party campaign office.

Can MOP(S) Act employees hand out 'how to vote' material?

The PBR framework prohibits parliamentarians from the use of office expenses to produce, communicate or distribute material that:

- solicits a vote for a person other than the employing parliamentarian,
- fundraises, solicits memberships or solicits subscriptions, or
- provides instruction on how to complete a ballot paper (e.g. 'how to vote' cards).

If public funding for an activity is not permitted it would be difficult to defend why it is reasonable to direct employees to undertake such activities.

It is permissible under the PBR framework to encourage voter enrolment and registration, encourage voter turnout, produce and distribute postal vote applications, and to reproduce and distribute advice from the AEC, including advice on formality. MOP(S) Act employees can be directed to undertake these activities on paid time, including at pre-poll centres. However, it is not permissible to use public resources to provide instructions on how to complete a ballot paper.

MOP(S) Act employees can be directed to communicate or engage with the parliamentarian's constituents where the activity is for the dominant purpose of parliamentary business.

If a MOP(S) Act employee is accompanying a parliamentarian to a number of events over the course of a day, one of which includes the parliamentarian communicating with constituents and soliciting votes for themselves at a pre-poll or polling centre, it may be appropriate for the employee to attend and assist their parliamentarian in managing their broader arrangements, including supporting and facilitating this activity.

MOP(S) Act employees are permitted to hand out 'how to vote' cards in a volunteer capacity when outside of their work hours or on approved leave, however MOP(S) Act employees cannot be directed to take leave to volunteer.

A parliamentarian must comply with their obligations under the PBR framework, including the requirement to justify publicly, and their obligations as an employer. Where MOP(S) Act employees are volunteering, parliamentarians must ensure they are managing fatigue and other WHS risks as per their broader employment obligations

Can a MOP(S) Act employee be directed to take leave in order to undertake a duty that does not meet the definition of parliamentary business?

A MOP(S) Act employee may choose to take leave and undertake duties prohibited by the PBR framework in a volunteer capacity but a parliamentarian cannot direct their MOP(S) Act employees use their leave entitlements for this purpose.

Version	Date	Author	Cleared
1.0	5/03/2025	HR Policy	First Assistant Secretary