



Australian Government

## Temporary transition surge support for establishing Ministerial offices

### Allocation of personal employee positions

Under the *Members of Parliament (Staff) Act 1984 (MOP(S) Act)*, the Prime Minister allocates personal employee positions to a Minister (both the number and classification). Once allocated, a Minister can employ individuals in accordance with their allocation and the [Commonwealth Members of Parliament \(Staff\) Enterprise Agreement 2024-27](#). Ministerial and Parliamentary Services (MaPS), within the Department of Finance, administers the MOP(S) Act employment arrangements.

### Formal arrangements for backfilling MOP(S) Act employees

The [Members of Parliament \(Staff\) \(Employment Arrangements\) Determination 2025](#) sets out backfilling options for MOP(S) Act employees. An office-holder now has the option to temporarily transfer (either internally within their office or externally from another parliamentarian's office) a MOP(S) Act employee to fill a personal employee vacancy of two weeks or more. An office-holder who is not a Minister or Parliamentary Secretary (Assistant Minister) may also engage a non-ongoing employee to temporarily fill a personal employee vacancy of 4 weeks or more.

If the office-holder is a Minister or Parliamentary Secretary (Assistant Minister), they may also ask the Secretary of their Department to identify an APS employee to be temporarily engaged under the MOP(S) Act to fill a personal employee vacancy of four weeks or more.

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The temporary provision of APS employees to support Ministerial offices during post-election transition has operated as a long-standing convention. Following an election or appointment of a Minister, portfolio agencies may provide APS employees to support a newly established Ministerial office for short transition periods (previous convention has been for up to 12 weeks). Agency employees return to their agencies once personal employees have been engaged under the MOP(S) Act. The intent is to provide transitional support to allow sufficient time for Ministers to source MOP(S) Act employees.

An agency employee assisting in a Ministerial office remains an APS employee (i.e. not employed under the MOP(S) Act) and continues to be paid by their portfolio agency.

APS employees assisting in Ministerial offices without being engaged under the MOP(S) Act, are required to comply with all APS Values – including ‘Impartial’ and ‘Committed to Service’ – and all elements of the APS Code of Conduct. This is likely to affect the nature of the work they can perform. In these circumstances, the duties and tasks performed by APS employees must be consistent with the APS Values and Code of Conduct.

It is recommended that where an arrangement is expected to exceed 12 weeks, or an APS employee is expected to undertake work that is explicitly political in nature, agency employees are offered an ongoing or non-ongoing contract under the MOP(S) Act. This provides clarity about the behavioural codes and standards that apply to them in the performance of their duties.<sup>1</sup>

For the purpose of employment under the MOP(S) Act, APS employees must be granted leave without pay from their agency for the duration of that engagement.<sup>2</sup> Once the MOP(S) Act employment ceases employees are provided with a right of return to their agency and classification (or its equivalent).

### Considerations for Agency Heads

In circumstances where an APS employee is providing temporary transitional support to establish a Ministerial office, agency heads should consider appropriate strategies and supports to manage the risks to individuals and the reputation of the APS. These may include:

- Briefing APS employees on the APS Values and Code of Conduct, and advice about the professional supports available, including from the Parliamentary Workplace Support Service and the Australian Public Service Commission’s Ethics Advisory Service
- Regular check-ins with a senior SES sponsor who is well positioned to provide advice on role expectations and negotiating potential conflicts
- Selecting APS employees with consideration for their experience, judgement, level and capacity to navigate potential conflicts with care and nous, and
- Wellbeing support.

### Departmental Liaison Officers

Departmental Liaison Officers are separate arrangements. The information in this fact sheet does not apply to them.

<sup>1</sup> Section 17B of the *Australian Public Service Commissioner’s Directions 2022*

<sup>2</sup> Subsection 67(1)(b) of the *Australian Public Service Commissioner’s Directions 2022*

## Further guidance

The Public Service Commissioner has issued guidance for [APS employees working in a parliamentarian's office – Guidance on applicable codes, standards and disciplinary frameworks | Australian Public Service Commission](#).

The Australian Public Service Commission's Ethics Advisory Service can be contacted for support on 6202 3737 or [ethics@apsc.gov.au](mailto:ethics@apsc.gov.au).

For assistance engaging an APS employee under the MOP(S) Act in this transition period please contact the Ministerial and Parliamentary Services Division in the Department of Finance on (02) 6215 3333 or [mpshelp@finance.gov.au](mailto:mpshelp@finance.gov.au).

All parliamentary workers, including MOP(S) Act employees, may seek advice and support from the Parliamentary Workplace Support Service on 1800 747 977 [hr@pwss.gov.au](mailto:hr@pwss.gov.au) or [support@pwss.gov.au](mailto:support@pwss.gov.au) (24 hr/7day support).