Members of Parliament (Staff) Act 1984

ELECTORATE EMPLOYEES – RELIEF STAFF BUDGET

I, MICHAEL JOHN CLYDE RONALDSON, Special Minister of State, for and on behalf of the Prime Minister, determine under subsections 13(2) and 20(2) of the Members of Parliament (Staff) Act 1984 (the Act) that, on and from the date of this Determination:

1. Determination 2012/11 dated 31 July 2012 is revoked.

2. The annual Relief Staff Budget provided to each Senator and Member will be determined on the basis of:

   (a) 150 days’ salary at the base salary point of the Electorate Officer B classification; and

   (b) an additional 50 days’ salary at the base salary point of the Electorate Officer B classification where a Member is allocated an additional position for a second official electorate office;

3. The Relief Staff Budget will be adjusted in line with changes to the base salary point of the Electorate Officer B classification.

4. The Relief Staff Budget will be provided on a financial year basis (i.e. commencing on 1 July and ending the following 30 June). The Relief Staff Budget will be allocated on a pro rata basis where a person becomes a Senator or Member during the course of a financial year or where a Member becomes or ceases to be eligible for a second official electorate office.

5. Each Senator and Member may engage relief staff as electorate employees with a work base of the electorate office, Parliament House office, or office holder’s office as described at item 6, in accordance with the Commonwealth Members of Parliament Staff Enterprise Agreement 2012-2015 (the Enterprise Agreement) or successor agreements, up to the limit of his or her budget. The Special Minister of State may approve an alternative work base for a person employed against the Relief Staff Budget in special circumstances.
6. For the purpose of item 5, an office holder’s office is an office, other than the electorate office/s and Parliament House office, provided at Commonwealth expense to the employing Senator or Member within the state or territory of their electorate and who is:

(a) a Minister;
(b) an Opposition Office Holder¹;
(c) a Leader of a Minority Party²; or
(d) a Presiding Officer.

7. Unused budget allocations cannot be carried forward from one financial year to the next, nor can the next year’s allocation be anticipated.

8. The employment of electorate staff against an established position will not be a debit from the Relief Staff Budget under the following circumstances:

(a) filling of positions that are vacant due to resignation, retirement or termination;
(b) absences of one week³ or more on personal leave⁴;
(c) all absences on the following types of leave:
   (i) unpaid carer’s leave;
   (ii) compassionate leave;
   (iii) community service leave;
   (iv) miscellaneous leave paid in accordance with the Enterprise Agreement or successor agreements (including Defence Force service, participation in major international sporting events, war service sick leave, political exchange leave, and other special purposes, but not including study leave);
   (v) long service leave;
   (vi) maternity leave⁵;
   (vii) adoption leave;
   (viii) supporting partner leave;
   (ix) unpaid parental leave; and
   (x) leave without pay.

¹ The Leader or Deputy Leader of the Opposition in the House of Representatives; or the Leader or Deputy Leader of the Opposition in the Senate.
² The leader of a recognized non-Government party of at least five members, but not an Opposition Office Holder.
³ The term ‘one week’ means an absence of 37 hours and 30 minutes regardless of whether the employee is full-time or part-time.
⁴ Where an employee who is absent due to personal illness injury or carers duties has exhausted their paid personal leave and therefore uses annual or long service leave, they may be replaced without debit from the Relief Staff Budget.
⁵ Where other forms of paid leave are used within the 52 week maternity leave period, the Relief Staff Budget provisions that apply to maternity leave take precedence over the Relief Staff Budget provisions that apply to the type of leave used.
9. Where an electorate employee is partially incapacitated (i.e. working fewer than their usual weekly hours on the basis of medical advice), working up to but not exceeding 20 hours per week, that employee will be treated as totally incapacitated and full-time relief arrangements will apply (to the maximum of the usual weekly hours of the employee) for a maximum period of six months without debit from the Relief Staff Budget. After six months\(^6\), or when the affected employee’s work hours exceed 20 hours per week (but are less than their usual weekly hours), relief staff may be engaged part-time in order to fully staff the position without debit from the Relief Staff Budget.

10. Senators and Members who hold a ‘relevant office’, as defined under section 3 of the Act, engage relief staff as electorate employees against the Relief Staff Budget under Part III of the Act. Senators and Members who do not hold a ‘relevant office’ engage relief staff as electorate employees against the Relief Staff Budget under Part IV of the Act.

Dated this 10 — day of May — 2014

[Signature]

SENIOR THE HON. MICHAEL RONALDSON
Special Minister of State

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\(^6\) The six month limitation period will only apply to employees whose partial incapacitation occurs after 31 July 2012.