



# Automatic Termination and Deferral Periods Relating to a Ministerial Reshuffle

## Frequently Asked Questions (FAQs)

### Where can I access counselling support?

The PWSS is available for support on 1800 747 977 (Option 1) or SMS to 0487 112 755. The PWSS are an independent and confidential support service available 24/7 for current or former MOP(S) Act staff and parliamentarians who have been affected by an incident or grievance.

You and your family can also seek assistance and support by contacting the [Employee Assistance Program](#). The EAP is an independent professional counselling service available 24/7 by contacting 1300 360 364.

### Who can I contact if I want to further discuss my employment arrangements?

The HR Advice team within the PWSS can assist you. The team can be contacted between 9am and 5pm Monday to Friday, by phoning 1800 747 977 (Option 2) or by emailing [hr@pwss.gov.au](mailto:hr@pwss.gov.au).

### If my employing parliamentarian is impacted by a Ministerial reshuffle, what happens to my employment?

The following table outlines potential scenarios stemming from a Ministerial reshuffle, along with guidance on how employment is impacted, and the length of the deferral period (where applicable).

It may be that due to the Ministerial reshuffle, your employment will be automatically terminated. This is guided by Section 14 of the Members of Parliament (Staff) Act 1984 (MOP(S) Act), which sets out the triggers for an automatic termination.

Further information on automatic terminations and deferral periods can be found within this document.

Scenario	Employment arrangements	Deferral period (if applicable)*
<b>Minister moves to the back bench:</b> Minister is no longer appointed to administer a Department of State.	<b>All staff are terminated.</b>	<b>Personal:</b> Two weeks from the date of termination. <b>Electorate:</b> Two weeks from the date of termination.
<b>Minister changes portfolios:</b>	<b>Personal staff</b> are terminated.	<b>Personal:</b>

Minister is re-appointed to administer a different Department of State.	<b>Electorate staff</b> are retained.	Two weeks from the date of termination.
<b>Minister loses part but not all of their portfolio:</b> Minister loses one or more of their appointments to administer a Department of State but retains another/others.	<b>Personal staff</b> are terminated. <b>Electorate staff</b> are retained.	<b>Personal:</b> Two weeks from the date of termination
<b>Existing parliamentarian is appointed to administer a Department of State:</b> Parliamentarian is newly appointed to a Ministerial role.	<b>No staff terminated.</b> There is no automatic termination trigger event for this circumstance.	<b>N/A</b>
<b>Department name change:</b> Governor General agrees to rename an existing Department of State (following an ExCo process), and issues a new appointment instrument.	<b>No staff terminated.</b> There would be no revocation of a Minister's appointment, and therefore no trigger event.	<b>N/A</b>

\* The listed deferral periods apply, unless the Special Minister of State makes a determination that an alternative period will apply. If this occurs, impacted staff will be advised.

## When referring to automatic terminations, what is a 'deferral period'?

Section 14 of the MOP(S) Act outlines certain triggers for staff to be automatically terminated. However, rather than the termination taking effect immediately, the termination date can be deferred by a period of time, as prescribed in *Direction 2019/6 – Direction to defer the termination of employment*.

If you have ongoing employment arrangements, your cessation is deferred by the prescribed timeframe in the table above.

If you have non-ongoing or casual employment arrangements, your cessation is deferred until the earlier of:

- a. The period prescribed in the table above; or
- b. the end date of your non-ongoing or casual contract.

In some circumstances, the Special Minister of State can determine an alternative deferral period. If this occurs, impacted staff will be advised.

## What happens if I am impacted by a 'trigger' event from the Ministerial reshuffle, yet I am retained as an electorate staff member?

In this circumstance, your employment continues as per current arrangements. However, you may be impacted by broader changes such as office location within APH (if relevant) or office restructure (where deemed necessary by the Minister).

## Why is my employment terminated?

During a Ministerial reshuffle there may be some circumstances which trigger an automatic termination of your employment. These triggers are linked to changed arrangements for your employing parliamentarian, as outlined in the MOP(S) Act.

## How do I determine which date is the ‘trigger’ for the automatic termination?

The termination trigger occurs when your employing Minister’s commission is revoked by the Governor General. This is generally followed by a new Minister(s) being sworn in at the same time.

## What do I do during the deferral period?

During the deferral period, you remain a MOP(S) Act employee and it is expected you will continue to undertake the duties of your role. However, you may also use this period to seek alternative employment or apply to take leave. Any queries about your employment during this time should be referred to the HR Advice team within the PWSS, at [hr@pwss.gov.au](mailto:hr@pwss.gov.au).

## What if I do not want to stay a MOP(S) Act employee for the entire deferral period?

You do not have to remain a MOP(S) Act employee for the duration of your deferral period. In order to request a shortened deferral date, you will need to complete the [Notification of employment status form](#). The PWSS are able to assist you complete this form. Once the form is submitted, a request will be submitted to the Special Minister of State who will consider the request and if agreed, sign a direction to shorten the deferral date.

## Following termination, can I be re-employed by a former Minister, to work for them as a parliamentarian?

Yes. However, it is a matter for a parliamentarian to determine who is employed in their new office. Notwithstanding, a parliamentarian does not have employment powers to engage personal employees until the Special Minister of State signs a determination under section 4 of the MOP(S) Act.

## Does an authorised officer continue to hold authority to grant approvals within the office during a deferral period?

No, the authorisation is only in place whilst the parliamentarian holds the office. The CEO (or delegate) of the PWSS can step in to exercise most of the powers of an employer. For example, the CEO may provide approval for matters relating to leave or travel.

## During a deferral period, where do I send my request for travel or leave in the absence of an authorised officer?

These requests must be directed to the HR Advice team within the PWSS, at [hr@pwss.gov.au](mailto:hr@pwss.gov.au) prior to any travel being undertaken. This mailbox is monitored between 9am and 5pm, Monday to Friday.

## What should I do once I receive PWSS approval for travel?

Once your travel has been approved by the PWSS delegate, you are required to complete the relevant travel form in order for your travel to be processed and paid by IPEA. Claims may not be able to be submitted in PEMS so paper forms are recommended.

For travel and motor vehicle allowance, please use the [Staff travel and/or motor vehicle allowance claim form](#) and for travel expense reimbursement (such as Uber or taxi) please use the [Staff travel expenses reimbursement claim form](#)

Completed forms and the email from PWSS approving the travel can be sent through to [forms@ipea.gov.au](mailto:forms@ipea.gov.au) for processing.

## What travel arrangements will be supported during the deferral period?

During a deferral period, travel for official business is generally approved between an electorate or other office, and Canberra. Requests to undertake travel on official business between other locations will be assessed on a case-by-case basis.

## How do I seek approval to work from an alternative work base during the deferral period?

Information on working from an alternative work base and/or working from home arrangements can be found on the [MaPS website](#). Please email requests to [hr@pwss.gov.au](mailto:hr@pwss.gov.au) for endorsement by the PWSS delegate (in place of a Parliamentarian or authorised officer). The PWSS will liaise with the MaPS Help Desk to progress your request.

## We have outstanding invoices that need to be paid during a deferral period – what do we do with these?

The PBR Helpdesk at MaPS can assist with any office expenses and PEMS enquiries. They can be contacted on (02) 6215 3333 (Option 2).

## If my employment is terminated, will I receive a severance benefit?

You can find information regarding severance benefits for eligible ongoing employees at clause 62 of the *Commonwealth Members of Parliament Staff Enterprise Agreement 2020-23* (the Enterprise Agreement). It is recommended that staff read the relevant clause to determine eligibility, however, a table providing high level details of the benefit is below.

Length of continuous service	Gross benefit
Less than 1 year	4 weeks' pay
1 year or more but less than 2 years	8 weeks' pay
2 years or more but less than 3 years	10 weeks' pay
3 years or more but less than 4 years	12 weeks' pay
4 years or more but less than 5 years	13 weeks' pay
5 years or more but less than 7 years	14 weeks' pay
7 years or more	2 weeks' pay + 2 weeks' pay for every completed year (up to a maximum of 48 weeks' pay)

Under clause 63 of the Enterprise Agreement severance benefits payable under clause 62 are increased by 30% if an employee's MOP(S) Act employment terminates as a result of the employing member ceasing to hold office per section 14 of the MOP(S) Act.

## Under what circumstances would I not be eligible for severance as an ongoing employee?

There are some circumstances where severance is not payable, including but not limited to:

- APS employees currently on leave for the purposes of undertaking MOP(S) employment;
- employees on probation; and

- employees who are re-employed under the MOP(S) Act without a break in MOP(S) Act employment (whether that employment is with the employee's original parliamentarian or another).

## If I am terminated, is a Career Transition Payment (CTP) available?

Yes, a payment of up to \$500 (GST inclusive) is payable to a former MOP(S) Act employees for career transition counselling, training or financial advice in circumstances where severance benefits are payable. To be eligible, the counselling/training or financial advice must occur within six months of the termination.

## Where do I find more information on my final entitlements for ceasing employment?

Ministerial and Parliamentary Services (MaPS) have developed an extensive suite of guidance material and self-help tools to assist you, including advice on final entitlements and a final entitlements estimator. The estimator is best used once an expected date of cessation is known. If you require assistance completing the final entitlements estimator, please reach out to the MaPS Helpdesk on (02) 6215 3333 or at [mpshelp@finance.gov.au](mailto:mpshelp@finance.gov.au).

## When will I receive my final monies for ceasing employment?

At the end of a deferral period, MaPS will conduct an audit of your employment file in order to calculate your final entitlement. Once complete, you will receive a final monies letter that will clearly outline and provide a breakdown of what will be paid to you and when you can expect to receive payment.

## I have been told that I am going to be re-employed by the parliamentarian after my termination. Do I need a new contract?

Yes, your previous agreement no longer stands following the automatic termination. Any staff who are re-commencing must complete a new employment agreement. This advice is included in the [Notification of employment status form](#).

## I am an APS employee on Leave Without Pay. How does this impact an automatic termination?

If you are currently on leave from the APS, it is expected that you will make the necessary arrangements to return to your home department as soon as possible prior to the end of the deferral period.

## Will I receive formal communication from the PWSS about my employment?

Yes, the HR Advice team within the PWSS will send correspondence to you regarding your employment following the arrangements being confirmed.

## What happens if I cease employment after the 5 August 2024 (the expiry of the current EA) but before the new EA commences?

Employees will have their cessation processed as per the conditions in place at the time of the date of cessation. Should a new EA be successfully voted up and approved by the Fair Work Commission after an employee has ceased, any employees eligible for an 'adjustment' to their final monies will have that processed as soon as practical.