

Fact Sheet: NSW Parliament Members' Staff Review

The pay and conditions of NSW Members of Parliament Staff (MoPS) are seriously out of step with similar public and private sector roles. For several years, PSA Delegates in NSW Parliament have been calling for a formal independent review of the pay and conditions of Members' Staff.

Finally, this year, an independent review was announced by DPS. It will run from mid-April until June 2022. This review is a rare and important opportunity to call for MoPS jobs to receive decent pay and conditions.

This fact sheet will provide some of the information about your current pay and conditions in NSW Parliament so that you can engage with this review with the information you need to influence positive change.

The MoPS Determination

The review is looking at the way NSW MoPS' pay and conditions are determined. Unlike other workers, the pay and conditions of NSW MoPS aren't determined by an Award or Enterprise Agreement. Instead, they're contained within the [Members' Staff Conditions of Employment – Determination of the Presiding Officers](#). As defined by the *Members of Parliament Staff Act 2013* the Presiding Officers are not required to consult or negotiate with anyone when they create this document, though they sometimes take into account suggestions that are made.

Before the creation of the MOPs Act 2013, the pay and conditions of Electorate Officers and Research Assistants came from [Crown Employees \(Parliamentary Electorate Officers\) Award](#).

In the NSW public sector, the *Industrial Relations Act 1996* (IR Act) has jurisdiction over most NSW public sector workers. Those under the *Members of Parliament Staff Act 2013* (MoPS Act) are currently excluded from the IR Act. However, if they were to be included then the IR Act would apply rather than *Fair Work Act 2009* system.

The main industrial instruments under the *NSW Industrial Relations Act 1996* are Awards and these contain all conditions of employment and/or rates of pay, Enterprise Agreements are rarely used in this jurisdiction as the Awards are viewed as best practice. Under the *Fair Work Act 2009*, there are both Modern Awards (they the minimum wages and conditions in particular occupations), that enterprise agreements then build and improve on.

Therefore there are jurisdictional complexities to bargaining under the FW Act versus the IR Act.

The canvassing of the members views will be an important part of the creation of an industrial instrument regardless of the jurisdiction. The PSA is committed to engaging with the membership to improve the working conditions of those working under the MOPs Act.

Position Descriptions

The review is also assessing whether the current position descriptions are a true reflection of the work actually performed by MoPS. The position descriptions of NSW MoPS have been repeatedly criticised for not being a true and accurate reflection of the work we do every day. You can find the current position description for each Members' Staff role here:

- [Electorate Officer](#)
- [Senior Electorate Officer](#)

- [Secretary/Research Assistant](#)

As well as not reflecting additional duties, these position descriptions have been criticised for not reflecting the level of intensity and complexity at which the stated duties are performed. For example, while the Electorate Officer position description states they are *‘the initial point of contact and information for constituent enquiries’*, this does not capture the often complex and long-term case management of constituent issues that many EOs provide.

It is crucial that the position descriptions of Members’ Staff are reflective of the breadth and complexity of the actual duties we perform day to day. Without proper job descriptions, MoPS are systematically undervalued and miss out on having their skills duties formally acknowledged for current and future employment.

Pay

The review is able to make recommendations on the pay Members’ Staff receive. This does not include Special Office Holder Staff due to a recent review of their remuneration.

NSW MoPS are paid in yearly increments as follows:

Role	Year 1	Year 2	Year 3	Year 4
EO	\$66,298	\$68,246	\$74,117	\$76,353
SEO/SRA	\$78,736	\$81,158	\$87,493	\$90,253

NSW MoPS Salaries loosely reflect an assortment of public sector Clerk Grades as follows:

Clerk grade	Y1	Y2	Y3	Y4
1/2	\$66,298	\$68,246	\$70,151	\$72,077
3/4	\$74,117	\$76,353	\$78,736	\$81,158
5/6	\$87,493	\$90,253	\$93,791	\$96,540
7/8	\$99,431	\$102,403	\$106,672	\$110,064
9/10	\$113,343	\$116,531	\$121,288	\$124,901
11/12	\$131,094	\$136,652	\$145,211	\$151,609

You can see a selection of sample position descriptions that correspond with the clerk grades [here](#). For example, in the public sector, clerk grade 1/2 corresponds with the Administrative Assistant role, which is limited to basic administrative support tasks such as filing, photocopying and updating databases. Despite Electorate Officers having a role that is more advanced and complex, they receive equivalent pay to 1/2 for the first two years of their role. In years 3 and 4, the EO role jumps to clerk grade 3 which corresponds to the Administrative Support Officer role, which is slightly more advanced, though still only requires a foundational level of most skillsets and does not reflect the breadth of duties and skills an EO is expected to hold.

Compensation for additional hours

Members' staff are compensated for 'reasonable additional hours' by the *All Incidence of Employment Allowance*, which is also intended to compensate staff for all expenses incurred as part of their role.

In a 2019 survey of MoPS, the PSA found that on average, staff worked nine additional hours per non-sitting week and ten additional hours per sitting week. This may have changed now following the pandemic and natural disasters Members' staff have been contending with.

Due to being a flat rate, the Allowance compensates staff for fewer additional hours as they become more experienced, despite experienced staff being more likely to perform additional hours. The allowance compensates different staff levels as follows:

Role	Salary	Allowance	Additional hours compensated p.w.
EO (yr 1)	\$66,298	\$6,884	3.63
EO (yr 2)	\$68,246	\$6,884	3.53
EO (yr 3)	\$74,117	\$6,884	3.25
EO (yr 4)	\$76,353	\$6,884	3.16
SEO/SRA (yr 1)	\$78,736	\$9,179	4.08
SEO/SRA (yr 2)	\$81,158	\$9,179	3.96
SEO/SRA (yr 3)	\$87,493	\$9,179	3.67
SEO/SRA (yr 4)	\$90,253	\$9,179	3.56

There are a number of alternatives to the Allowance that could be put in place to more fairly compensate MoPS for the additional hours they perform, though each option has a series of pros and cons:

It is important to note that the allowance is considered salary for the purpose of calculating superannuation, which is not the case with the options below.

Option	Pros	Cons
Paid overtime	Fair payment for actual additional hours worked.	Risk of MPs may not allow their staff to formally claim overtime for the hours they generally work. This would require recording of additional hours.
Formal TOIL	Paid hour for hour time off for additional hours worked, hopefully backfilled.	Staff already report being unable to take rec leave, this could make this problem worse.
Rostered Day Off (RDO)	Provides everyone with a regular day off to compensate for additional hours.	People likely to exceed what is provided, also same issue as above.
Higher allowance that MP can allocate according to workload	Particular staff members in an office that perform most additional hours can access fairer compensation.	-MP discretion may lead to adverse outcomes -Limited flexibility if hours change week to week -Limited application in single staff member offices
Higher Allowance based on average OT rate	Would more fairly compensate staff than current system	Staff working in excess of the average would miss out on compensation

Combined higher allowance and paid OT	Would fairly compensate staff who work above average hours.	Would need to introduce a time sheet system for additional hours. Also same issues as paid OT.
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It's important you think about what option you consider would most fairly compensate you for additional hours and feed that into the review.

Other entitlements

Other than separation payments, MoPS entitlements are generally in line with the minimum entitlements that must be afforded to all workers. MoPS receive the following types of paid leave, on a pro rata basis:

- 10 days' personal leave,
- 20 days' recreational leave,
- 2.5 days' FACS leave (for the first 2 years, 1 day per year in the years following),
- 10 days' Domestic and Family Violence leave,
- Parental, adoption and other parent leave.

Currently, MoPS are required to use their leave to take time off during the Christmas closedown period limiting flexibility.

With reference to the [*Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009*](#), other common entitlements workers receive in the NSW public service are:

- Meal allowance when working after hours
- Morning and afternoon breaks for all staff
- Variation of hours
- Flexible Working Hours
- Flexible work practices
- Overtime (Payment of Overtime or Leave in Lieu)
- Excess travelling Time
- Travelling distance
- Allowance for living in remote area
- Assistance when travelling from remote area on Recreation Leave
- Room at home used as office
- Semi official telephones
- Flying Allowance
- Community Language Allowance Scheme
- First Aid Allowance
- Trade Union, consultation, access, activities
- Employee development and training activities
- On call
- Provision of transport in conjunction with working overtime
- Anti discrimination