



PRIME MINISTER
CANBERRA

26 NOV 2001

Senator the Hon Eric Abetz
Special Minister of State
Parliament House
CANBERRA ACT 2600

My dear Minister

The *Members of Parliament (Staff) Act 1984* (the MOPS Act) creates a legislative scheme for the employment of staff by office-holders and senators and members and gives the Prime Minister certain powers.

In the past, I have authorised the Special Minister of State to exercise certain of my powers under the Act for and on my behalf. I have also determined that certain senators and members can employ staff under section 12 of the Act.

I hereby revoke, with effect from 28 November 2001, all authorisations and determinations previously issued by me or the Acting Prime Minister under the MOPS Act. However, for the avoidance of doubt, this does not affect any decision or determination previously made by the Special Minister of State acting under those authorisations or determinations.

I have made certain determinations under the MOPS Act as set out in this letter and now, under section 19 of the *Acts Interpretation Act 1901*, I authorise you, the Special Minister of State, and any minister acting as Special Minister of State from time to time, on and from 28 November 2001, to exercise certain of my powers under Parts II, III, IV and VI of the MOPS Act for and on my behalf.

PART II – MINISTERIAL CONSULTANTS
Section 5 – Terms and conditions of engagement

I authorise you to exercise my powers under subsections 5(1) and 5(2) to make determinations relating to the terms and conditions for the engagement of ministerial consultants. In making your determinations, you could seek advice of the Government Staff Committee as you consider appropriate.

My approval will continue to be required under section 4 for any decision to engage a ministerial consultant.

PART III – STAFF OF OFFICE-HOLDERS

Section 12 – Determinations by the Prime Minister

Under section 12 of the MOPS Act, the Prime Minister may determine that a senator or member ought to be empowered to employ members of staff under Part III.

I authorise you to exercise the powers conferred on me under section 12 of the Act in relation to the following senators and members:

- Government Whips;
- the convenor of the Government Members' Secretariat;
- the Presiding Officers in the Senate and House;
- the Deputy President and the Deputy Speaker;
- the Whips of recognised non-government parties in the Senate and House;
- shadow ministers;
- Australian Democrats; and
- independent senators and members not affiliated with a major party.

You will need to consult me before making a determination that any senator or member not included in one of the above classes ought to be empowered to employ staff under the Act.

Section 13 – Office-holders may employ staff

Under subsection 13(2) of the MOPS Act, I determine that the power of officeholders to employ persons as their member of staff shall be subject to the following conditions:

- people shall be employed only in positions allocated by me; and
- salaries and conditions for positions at the level of Special Adviser and above shall be determined by you in accordance with the arrangements and parameters set out in Attachment A.

I authorise you to exercise my powers under subsection 13(2) of the MOPS Act to approve arrangements for the employment of persons by officeholders as members of staff, and to determine any further conditions subject to which office-holders and other members and senators may employ staff.

Section 14 – Terms and conditions of employment

I authorise you to exercise my power under subsection 14(3) of the MOPS Act to determine that the terms and conditions of employment of persons employed under Part III are varied as set out in the determination, including issuing determinations on my behalf to give effect to Australian Workplace Agreements (AWAs) and a certified agreement for staff employed under the Act.

Section 16 – Termination of employment

I hereby direct, under subsection 16(5) of the MOPS Act, that, where a person's employment has been terminated under subsection 16(1) or (2), it shall be deemed not to have been terminated and to continue, or to have continued, for a period of two weeks from the date of termination.

PART IV – STAFF OF SENATORS AND MEMBERS

Section 20 – Senators and members may employ staff

I authorise you to exercise all of my powers under subsection 20(2) of the MOPS Act.

Section 21 – Terms and conditions

I authorise you to exercise my power under subsection 21(3) of the MOPS Act, to determine that the terms and conditions of employment of persons employed under Part IV are varied as set out in the determination, including issuing determinations on my behalf to give effect to AWAs and a certified agreement for staff employed under the Act.

Section 23 – Termination of employment

I hereby direct, under subsection 23(4) of the MOPS Act that, where a person's employment has been terminated under subsection 16(1) or (2), it shall be deemed not to have been terminated and to continue, or to have continued, for a period of two weeks from the date of termination.

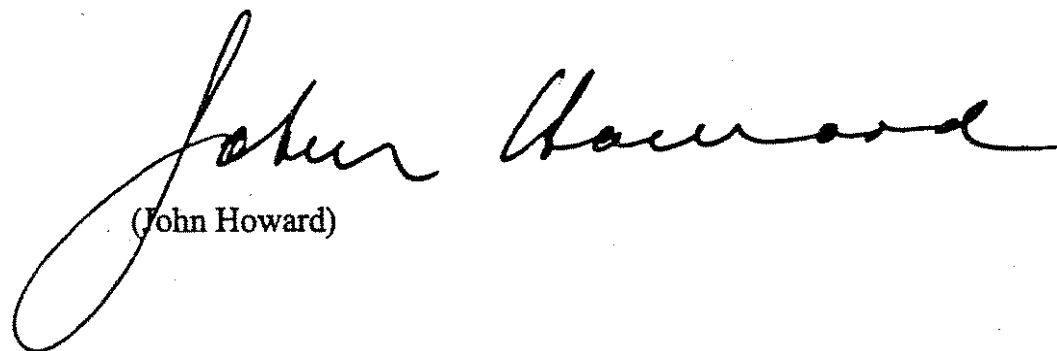
PART VI – MISCELLANEOUS

Section 31 – Annual report

I authorise and request you, acting for and on my behalf under section 31 of the Act, to cause annual reports on the engagement of consultants under section 4 to be prepared and tabled.

In exercising my powers under the above authorisations, you may draw matters to my attention as you consider necessary. I would expect you to consult me on decisions which may represent a significant departure from established policy or practice.

Yours sincerely

A handwritten signature in cursive script that reads "John Howard". The signature is written in black ink and is positioned above the printed name.

(John Howard)



PRIME MINISTER
CANBERRA

- 6 DEC 2001

Senator the Hon Eric Abetz
Special Minister of State
Parliament House
CANBERRA ACT 2600

My dear Minister

I am writing further to my letter to you of 26 November 2001 about the *Members of Parliament (Staff) Act 1984* (the MOPS Act). In that letter, I advised you of directions and determinations I had made and also authorised you to exercise certain of my powers under Parts II, III, IV and VI of the MOPS Act for and on my behalf.

I now advise you of a direction I have made in relation to consultants, and that I have revoked two authorisations and issued two replacement authorisations.

PART II – MINISTERIAL CONSULTANTS
Section 5 – Terms and conditions of engagement

Under section 9(5) of the MOPS Act I direct that the engagements of both Mr Graeme Starr and Mr Geoffrey Cousins are deemed not to have terminated under section 9(1) of the MOPS Act and that both are deemed to continue until 31 December 2001.

PART III – STAFF OF OFFICE-HOLDERS
Section 16 – Termination of employment

With effect from the date of this letter, I revoke the authorisation in relation to subsection 16(5) that I gave you in my letter of 26 November 2001. However, for the avoidance of doubt, this does not affect any decision or determination made by you under that authorisation.

I authorise you to exercise my power under subsection 16(5) of the MOPS Act. This authorisation will enable you to direct that where the employment of a person is terminated under subsection 16(1) or 16(2) of the MOPS Act, the person's employment is deemed not to have been so terminated, and to have continued, or to continue, until a specified date.

When exercising my power under that authorisation, I would expect that in most cases you will deem the employment to continue for a period of two weeks from the date of termination. I ask you to advise me in writing of cases in which you have deemed a period of time greater than two weeks.

PART IV – STAFF OF OFFICE-HOLDERS

Section 23 – Termination of employment

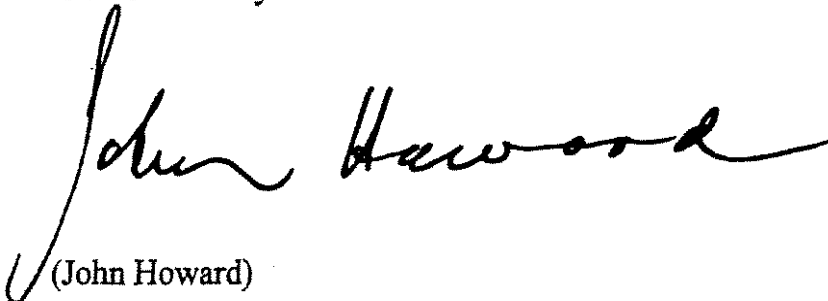
With effect from the date of this letter, I revoke the authorisation in relation to subsection 23(4) that I gave you in my letter of 26 November 2001. However, for the avoidance of doubt, this does not affect any decision or determination made by you under that authorisation.

I authorise you to exercise my power under subsection 23(4) of the MOPS Act. This authorisation will enable you to direct that where the employment of a person is terminated under subsection 23(1) of the MOPS Act, the person's employment is deemed not to have been so terminated, and to have continued, or to continue, until a specified date.

When exercising my power under that authorisation, I would expect that in most cases you will deem the employment to continue for a period of two weeks from the date of termination. I ask you to advise me in writing of cases in which you have deemed a period of time greater than two weeks.

In exercising my powers under the above authorisations, you may draw matters to my attention as you consider necessary. I would expect you to consult me on decisions which may represent a significant departure from established policy or practice.

Yours sincerely



(John Howard)