
Australian Capital Territory

Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office- holders' Staff 2008 (No 1)

Disallowable instrument DI2008-122

made under the

Legislative Assembly (Members' Staff) Act 1989, s 6 (2) (Terms of employment)

1 Name of instrument

This instrument is the *Legislative Assembly (Members' Staff) Variable Terms of Employment of Office-holders' Staff 2008 (No 1)*.

2 Commencement

This instrument commences on 29 May 2008.

3 Notes

A note included in this instrument is explanatory and is not part of this instrument.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Definition

In this instrument:

agreed superannuation fund means a fund complying with the requirements of the *Income Tax Assessment Act 1936* (C'wlth) and complying with the *Superannuation Industry (Supervision) Act 1993* (C'wlth) where relevant.

agreement means the *ACT Legislative Assembly Members' Staff Union Collective Agreement 2007-2010*.

duties means the duties and obligations specified in Schedule 3.

fringe benefits tax means the tax assessed under the *Fringe Benefits Tax Assessment Act 1986*.

5 Approval for Act, s 6

This instrument determines the variable terms of employment of specified part 2 employees under the Act, section 6.

Note Staff are also employed subject to terms of employment under any award or collective agreement under the *Workplace Relations Act 1996* (Cwlth) that applies to the staff of office-holders.

6 Class of persons to whom this determination applies

This determination applies to the Executive Chief of Staff.

7 Variable terms of employment

- (1) The Executive Chief of Staff is entitled to the remuneration and employer provided benefits specified in schedule 1.
- (2) The Executive Chief of Staff is not subject to the terms and conditions of the agreement specified in schedule 2.

8 Duties

The duties of the Executive Chief of Staff are specified in schedule 3.

Dated 28 May 2008.

Jon Stanhope
Chief Minister

Schedule 1 Remuneration and employer provided benefits

Remuneration

1. The salary (excluding allowances) is as specified in the Employment Agreement.
2. The Total Remuneration of the Executive Chief of Staff is made up of the following components listed in Table 1.

Table 1

column 1 item	column 2 component	column 3 Until 30 June 2008	column 4 On and From 1 July 2008
1	cash	\$159,008 pa	\$165,368 pa
2	superannuation contribution	\$25,441 pa	\$26,459 pa

Employer provided benefits

3. The Executive Chief of Staff's right to take an annual employer provided benefit (or cash in lieu) shall be reduced proportionally where the relevant employment comprises part of a financial year.

A. Vehicle or Payment in Lieu

4. The Executive Chief of Staff is entitled to:
 - 4.1. the use of a fully maintained private-plated passenger four cylinder vehicle from within the Territory's leasing arrangements with a value no greater than the monthly lease rate of \$763 (GST exclusive); and
 - 4.2. a parking space for the vehicle at or near the Legislative Assembly.

5. The Executive Chief of Staff may elect, either initially or at the end of an existing lease, to receive payment in lieu of the entitlement to a vehicle for the value of \$15,500 per annum.
 - 5.1. Payment in lieu of a vehicle will be paid in fortnightly instalments.
 - 5.2. Where the Executive Chief of Staff elects to receive payment in lieu of a vehicle, he or she is entitled to retain access to a parking space.
6. The Executive Chief of Staff may elect to receive payment of \$1,500 in lieu of the entitlement to a parking space.
 - 6.1. Payment in lieu of a parking space will be paid in fortnightly instalments.

B. Fringe Benefits Tax Allowance

7. The Executive Chief of Staff is entitled to a Fringe Benefits Tax Allowance to the value of \$7,000 per annum.
8. The amount of the Fringe Benefits Tax Allowance payable to the Executive Chief of Staff will be the amount remaining after the employer's liability for fringe benefits tax is calculated, as required under the *Fringe Benefits Tax Assessment Act 1986*.
9. The vehicle and employer superannuation entitlements contained in this schedule will also be considered for the purposes of calculating Fringe Benefits Tax Allowance.
10. If the liability for fringe benefits tax exceeds the sum of \$7,000 the Executive Chief of Staff shall not be required to pay the excess to the employer.

C. Salary Packaging

11. The Executive Chief of Staff may elect to take the remuneration specified in Item 1 of Table 1 as salary or, take a combination of salary and other benefits best suited to his or her personal needs and preferences.

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12. Where the Executive Chief of Staff elects to take remuneration as a non-cash benefit(s) the arrangement is to be consistent with taxation laws and guidelines applicable to salary packaging schemes, as issued by the Australian Taxation Office, and with the *ACT Public Services Salary Packaging Policy and Procedures* issued by the Commissioner for Public Administration.
 13. Up to 100% of the remuneration specified in Item 1 of Table 1 may be taken as non-cash benefits and related costs such as fringe benefits tax. Any fringe benefits tax associated with the provision of a non-cash benefit is to be included in the Executive Chief of Staff's salary package.
 14. Salary for superannuation purposes is unaffected by participation in the salary packaging scheme.

D. Employer Superannuation

15. Where the Executive Chief of Staff is a member of the CSS or the PSS:
 - 15.1. the employer shall continue to meet the requirements under the *Superannuation Act 1976* (C'wlth) and the *Superannuation Act 1990* (C'wlth) as they apply to persons who are contributory members of the CSS and PSS established under those Acts; and
 - 15.2. for the purposes of calculating the entitlements component of remuneration in Item 2 of Table 1, the value of the employer's superannuation contribution shall be notionally deemed to be 16% of the remuneration component.
16. The value of the employer's superannuation contribution shall not be paid in cash to the Executive Chief of Staff.

Schedule 2 Excluded terms and conditions of the agreement

(see cl 7(2))

The Executive Chief of Staff is not subject to the terms and conditions of the agreement specified in column 2 of Table 2.

Table 2

column 1 item	column 2 Excluded terms and conditions
1	Termination Payment (clauses 12.1, 12.2 and 13)
2	Ordinary Hours of Work (clause 17)
3	Meal Break (clause 18)
4	Rest Relief After Extra Duty (clause 19)
5	Time Off in Lieu (clause 20)
6	LAMS Allowance (clause 21)
7	Rates of Pay (clauses 23.1 and 23.2)
8	Salary Progression (clause 25)
9	Specialist Duties Payment (clause 26)
10	Classification/Work Value Review (clause 29.1)
11	Motor Vehicle Allowance (clauses 37.4, 37.5 and 37.6)
12	Taxi Vouchers (clause 37.7)
13	Relocation Subsidy (clauses 39.5 and 39.8)
14	Managing Under-Performance (section O)
15	Consultation (clauses 88.2 and 88.3)
16	Dispute Avoidance/Settlement (clause 89)
17	Internal Review (section R)

Schedule 3 Duties

(see cl 8)

The duties and obligations of the Executive Chief of Staff are as specified below.

1. Provide executive leadership in the management of the Chief Minister's Office.
2. Undertake a key executive leadership role in working with the Chief Minister, Ministers in the ACT Government, with the Chief Executives of the Chief Minister's Department and Treasury and with other ACTPS Chief Executives and executives to develop high level policy and strategic advice for the Government on issues of significance to the ACT Government at the national, state and territory, and municipal levels.
3. Support, and where required, represent the Chief Minister in advancing the ACT Government's strategic agenda through formal and informal national for a including the Council of Australian Governments (COAG), Council of Australian Federation (CAF) and Ministerial Councils. The occupant is expected to show considerable independence in building cross-jurisdictional relationships in both the public and private sector in support of the ACT Government's interests on matters of national importance.
4. Co-ordinate strategic issues and/or projects across the ACTPS and the Executive on behalf of the Chief Minister and/or Treasurer, and co-ordinate the activities of other ministerial chiefs of staff on significant issues that involve multiple ministerial responsibilities.
5. Build and maintain key relationships on behalf of the Chief Minister and the ACT Government with the ACT community, including business, community, and other groups.
6. Review complex submissions coming to the Chief Minister, undertake high level consultations to progress sensitive matters and undertake any other duties required to ensure the efficient and effective operation of the Chief Minister's Office.