

# Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff Determination 2015 (No 2)

Disallowable instrument DI2015-78

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

## EXPLANATORY STATEMENT

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### Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of persons by office-holders (Ministers and "the Speaker") of the Legislative Assembly. Subsection 5(1) of the Act gives office-holders the authority to employ staff. Subsection 6(2) of the Act provides for the Chief Minister to determine in writing the variable terms of employment of staff of office-holders. Such a determination is a disallowable instrument.

### Outline

The variable terms of employment of persons employed under the Act will principally be regulated by the *ACT Legislative Assembly Members' Staff Enterprise Agreement 2013-2017* ("the agreement"), once the agreement is approved by the Fair Work Commission. This includes the rates of pay and the terms and conditions of employment for classifications covered by the agreement.

The Chief Minister engaged an Executive Chief of Staff with effect from 12 December 2014. The agreement does not cover persons engaged as Executive Chief of Staff. The variable terms of employment, including remuneration and entitlements, of the position of Executive Chief of Staff are set out in disallowable instrument DI2014-309. The remuneration is equivalent to an executive employee officer in the ACT Public Service having a total remuneration point of 2.4.

This determination revokes DI2014-309 and puts in place new arrangements which peg the remuneration of the Executive Chief of Staff to the total remuneration point of 2.4 as determined from time to time by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*. By this mechanism determinations of the Remuneration Tribunal will automatically apply to the remuneration of the position of Executive Chief of Staff.

### Variable Terms

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 2 sets the commencement of the instrument as 1 July 2015.

Numbered clause 5 revokes the existing disallowable instrument DI2014-309.

Numbered clauses 6 and 7 set the purpose of the instrument as determining the variable terms of employment to apply to the Executive Chief of Staff.

Numbered clause 8(1) sets the remuneration and employer provided benefits which apply to the Executive Chief of Staff as those specified in schedule 1. Schedule 1 specifies that the remuneration of Executive Chief of Staff is equivalent to the total remuneration point of 2.4 as set out under Part 9.3A of the *Public Sector Management Standards 2006* (ACT), as adjusted from time to time in accordance with any determination made by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.

Numbered clause 8(2) sets the terms and conditions of employment of the Executive Chief of Staff as those of the Public Sector Management Standards and the agreement, as amended from time to time, specified in schedule 2. Schedule 2 specifies the applicable terms and conditions.

Numbered clause 9 sets the duties and obligations of the Executive Chief of Staff as those specified in schedule 3. Schedule 3 specifies the applicable duties and obligations.