

Legislative Assembly (Members' Staff) Variable Terms of Employment of Office-holders' Staff Determination 2014 (No 1)*

Disallowable instrument DI2014-309

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 Determination 2014 (No 1)*.

2 Commencement

This instrument commences on 12 December 2014.

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 Enterprise Agreement 2013-2017*.

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*.

*Name amended under Legislation Act, s 60

5 Revocation

Instrument DI2009-148 is revoked.

6 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 enterprise agreement under the *Fair Work Act 2009* (Cth) that applies to the staff of office-holders.

7 Class of persons to whom this determination applies

This determination applies to the Executive Chief of Staff.

8 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 subject to the terms and conditions of the Public Sector Management Standards and the agreement as specified in schedule 2.

9 Duties

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

Dated 12/12/2014.

Andrew Barr
Chief Minister

Schedule 1 Remuneration and employer provided benefits

(see cl 8(1))

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 Amount
1	cash	\$191,308 pa
2	employer superannuation contribution	\$30,609 pa
3	other allowances	\$29,500 pa

Note: Other allowances includes a payment in lieu of a motor vehicle, a payment in lieu of a parking space and a fringe benefits tax allowance.

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.

Salary Packaging

4. 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.
5. 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 Service Salary Packaging Policy* issued by the Head of Service.

6. 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.
7. Salary for superannuation purposes is unaffected by participation in the salary packaging scheme.

Employer Superannuation

8. Where the Executive Chief of Staff is a member of the CSS or the PSS:
 - 8.1. 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
 - 8.2. 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.
9. The value of the employer's superannuation contribution shall not be paid in cash to the Executive Chief of Staff.

Schedule 2 Terms and conditions of employment

(see cl 8(2))

The terms and conditions of employment of the Executive Chief of Staff comprise:

- A.** Terms and conditions that apply to Executives under the Public Sector Management Standards made under the *Public Sector Management Act 1994* as amended from time to time, specified in column 2 of Table 2.

Table 2

column 1 Item	column 2 Applicable terms and conditions
1	Other executive employee conditions of employment (division 9.3B.1 General matters)
2	Other executive employee conditions of employment (division 9.3B.3 Misconduct)

- B.** Terms and conditions of the agreement specified in column 2 of Table 3.

Table 3

column 1 Item	column 2 Applicable terms and conditions
1	Termination payment (clause B8)
2	Leave (section F)
3	Superannuation (clause H4)
4	Other Leave (annex C)

Schedule 3 Duties

(see cl 9)

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 Director-General of the Chief Minister, Treasury and Economic Development Directorate and with other ACTPS Directors-General 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 forums 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.