

# Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff Determination 2020 (No 1)

Disallowable instrument DI2020-310

made under the

Legislative Assembly (Members' Staff) Act 1989, s 6 (3) (Terms of employment)

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## 1 Name of instrument

This instrument is the *Legislative Assembly (Members' Staff) Variable Terms of Employment of Office-holders' Staff Determination 2020 (No 1)*.

## 2 Commencement

This instrument commences on 23 December 2020.

## 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:

**act** means the *Legislative Assembly (Members' Staff) Act 1989*.

**Agreement** means the *ACT Legislative Assembly Members' Staff Enterprise Agreement 2018-2021* or any replacement Agreement.

**CSS** means the Commonwealth Superannuation Scheme.

**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* (Cth).

**PSS** means the Public Sector Superannuation Scheme.

## **5 Revocation**

Instrument DI2018-233 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.

## **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, allowances, entitlements and employer provided benefits as set out in schedule 1.
- (2) The Executive Chief of Staff is subject to the terms and conditions of employment of the Agreement as specified in schedule 2.

## **9 Duties**

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

Dated 22 December 2020

Andrew Barr  
*Chief Minister*

# Schedule 1 Remuneration, allowances, entitlements and employer provided benefits

(see cl 8(1))

## Remuneration, allowances and entitlements

1. The remuneration, allowances and entitlements of the Executive Chief of Staff are equivalent to an Executive Band 2, Level 2.4 in the ACT Public Service as set out in the *Public Sector Management Standards 2016* (ACT), as adjusted from time to time in accordance with any determination made by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.

## Employer provided benefits

2. 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

3. The Executive Chief of Staff may elect to take the cash component of the remuneration as salary or, take a combination of salary and other benefits best suited to his or her personal needs and preferences.
4. 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 *Salary Packaging Policy* for the ACT Public Service issued by the Head of Service.
5. Up to 100% of the cash component of the remuneration 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.
6. Salary for superannuation purposes is unaffected by participation in the salary packaging scheme.

## Employer Superannuation

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

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## Schedule 2 Terms and conditions of employment

(see cl 8(2))

The terms and conditions of employment of the Executive Chief of Staff comprise the terms and conditions of the Agreement specified in column 2 of Table 2, or equivalent terms and conditions in any replacement Agreement.

**Table 2**

<b>column 1</b>	<b>column 2</b>
<b>Item</b>	<b>Applicable Agreement terms and conditions</b>
1	Termination payment (clause B7)
2	Travel Expenses (subclauses C12.2 and C12.3)
3	Leave (section F)
4	Superannuation (clause D7)
5	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 ACT Public Service (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.