

Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff 2009 (No 1)

Disallowable instrument DI2009-148

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

EXPLANATORY STATEMENT

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the LAMS Act") provides for the employment of persons by office-holders (Ministers and "the Speaker") of the Legislative Assembly. Subsection 5(1) of the LAMS Act gives office-holders the authority to employ staff. Subsections 6(2) 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 employment of persons under the LAMS Act is principally regulated by the *ACT Legislative Assembly Members' Staff Union Collective Agreement 2007-2010* (the collective agreement), including the classifications and rates of pay for staff employed under the LAMS Act.

The collective agreement does not provide a classification and rate of pay for a position of Executive Chief of Staff. The variable terms of employment including the rate of pay and other employer provided benefits for the Executive Chief of Staff are currently set out in disallowable instrument DI2008-122. This instrument amends the rate of pay and superannuation contribution of the Executive Chief of Staff, consistent with the ACT Remuneration Tribunal determination 4 of 2009, with effect from 1 July 2009. The instrument also aligns the value of the vehicle and parking space entitlements with that currently applying to executives in the ACTPS.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 2 sets the commencement of the instrument as 1 July 2009.

Numbered clause 5 revokes the existing disallowable instrument DI2008-122.

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

Numbered clause 8(1) sets the remuneration and employer provided benefits as those specified in schedule 1. The cash component, superannuation contribution, monthly lease rate for an employer-provided vehicle and payment in lieu of a parking space specified in schedule 1 are amended with effect from 1 July 2009.

Numbered clause 8(2) sets out those provisions of the collective agreement specified in schedule 2 from which the position of Executive Chief of Staff is excluded.

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