

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

Disallowable instrument DI2014-309

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 will principally be regulated by the *ACT Legislative Assembly Members' Staff Enterprise Agreement 2013-2017* (the agreement), once the agreement is approved. This includes the classifications and rates of pay for staff employed under the LAMS Act.

The Chief Minister intends to engage an Executive Chief of Staff with effect from 12 December 2014. The agreement does not provide a classification and rate of pay for a position of Executive Chief of Staff. The remuneration of Executive Chief of Staff is currently set out in disallowable instrument DI2009-148. The new determination amends the remuneration, in line with ACT Remuneration Tribunal determinations currently applying to executives in the ACTPS, and other entitlements.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 2 sets the commencement of the instrument as 12 December 2014.

Numbered clause 5 revokes the existing disallowable instrument DI2009-148.

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. These include the cash component, employer superannuation contribution and other allowances.

Numbered clause 8(2) sets the terms and conditions of employment as those of the Public Sector Management Standards and the agreement specified in schedule 2

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