

Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff Determination 2016 (No 1)

Disallowable instrument DI2016-281

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

EXPLANATORY STATEMENT

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(3) 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 are principally regulated by the *ACT Legislative Assembly Members' Staff Enterprise Agreement 2013-2017* ("the agreement"). This includes the rates of pay and the terms and conditions of employment for classifications covered by the agreement.

The Chief Minister has engaged an Executive Chief of Staff, a position that is not covered by the agreement. The variable terms of employment, including remuneration and entitlements, of the position of Executive Chief of Staff are currently set out in disallowable instrument DI2015-78. The remuneration is equivalent to an executive employee officer in the ACT Public Service having a total remuneration point of 2.4 as determined from time to time by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.

Amendments to the *Public Sector Management Standards* in September 2016 have meant that some references in the current determination need updating, without affecting the variable terms of employment themselves.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions. The definition of 'agreement' in clause 4 has been amended to include 'any replacement agreement'.

Numbered clause 2 has been amended to set the commencement of the instrument as the day after its notification day.

Numbered clause 5 revokes the existing disallowable instrument DI2015-78.

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. These are unchanged. The reference to the *Public Sector Management Standards* in clause 1 of schedule 1 has been updated.

Numbered clause 8(2) previously set the terms and conditions of employment of the Executive Chief of Staff as those of the Public Sector Management Standards and the agreement specified in schedule 2. The applicable provisions of the *Public Sector Management Standards* listed in table 1 of schedule 2 have been deleted, as the provisions relating to misconduct and the general terms of employment of ACT executives, are no longer relevant due to amendments to the *Public Sector Management Standards*. These provisions are separately covered by the staff employment agreement and ministerial code of conduct. Table 2 of Schedule 2, which lists the applicable terms of the enterprise agreement, are unchanged.

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