

Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff Determination 2018 (No 1)

Disallowable instrument DI2018-233

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 an enterprise agreement, currently 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 position of Executive Chief of Staff in the Chief Minister's Office, which is the equivalent of an executive level position in the ACT Public Service (ACTPS), is not covered by the agreement. The variable terms of employment, including the terms and conditions of employment, remuneration and entitlements, of the position of Executive Chief of Staff are presently set out in disallowable instrument DI2016-281. The remuneration of the Executive Chief of Staff position is currently set as equivalent to that of an ACTPS Executive Level 2.4, as adjusted from time to time by the ACT Remuneration Tribunal.

Recent changes to the classification structure for executives in the ACTPS introduced by amendments to the *Public Sector Management Standards 2016* ("the PSM Standards") have meant that the current determination needs updating. Under the revised executive structure, classification points have a different numbering system from the current classification point. This is purely for administrative purposes, and does not impact remuneration. Under the amendments to the PSM Standards, the classification of an ACTPS Executive Level 2.4 will administratively translate to an Executive Level 2.2. A new determination is required in order to maintain the current pay parity between the position of Executive Chief of Staff and the revised classification structure for ACTPS executives.

The determination has also been amended to clarify that entitlements and allowances of ACTPS executives also apply to the position of Executive Chief of Staff. Schedule 2 to the determination is being amended, for clarity, to include the travel-related expenses provision of the agreement.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 5 revokes the existing disallowable instrument DI2016-281.

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. This clause has been amended to include allowances and entitlements.

Numbered clause 8(2) sets the terms and conditions of employment of the Executive Chief of Staff as those of 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. These are unchanged.

Schedule 1 details the remuneration and employer provided benefits which apply to the Executive Chief of Staff. Clause 1 of Schedule 1 has been amended to include allowances and entitlements, and the equivalent classification has been changed from Executive Level 2.4 to Executive Level 2.2 to mirror recent changes to the ACTPS executive structure.

Schedule 2 outlines the terms and conditions of employment of the agreement that apply to the Executive Chief of Staff, as outlined in Table 2. Travel Expenses has been included in this list which is consistent with existing practice and provides clarification of these arrangements.