

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

Disallowable instrument DI2020-310

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 2018-2021* ("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 DI2018-233. The remuneration of the Executive Chief of Staff position is currently set as equivalent to that of an ACTPS Executive Level 2.2, as adjusted from time to time by the ACT Remuneration Tribunal.

A work value assessment of the position of Executive Chief of Staff conducted by Mercer Consulting (Australia) Pty Ltd identified increases in the requirements of the Executive Chief of Staff position with the growth of the ACT Government in recent years resulting in work value points aligned to an ACTPS Executive Band 2, Level 2.4 classification. A new determination is required to give effect to the new alignment in remuneration between the position of Executive Chief of Staff and the equivalent ACTPS Executive classification level. The determination is to have effect from 23 December 2020.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions. The date of commencement of the instrument in clause 2 has been set as 23 December 2020. The definition of Agreement in clause 4 has been amended to update the reference to the enterprise agreement.

Numbered clause 5 revokes the existing disallowable instrument DI2018-233.

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.

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.

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 align the remuneration, allowances and entitlements of the Executive Chief of Staff with those of an Executive Band 2, Level 2.4 in the ACT Public Service.

Schedule 2 specifies the terms and conditions of employment of the agreement that apply to the Executive Chief of Staff, as outlined in Table 2. These are unchanged except for references to clauses in the current enterprise agreement which have been updated.

Schedule 3 details the duties and obligations of the position of Executive Chief of Staff. These are unchanged.