

## **Parliamentary Service Classification Rules 2010**

### **Explanatory statement**

*Circulated by authority of the Presiding Officers*

Section 23 of the *Parliamentary Service Act 1999* (**the Act**) empowers the Presiding Officers to make rules about the classifications of Parliamentary Service employees by notice in the Gazette after consulting the Parliamentary Service Commissioner.

The Parliamentary Service Classification Rules 2010 (these Rules) repeal and replace the *Parliamentary Service Classification Rules 2000/1* gazetted on 13 December 2000 and registered on the Federal Register of Legislative Instruments (**FRLI**) on 13 November 2006.

The Presiding Officers have consulted with the Commissioner in the making of these Rules.

Section 7 of the *Legislative Instruments Act 2003* (**LI Act**) specifies that instruments under s23 of the Act are legislative instruments. However, sections 44 and 54 of the LI Act provide that these instruments are not subject to disallowance and sunseting.

As instruments under s23 of the Act are made by gazettal and require registration to bring them into effect, these Rules will be gazetted and then registered on the FRLI and have been drafted to take effect on the day following registration.

### **Purpose and Scope of Determination**

These Rules will make the following departures from the *Parliamentary Service Classification Rules 2000/1*:

- a) the adoption in rule 5 of terminology consistent with the Fair Work Act;
- b) the removal from rule 6 (formerly rule 5) of some transitional provisions needed at the commencement of the Act;
- c) the addition of a new rule 7 to clarify the application of the rules to employees on temporary movements between departments (this rule has the same effect as a rule added to the Australian Public Service Classification Rules 2000 in 2000); and
- d) the removal of redundant job-specific classifications from the Schedule of approved classifications.

### **Consultation**

In addition to the Presiding Officers' consultation with the Parliamentary Service Commissioner, there has been consultation between the three parliamentary departments. Officers of the Department of Education, Employment and Workplace Relations have been consulted on the changes mentioned in item (a) of the paragraph above.

### **Impact**

The changes have no foreseeable financial or other impact.

Authority: Section 23 of the *Parliamentary Service Act 1999*.

## **Notes on Rules**

### **Rule 1          Name of Rules**

These rules are called the *Parliamentary Service Classification Rules 2010*.

### **Rule 2          Commencement**

These rules commence on the day after they are registered on the Federal Register of Legislative Instruments.

### **Rule 3          Repeal of Classification Rules 2000**

Rule 3 repeals the Parliamentary Service Classification Rules 2000/1.

### **Rule 4          Dictionary**

The Dictionary at the end of the Classification Rules defines certain words and expressions and refers to words and expressions defined elsewhere in these rules (subrule 4(1)). The dictionary also includes words and expressions relevant to these rules that are defined in the *Parliamentary Service Act 1999* (subrule 4(2)). A definition in these rules applies to each use of the word or expression in the rules, unless the contrary intention appears (subrule 4(3)).

### **Rule 5          Approved classifications**

Rule 5 defines an *approved classification* as a classification under a modern award, a transitional APCS or a transitional award-based instrument as is force at a particular time or from time to time; or a classification or training classification listed in the Schedules to these rules.

The Note to rule 5 provides that these rules may apply, adopt or incorporate provisions of a modern award or transitional APCS.

### **Rule 6          Classification of employees**

Subrules 6(1) and (2) require a Secretary to allocate to each employee an approved classification based on the group of duties that the Secretary determines that the employee is to perform. Subrule (2) also allows for exception from this requirement in the case of employees assigned duties temporarily.

### **Rule 7          Classification of employees on temporary moves between Departments**

Subrule 7(1) provides that rule 7 applies to a Secretary if an ongoing Parliamentary Service employee moves to the Secretary's department for a specified period or for the duration of a specified task in accordance with an agreement made under clause 3.2.5 of Parliamentary Service Determination 2003/2.

Subrule 7(2) provides that, where rule 7 applies, rule 6 does not apply and the Secretary must allocate to the employee the classification allocated to the employee immediately before the employee's move to the Department or another approved classification in the same classification group.

Subrule 7(3) provides that the classification allocated to the employee in accordance with subrule (2) does not limit the duties that are to be performed by the employee in the Department or the pay and other entitlements to be paid to the employee.

#### **Rule 8            Classifications of SES employees**

Rule 8 provides that an employee is classified as an SES employee if the employee's classification is any of the classifications listed in the rule.

#### **Rule 9            Classification of duties**

A Secretary must allocate to each group of duties performed in the Department the appropriate approved classification based on the work value requirements of the group of duties (subrules 9(1) and (2)).

Subrule 9(3) provides that, if a training classification is allocated to a group of duties, the duties must include a requirement to undergo training.

Subrule 9(4) provides that, if a group of duties involves work value requirements applying to more than one classification, the Secretary may allocate more than one classification to the group of duties. A group of duties involving two or more classifications is a broadband.

Subrule 9(5) provides that a group of duties to be performed by an SES employee may not be broadbanded.

#### **Rule 10          Work level standards**

Rule 10 provides that a Secretary must issue, for each classification applying to a group of duties in the Department, written work level standards reflecting the work value requirements for the classification

#### **Rule 11          Training classifications**

Subrule 11(1) provides that, where an ongoing employee:

- is engaged at a training classification listed in Column 2 of Schedule 2; and
- completes the training requirements for that classification,

the Secretary must allocate to the employee the relevant classification listed in Column 3 of Schedule 2.

Subrule 11(2) provides that, where a non-ongoing employee:

- is engaged, on merit, at a training classification listed in Column 2 of Schedule 2;
- completes the training requirements for that classification; and
- the Secretary offers the employee engagement as an ongoing employee,

the Secretary must allocate to the employee the relevant classification listed in Column 3 of Schedule 2.

Note—in all cases covered by subrules 11(1) and (2), the training classification is Apprentice and the classification to be allocated on completion of the training is APS2.

#### **Rule 12          Reduction in classification**

Rule 12 provides that the classification of an employee is reduced if the Secretary allocates to the employee a classification that is in a lower classification group than the classification previously allocated to the employee.

## **Rule 13      Delegation**

Subrule 13(1) provides that a Secretary may delegate to a person any of his or her powers under these rules, other than the power of delegation. Subrule (2) requires that delegation to an 'outsider' may occur only with the prior written consent of the Parliamentary Service Commissioner.

Subrule (3) provides that a substantive or acting SES employee who is a delegate of a Secretary (the first delegate) may sub-delegate powers to another person (the second delegate). However, if a Secretary has given any directions to the first delegate, the first delegate must give the same directions to the second delegate (subrule (4)). A power or function exercised or performed by a second delegate is taken to have been exercised or performed by the first delegate (subrule (5)). A person exercising powers or functions under delegation must comply with any directions properly given (subrule (6)).

Subrule 7 defines an outsider (for the purposes of subrule (2)) as a person who is neither a Parliamentary Service employee nor a person appointed to an office by the Presiding Officers.

## **Schedule 1    Approved classifications**

Schedule 1 lists the 8 non-SES and 3 SES classification groups and the corresponding classifications approved for Parliamentary Service employment.

## **Schedule 2    Training classifications**

Schedule 2 lists the one training classification and the classification to be allocated to employees who have completed the training requirements of the training classification.

## **Dictionary**

The dictionary defines words and expressions used in these rules and in the *Parliamentary Service Act 1999* (where relevant), as provided for in rule 4.