

2016 Terms and conditions of employment

General conditions

Temporary staff are employed pursuant to section 32 of the *Electoral Act 1992*. Employment is on a casual basis and there is no expectation of ongoing employment.

All temporary staff are subject to the Electoral Commissioner's direction and subject to the direction of any other member of the Commissioner's staff authorised by the Commissioner to give direction.

A temporary employee must be an Australian citizen or have Australian permanent residency status.

Only staff aged 18 or over are permitted to issue votes to electors and/or handle election ballot papers. Staff under the age of 18 must make their supervisor aware of their age and ensure that they do not undertake these duties.

The terms and conditions set out in this schedule are consistent with the terms and conditions of officers employed under the *ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013-2017*. Casual wage loading is included in the casual hourly rates paid to temporary staff in lieu of paid leave entitlements (other than long service leave).

The rate of remuneration for each position is shown on each individual offer of employment.

Temporary staff obligations

Temporary staff employed in accordance with this determination are required to abide by the general obligations of public employees set out in section 9 of the *Public Sector Management Act 1994*. (See Attachment 1.)

All temporary staff must:

- Perform the duties described in their job description with due care and diligence;
- Perform other duties as directed from time to time by the Electoral Commissioner or a delegate of the Commissioner with due care and diligence;
- Comply with the ACT Electoral Commission's procedures and policies as varied from time to time;
- Comply with all relevant Commonwealth and Territory laws relevant to their employment, including privacy and work health and safety laws and relevant regulations and codes of practice;
- Maintain political neutrality and not be or be seen to be active in any political affairs, during the course of their employment;
- Complete the acceptance of offer and undertaking prior to commencing employment;
- Not engage in any gambling activity relating to election results; and
- Not use social media or take any photos or record any audio or video at a polling place, scrutiny centre or other workplace without approval of the Commissioner or his or her delegate.

Obligations of temporary staff with management roles

The remuneration package for polling area managers includes contacting OICs prior to election day, as well as performing inspections on polling day and checking OICs' returns.

The remuneration package for officers in charge and seconds in charge covers all duties associated with running a polling place, including setting up the polling place, which will be done on the afternoon or evening before polling day. The payment for officers in charge also includes the pickup and return of material, and an allowance for telephone calls.

Training

All polling staff are required to undertake online home training, generally involving reading a manual and completing a workbook. Access to a computer and the internet is required to fulfil training requirements. Attendance at a face-to-face training session is a condition of employment for polling area managers, officers in charge, seconds in charge, pre-poll voting officers in charge, mobile polling staff and bi-lingual educators. All package amounts include payment for training.

Hours of duty on polling day

Staff on remuneration packages:

Polling area managers, officers in charge and seconds in charge:

- 7:00 am to the finish of the count and until all required duties are complete.

Polling place staff:

- 7:30 am to the finish of the count and until all required duties are complete.

Staff must be allocated break times by their supervisor to ensure that staff do not work for longer than 5 hours continuously. During polling, break times will be arranged by the officer in charge to ensure that sufficient staff are on duty during busy polling periods. Polling staff may leave their polling premises while on their break.

Polling staff must strictly adhere to their allocated break time. Polling staff will need to make their own arrangements for meals. The remuneration package for all polling place staff employed on polling day includes a meal allowance component.

If staff do not perform all of their required duties on election day, the Electoral Commissioner may determine that the staff will be paid a pro rata amount of the remuneration package for the day, based on proportion of the duties actually performed by the staff when compared against the hours that the staff would otherwise have been expected to perform on the day.

Where staff have successfully completed training but cannot attend on election day for unforeseen reasons (e.g. illness), the Electoral Commissioner may make a payment to the staff in respect of the completion of that training.

Staff on hourly rates:

Employment of staff being paid an hourly rate will be employed within the hours advised by the Commission. Different rates of pay will be payable as follows:

- Normal rate is payable for up to 7 hours and 21 minutes worked per day on Monday to Saturday.
- Overtime rate is payable where an employee is directed to work:
 - in excess of 7 hours and 21 minutes per day Monday to Saturday (overtime rates will only apply to hours in excess of 7 hours 21 minutes);
 - outside the span of ordinary hours of 7.00am to 7.00pm, Monday to Saturday (overtime rates will only apply to hours worked outside the span of ordinary hours); or
 - in excess of 36.75 hours in a week (overtime rates will only apply to the hours worked in excess of 36.75 hours);
- Sunday rate is payable for work on a Sunday.
- Public holiday rate is payable for work on a public holiday.

A casual employee will be engaged for a minimum period of one hour for a day on which the employee is required to undertake training.

The minimum payment on each occasion where a casual employee paid an hourly rate attends for duty will be three hours, whether or not the casual employee is required to work for those three hours, in accordance with the minimum attendance provisions set out in the *ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013-2017*.

Performance assessment and termination of employment

Employment is subject to continued satisfactory performance, eligibility for employment and the availability of work. Employment may be terminated at any time at the discretion of the Commissioner.

At the end of their employment, all staff will be rated on their work performance by a supervisor.

Payment

Payment of wages and allowances will be made on the basis of information provided by the temporary staff on engagement.

Payments will be made by direct credit to the account and financial institution nominated by the employee. It is the responsibility of the employee to ensure the details provided are correct. If there is any doubt as to the accuracy of information being provided, it should be verified with the financial institution. If incorrect financial institution details are provided, this can cause delays in payment.

Payments are processed according to a pre-determined cut off time and payment for employment on polling day may not be credited to staff account until up to 10 days after polling day.

Meal allowance

Staff paid an hourly rate are eligible to receive payment of an overtime meal allowance when required by the Commissioner to perform overtime duty. The allowance will be in accordance with the rates set out in *Annex C – Expense, Disability and Skill Related Allowances – Overtime Meal Allowance, ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013-2017*. See the extract table below.

Two meal allowances are included in the package rates for all polling place staff commencing before 8.00 am and finishing after 6.00 pm on polling day.

Overtime Meal Allowance	Employee Type	All classifications	Rate as at 1 Jul 2016	Rate as at 6 Oct 2016	Rate as at 6 Apr 2017
	Description	<p>An employee who works overtime where the overtime is worked:</p> <ol style="list-style-type: none"> 1. After the end of ordinary duty for the day, to the completion of or beyond a meal period, and any subsequent meal period, without a break for a meal; or 2. After the completion of the employee's ordinary hours of duty for the day, and after a break for a meal which occurs after that completion and where the employee is not entitled to payment for that break; 3. Before the commencement of ordinary hours of duty, and before a break for a meal which occurs after that completion and where the employee is not entitled to payment for that break; or 4. On a Saturday, Sunday or public holiday, in addition to the employee's normal weekly hours of duty, extending beyond a meal break and where the employee is not entitled to payment for that break; will be paid an allowance. <p>For the purpose of this allowance a meal period will mean the following periods:</p> <ol style="list-style-type: none"> (a) 7.00am to 9.00am; (b) 12 noon to 2.00pm; (c) 6.00pm to 7.00pm; and (d) midnight to 1.00am. 			
	Rate/ Frequency	Per occasion	\$26.80	\$27.21	\$27.62

Use of private motor vehicles

Motor vehicle allowance will be paid to those staff authorised to use a vehicle by the Commissioner. Written authorisation must be received before any travel is undertaken. This allowance will be in accordance with the rates set out in *Annex C – Expense, Disability and Skill Related Allowances –Motor vehicle, ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013-2017*.

Travel to and from a polling place or training session is considered to be a personal expense and is not subject to reimbursement.

The use of a private motor vehicle requires the owner to accept costs incurred resulting from an accident or damage. The Commission accepts **no liability** for financial liability or loss incurred by a staff member using their private motor vehicle for official purposes.

For injuries sustained while travelling for business purposes, employees (as defined under the *Safety, Rehabilitation and Compensation Act 1988* (Cth)) may be eligible to claim for workers compensation. If an employee uses their own private vehicle for official business travel and that officer is injured while carrying out work-related driving, then they may be covered for workers compensation (and thus covered for time of work, medical costs etc, but not for any car-related expenses).

Staff members who use a private motor vehicle on official business must provide documentary evidence that they have a current driver's licence, their vehicle has current registration and they hold comprehensive motor vehicle insurance which is current. It is the employee's responsibility to ensure that their driver's licence, vehicle registration and comprehensive vehicle insurance remain current while employed by Elections ACT.

Staff members must consult their insurance provider and obtain the insurer's response in writing. The response should state either that the existing policy covers a private motor vehicle being used on official business for which Motor Vehicle Allowance is received, or that an additional premium is payable for the necessary cover. Where an additional premium is payable, staff members are entitled to be reimbursed the additional cost. However, they must seek prior approval before taking out an additional premium.

Workers' compensation

Responsibility as a worker under the *Work, Health and Safety Act 2011*

While at work, an election casual is subject to the following duties (as per section 28 of the *Work, Health and Safety Act 2011*):

- a) to take reasonable care for his or her own health and safety;
- b) to take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
- c) to comply with, so far as the worker is reasonably able, any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- d) to cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Election casuals are defined as ACT Public Service (ACTPS) workers who are covered for workers' compensation under the *Safety, Rehabilitation and Compensation Act 1988* (Commonwealth) which is administered by Comcare.

Lodging a workers' compensation claim

If an employee is injured during working hours they are entitled to lodge a workers' compensation claim.

The procedure and documentation for lodging a workers' compensation claim can be obtained from the Elections ACT Staffing Manager on [insert number].

Important: if liability for the claim is not accepted by Comcare any costs incurred remain the responsibility of the employee.

Obligation to report accidents and incidents

If an election casual is involved in an accident or incident, they must report it **immediately** to their supervisor and complete an accident/incident report form. These forms can be obtained from the Elections ACT staffing manager - Phone: [insert number].

'Accidents' and 'incidents' to be reported involve any workplace event that:

- endangers the health or safety of a person; or
- results in injury or disease, however minor.

Such events include, but are not limited to situations that:

- affect, or have the potential to affect the psychological health of a person;
- result in acute physical injury or a physical injury that has developed over time; or
- involve a narrow escape (or 'near miss') which could cause future harm in a similar incident.

Taxation

If an employee's anticipated income from all sources for the relevant financial year will not be more than the tax free threshold, an employee may complete the *Variation of income tax withholding rate* field on the online application form. No tax will be taken out of the employee's pay.

If income for this financial year is expected to be more than the tax free threshold, an employee must complete the *Tax file number declaration* field on the online application form. If tax file number (TFN) is not provided, tax at the top marginal rate will be taken out of the pay.

If the expected annual income for the relevant financial year will exceed the tax free threshold, and staff have not currently claimed the tax free threshold from another employer, or staff are not currently employed, they can claim the general exemption by ticking YES at the "Do you want to claim the tax-free threshold from Elections ACT" question of the online form. The general exemption or any rebates cannot be claimed from more than one employer at any time.

If staff are currently employed, they should tick NO at "Do you want to claim the tax-free threshold from Elections ACT" question of the online form.

If they cannot show their tax file number (TFN) because they:

- have a tax file number but cannot find it; or
- are not sure if they have a tax file number; or
- do not have a tax file number

staff should take steps to obtain a TFN.

Details on how to apply for TFN can be accessed on <https://www.ato.gov.au/Forms/TFN---application-for-individuals/> or by contacting the Australian Taxation Office on 1300 720 092 and requesting a *Tax file number application or enquiry for individuals* form. The completed form should be lodged as directed on the form. Staff will be allowed 28 days in which to produce their tax file number before tax is deducted at the maximum rate, if they advise that a *Tax file application or enquiry for individuals* form has been lodged.

Superannuation

The ACT Government will pay the equivalent of at least 10.5% of an employee's salary into an employee's superannuation fund. Employees 18 years old or over, and paid \$450 or more (before tax) in a month are entitled to receive the employer superannuation contribution. Super contribution payments are compulsory and the ACT Government is required to make these payments regardless of age or personal circumstances.

Employees aged 70 years and over are not allowed to take cash instead of super contribution to a super fund. However, such employees can access super savings at any time, subject to any administration fees a super fund may charge for withdrawing benefits.

The employer contribution of 10.5% superannuation is paid on the ordinary hours rate only. It is not paid on overtime hours or any allowances such as a meal allowance. Casual staff receiving a package rate for working on polling day will receive the 10.5% employer contribution on the ordinary hours component of their package. If an employee chooses to contribute 3% or more of their salary, the employer will contribute a further 1% into the fund, bringing the overall employer contribution rate up to 11.5%.

Staff will need to provide details of their nominated superannuation fund, including the fund's ABN, on the online application form. They will also need to tick a box indicating that they have confirmed with their nominated superannuation fund that it is a complying fund and that it will accept contributions from the ACT Government.

Choice of superannuation fund

In accordance with Australian government legislation, employers (including ACT Government agencies) must offer new employees superannuation fund of choice arrangements. To learn more on choosing a super fund, staff should read *Super Decisions* which has been prepared by the Australian Securities and Investments Commission. A copy can be obtained from www.moneysmart.gov.au by entering 'Super decisions' in the search field, or phoning 1300 300 630. More information is available on the Australian Taxation Office website at www.ato.gov.au

If staff are applying for a new membership to an approved superannuation fund, a fully completed membership application form must be lodged with the fund they wish to join. Membership information and application forms for membership are available by contacting the relevant fund directly. Staff must do this before they complete the online application form so they can provide the correct information.

If staff are existing members of an approved fund, they would already be familiar with the fund's products, services and the options available to them in respect of their insurance cover and benefit payment options. However, if they have any questions, staff need to contact the fund directly for more information.

Under mutual privacy obligations, Elections ACT will disclose to their fund staff personal information that is necessary to administer their membership account. The personal information includes contact details, date of birth and tax file number (if staff have chosen to quote it).

Default fund arrangements

Should staff decide not to nominate a superannuation scheme, or all required details are not provided in the application, the employer contribution of 10.5% (based on a percentage of earnings) will go to the Territory's default fund provider First State Super. A Product Disclosure Statement for First State Super is available at www.firststatesuper.com.au/Tools/BrochuresForms

Note that employer contributions cannot be made into CSS, PSS or Comsuper.

The ACT Electoral Commission is not liable for the performance of its employees' superannuation funds.

Attachment 1

Extract from the *Public Sector Management Act 1992*, section 9:

9 General obligations of public employees

A public employee shall, in performing his or her duties:

- (a) exercise reasonable care and skill;
- (b) act impartially;
- (c) act with probity;
- (d) treat members of the public and other public employees with courtesy and sensitivity to their rights, duties and aspirations;
- (e) in dealing with members of the public, make all reasonable efforts to assist them to understand their entitlements under the territory laws and to understand any requirements that they are obliged to satisfy under those laws;
- (f) not harass a member of the public or another public employee, whether sexually or otherwise;
- (g) not unlawfully coerce a member of the public or another public employee;
- (h) comply with this Act, the management standards and all other territory laws;
- (i) comply with any lawful and reasonable direction given by a person having authority to give the direction;
- (j) if the employee has an interest, pecuniary or otherwise, that could conflict, or appear to conflict, with the proper performance of his or her duties—
 - (i) disclose the interest to his or her supervisor; and
 - (ii) take reasonable action to avoid the conflict;as soon as possible after the relevant facts come to the employee's notice;
- (k) not take, or seek to take, improper advantage of his or her position in order to obtain a benefit for the employee or any other person;
- (l) not take, or seek to take, improper advantage, for the benefit of the employee or any other person, of any information acquired, or any document to which the employee has access, as a consequence of his or her employment;
- (m) not disclose, without lawful authority—
 - (i) any information acquired by him or her as a consequence of his or her employment; or
 - (ii) any information acquired by him or her from any document to which he or she has access as a consequence of his or her employment;
- (n) not make a comment that he or she is not authorised to make where the comment may be expected to be taken to be an official comment;
- (o) not make improper use of the property of the Territory;
- (p) avoid waste and extravagance in the use of the property of the Territory;

- (q) report to an appropriate authority—
 - (i) any corrupt or fraudulent conduct in the public sector that comes to his or her attention; or
 - (ii) any possible maladministration in the public sector that he or she has reason to suspect.