



Parliamentary Service Classification Rules 2010

We, HENRY ALFRED JENKINS, Speaker of the House of Representatives, and JOHN JOSEPH HOGG, President of the Senate, make these Classification Rules under section 23 of the *Parliamentary Service Act 1999*.

Dated 11 March 2010.

HARRY JENKINS

JOHN HOGG



Parliamentary Service Classification Rules 2010

made under the

Parliamentary Service Act 1999

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1 Name of Rules

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

2 Commencement

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

3 Repeal of *Parliamentary Service Classification Rules 2000/1*

The *Parliamentary Service Classification Rules 2000/1*, made on 29 November 2000, are repealed.

4 Definitions — the dictionary

- (1) The dictionary at the end of these Rules defines certain words and expressions, and includes references to certain words and expressions that are defined elsewhere in these Rules (***signpost definitions***).
- (2) The dictionary includes certain words and expressions relevant to these Rules that are defined in the *Parliamentary Service Act 1999*.

Note These definitions are indicated by an asterisk (*) and have been included for information only to assist readers of the rules. Minor changes from the Act definitions are indicated by square brackets ([]).

- (3) A definition in these Rules applies to each use of the word or expression in these Rules, unless the contrary intention appears.

5 Approved classifications

For the purposes of these Rules, a classification is an ***approved classification*** if it is:

- (a) a classification under a modern award, a transitional APCS or a transitional award-based instrument, as in force at a particular time or as in force from time to time; or

- (b) a classification mentioned in column 2 of Schedule 1; or
- (c) a training classification mentioned in column 2 of Schedule 2.

Note Subsection 23 (2) of the Act provides that the Classification Rules may apply, adopt or incorporate, with or without modification, any of the provisions of a modern award or a transitional APCS as in force at a particular time or as in force from time to time.

6 Classification of Parliamentary Service employees

- (1) A Secretary must allocate an approved classification to each Parliamentary Service employee in the Department.
- (2) The classification must be based on the group of duties that are determined by the Secretary to be the duties to be performed by the employee in the Department (other than duties temporarily assigned to the employee).

7 Classification of Parliamentary Service employees: temporary moves between Departments

- (1) This rule applies to a Secretary if:
 - (a) an ongoing Parliamentary Service employee moves to the Secretary's Department in accordance with an agreement entered into under clause 3.2.5 of Parliamentary Service Determination 2003/2; and
 - (b) the agreement applies for:
 - (i) a specified period, in accordance with the agreement and the determinations; or
 - (ii) the duration of a specified task, in accordance with the agreement and the determinations.
- (2) Where this rule applies, rule 6 does not apply and the Secretary must allocate to the employee:
 - (a) the approved classification that was allocated to the employee immediately before moving to the Department; or
 - (b) another approved classification that is in the same group as the classification mentioned in paragraph (a).

- (3) The allocation of a classification in accordance with subrule (2) does not prevent the employee from:
 - (a) performing the duties that are to be performed by the employee following the move to the Department; and
 - (b) receiving the pay and other entitlements that are to be paid to the employee following the move to the Department.

8 Classification of SES employees

For section 34 of the Act, a Parliamentary Service employee is classified as an **SES employee** if the employee's classification is any of the following approved classifications:

- (a) Senior Executive Service Band 1;
- (b) Senior Executive Service (Specialist) Band 1;
- (c) Senior Executive Service Band 2;
- (d) Senior Executive Service (Specialist) Band 2
- (e) Senior Executive Service Band 3; and
- (f) Senior Executive Service (Specialist) Band 3.

9 Classification of duties

- (1) A Secretary must allocate an approved classification to each group of duties to be performed in the Department.
- (2) The classification must be the appropriate classification based on the work value requirements of the group of duties.
- (3) If a training classification is allocated to the group of duties, the Secretary must ensure that the duties include a requirement to undergo training.
- (4) If the group of duties involves work value requirements applying to more than one classification, the Secretary may allocate more than one classification (a **broadband**) to the group of duties.
- (5) However, subrule (4) does not apply to a group of duties to be performed by an SES employee.

10 Work level standards

- (1) A Secretary must issue, in writing, work level standards describing the work requirements for each classification applying to a group of duties to be performed in the Department.
- (2) Work level standards for a classification must reflect the work value requirements for the classification.

11 Employees in training classifications

- (1) Where:
 - (a) an ongoing Parliamentary Service employee is engaged at a training classification mentioned in Column 2 of Schedule 2; and
 - (b) the employee finishes each training requirement for the classification;

the Secretary must allocate to the employee a classification mentioned in column 3 of Schedule 2, opposite to the training classification.
- (2) Where, in accordance with clause 3.5.3 of Parliamentary Service Determination 2003/2:
 - (a) a non-ongoing Parliamentary Service employee is engaged on the basis of merit at a training classification mentioned in column 2 of Schedule 2; and
 - (b) the employee finishes each training requirement for the classification; and
 - (c) the Secretary offers the employee engagement as an ongoing Parliamentary Service employee to perform duties related to the employee's training;

the Secretary must allocate to the employee a classification mentioned in column 3 of Schedule 2, opposite to the training classification.

12 Reduction of classification of Parliamentary Service employee

For the purposes of subsection 23 (4) of the Act, the classification of a Parliamentary Service employee is reduced if the Secretary allocates to the employee a classification that is in a lower classification group than the employee's classification before the reduction.

13 Delegation

- (1) A Secretary may, in writing, delegate to a person any of the Secretary's powers or functions under these Rules (other than this rule).
- (2) However, a Secretary cannot delegate powers or functions to an outsider without the prior written consent of the Commissioner.
- (3) An SES Employee or acting SES Employee (the ***first delegate***) to whom powers or functions are delegated under subrule (1) may, in writing, delegate any of the powers or functions to another person (the ***second delegate***).
- (4) However, if the first delegate is subject to directions about the exercise of a power or function delegated under subrule (3), the first delegate must give corresponding directions to the second delegate.
- (5) A power or function that is exercised or performed by a person under a delegation under subrule (3) is taken, for the purposes of these Rules, to have been exercised or performed by the person who originally delegated the corresponding power or function under subrule (1).
- (6) A person exercising powers or functions under a delegation under this rule must comply with any directions of the Secretary who delegated the power or function.
- (7) For subrule (2):
outsider means a person other than:
 - (a) a Parliamentary Service employee; or
 - (b) a person appointed to an office by the Presiding Officers.

Schedule 1 **Approved classifications**

(rule 4)

Column 1 Parliamentary Service Group	Column 2 Classification
Group 1	APS 1 Australian Parliamentary Service Level 1 Parliamentary Service Level 1
Group 2	APS 2 Australian Parliamentary Service Level 2 Parliamentary Service Level 2
Group 3	APS 3 Australian Parliamentary Service Level 3 Parliamentary Service Level 3
Group 4	APS 4 Australian Parliamentary Service Level 4 Parliamentary Service Level 4
Group 5	APS 5 Australian Parliamentary Service Level 5 Parliamentary Service Level 5
Group 6	APS 6 Australian Parliamentary Service Level 6 Parliamentary Service Level 6
Group 7	Executive Band 1 Parliamentary Executive Level 1
Group 8	Executive Band 2 Parliamentary Executive Level 2
Group 9	Senior Executive Service Band 1 Senior Executive Service (Specialist) Band 1
Group 10	Senior Executive Service Band 2 Senior Executive Service (Specialist) Band 2
Group 11	Senior Executive Service Band 3 Senior Executive Service (Specialist) Band 3

Schedule 2 Training classifications

(rules 4 and 9)

Column 1	Column 2	Column 3
Item 1	Apprentice	APS 2

Dictionary

(clause 4)

Note Words and expressions defined in the *Parliamentary Service Act 1999* are indicated by an asterisk (*) (see subrule 4(2)). Minor changes from the Act are indicated by square brackets ([]). Except where otherwise indicated, the definitions are found in section 7 of the Act.

Act means the *Parliamentary Service Act 1999*.

approved classification see rule 4.

classification includes a training classification.

classification group means a group of classifications mentioned in column 1 of Schedule 1.

***Commissioner** means the Commissioner appointed under the Act.

***determinations** means determinations under the Act.

***Department** means a Department of the Parliament that is established under [the] Act.

modern award has the same meaning as in the *Fair Work Act 2009*.

***Parliamentary Service** means the Parliamentary Service established by section 9 [of the Act].

***Parliamentary Service employee** means a person engaged under section 22 [of the Act].

***Secretary** means the Secretary of a Department and includes the Clerk of the Senate and the Clerk of the House of Representatives.

***SES employee** has the meaning given by section 34 [of the Act].

***transitional APCS** has the meaning given by Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.