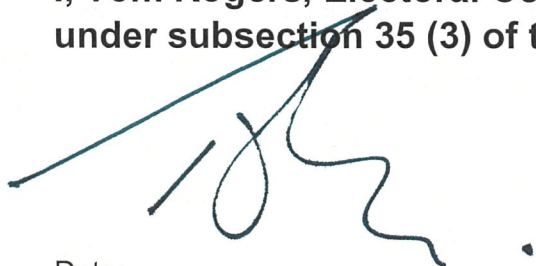


Commonwealth Electoral Act *1918*

Collective Determination

Torres Strait Regional Authority (TSRA) 2024/1

I, Tom Rogers, Electoral Commissioner make the following determination under subsection 35 (3) of the Commonwealth Electoral Act 1918.



Date:

29 Aug 24

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PART A – Preliminary

1. Citation

- 1.1. This Determination may be cited as the Collective Determination Torres Strait Regional Authority (TSRA) 2024/1.

2. Period of operation

- 2.1. This Determination takes effect from the date of signature.
- 2.2. This Determination supersedes and replaces all previous Determinations made under section 35(3) of the *Commonwealth Electoral Act 1918* (CEA) applying to employees falling within the scope of Clause 3.
- 2.3. This Determination remains in force unless it is replaced wholly or in part by another Determination made under subsection 35(3) of the CEA.

3. Application

- 3.1. This Determination will only apply to individuals employed under section 35(1)(a) of the CEA to undertake election related duties for the purpose of a TSRA election under Division 5 of Part 3A of the *Aboriginal and Torres Strait Islander Act 2005*.

4. Interaction with other instruments

- 4.1. Employees engaged under section 35 of the CEA are covered by the *Fair Work Act 2009*.
- 4.2. Employees covered by this agreement may be covered by any AEC policy or procedure, as decided by the AEC.
- 4.3. For the avoidance of doubt, Employees who are engaged under section 35 of the CEA are not covered by the:
 - a. *AEC Enterprise Agreement 2024-2027* or any successor instrument; and
 - b. *Public Service Act 1999*.

5. Delegation of powers

- 5.1. The Electoral Commissioner may, in writing, delegate any of the Electoral Commissioner's powers or functions under this Determination.

6. Definitions

6.1. The following definitions and interpretations are applicable to this Determination:

Term	Definition
AEC	Australian Electoral Commission.
APS	Australian Public Service.
ATO	Australian Taxation Office.
CEA	<i>Commonwealth Electoral Act 1918 (Cth)</i> .
Employee	A person who is employed under section 35 of the CEA to perform election related duties and who is an Australian Citizen.
Electoral Commissioner	Means the Chief Executive Officer of the AEC referred to in section 18 of the CEA, or their delegate as the context permits.
EOC	Electoral Officer Classification.
FWA	<i>Fair Work Act 2009 (Cth)</i> .
Pre-Polling Period	The period before Polling Day in which electors can vote in accordance with the CEA and <i>Aboriginal and Torres Strait Islander Act 2005</i> and includes activities undertaken by the AEC to enable pre-polling day voting
Polling Day	The day fixed for polling in accordance with the CEA and <i>Aboriginal and Torres Strait Islander Act 2005</i> or for duties performed for the purposes of Clause 3.1.
Polling Location	A location, during the Polling Period, on which Mobile Voter Services Teams deliver gazetted voting services to electors.
Polling Service Day	A day, during the Pre-Polling Period, on which Mobile Voter Services Teams deliver gazetted voting services to electors.

PART B – Terms and conditions applying to all Employees

7. Application of Part B

7.1. Part B applies to all Employees who are covered by this Determination.

8. Engagement

8.1. In accordance with Section 15A of the FWA, Employees are:

- a. Engaged as casual employees to perform duties and with no firm advance commitment to continuing and indefinite work;
- b. Engaged from day to day, with the AEC providing no obligation to an Employee with a minimum amount of work or any work at all;
- c. Not obligated to accept offers of work from the AEC; and
- d. Able to accept work from the AEC and as a result are required to perform their duties in accordance with this Determination.

8.2. Employees are required to perform duties at various locations, with these being determined and advised prior to each shift.

9. Eligibility to work

9.1. Employees may be required to undergo a police check prior to performing any duties in relation to their employment, in addition to other relevant pre-employment screening checks as required by the AEC from time to time.

10. Minimum age of employment

10.1. The minimum age for employment at which a person may be employed is determined by each State or Territory's legislation.

10.2. An employee under the age of 18 years:

- a. May only be engaged as a Temporary Assistant Level 1; and
- b. Must not be involved in administering polling during the Pre-Polling Period or on Polling Day; and
- c. Must not be involved in the counting, or unfolding, of ballot papers.

11. Employee obligations

11.1. Employees must:

- a. Abide by the Code of Conduct as provided for in Attachment A;
- b. Behave in accordance with the AEC values and adhere to AEC policies and procedures;

- c. Comply with all relevant Commonwealth, State and Territory laws relevant to their employment, including privacy, Work Health Safety Act 2011 and relevant regulations and codes of practice;
- d. Comply with any lawful and reasonable direction given by an AEC Employee who has the authority to give the direction;
- e. Maintain political and issue neutrality during employment with the AEC by not being, or seen to be, active in political and referendum activities;
- f. Meet the position requirements as outlined in their position description and perform their duties with due care and diligence;
- g. Complete all required training prior to performing any duties in relation to their employment;
- h. Read and confirm understanding of the Section 202A Undertaking form prior to performing any duties in relation to their employment; and
- i. Read and confirm understanding of the Acknowledgement and Declaration of Key Obligations (ADKO) form prior to performing any duties in relation to their employment.

12. Hours of work

12.1. The span of ordinary hours of work performed will be 7:00am to 8:00pm, Monday to Saturday.

12.2. Employees must accurately record their start and finish times (and any breaks) on any timekeeping system provided by the AEC.

12.3. An Employee will be engaged for a minimum period of:

- a. 1 hour for a day on which the Employee is required to undertake training; or
- b. 1 hour on any day where the Employee is otherwise directed to perform duties.

12.4. Employees will only be required to work additional hours if they are considered reasonable in accordance with section 62 of the FWA. An Employee may refuse to work additional hours if they are unreasonable.

12.5. Where exceptional circumstances exist, and as required by the AEC, operations for election duties may span across a 24-hour period.

13. Remuneration

13.1. Employees will be paid in arrears by electronic funds transfer to one Australian financial institution account nominated by an employee in accordance with Section 323 of the FWA.

13.2. Employees will be paid in accordance with the Electoral Officer Classification (EOC) and rates of pay set out in the table below, and in accordance with the relevant tables outlined in Part C.

Electoral Officer Classification	Base hourly rate	Casual hourly rate (base hourly rate x 125%)	Overtime rate A (base hourly rate x 150%)	Overtime rate B (base hourly rate x 200%)
EO1	\$24.1158	\$30.1448	\$36.1737	\$48.2316
EO2	\$24.4356	\$30.5445	\$36.6534	\$48.8712
EO3	\$25.7099	\$32.1374	\$38.5649	\$51.4198

EO4	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO5	\$29.3184	\$36.6480	\$43.9776	\$58.6368

13.3. Employees are paid a Casual Loading of 25% of their Base hourly rate of pay, in lieu of all paid leave entitlements. No Casual Loading will be paid for any hours for which an Employee is paid at Overtime Rates as outlined in Clause 14.

14. Overtime

14.1. Employees directed by the Electoral Commissioner to work:

- a. More than 8 hours on a day; or
- b. Outside the span of ordinary hours as specified in Clause 12.1; or
- c. More than 38 ordinary hours in a week, Monday to Sunday;

Will be paid Overtime Rate A only for the hours worked in excess of a, b or c.

14.2. Employees directed by the Electoral Commissioner to work on a Sunday or Public Holiday will be paid Overtime Rate B for all hours worked, despite 14.1 a, b or c.

14.3. Employees must have a break of at least 8 hours plus reasonable travelling time before recommencing work without incurring any loss of pay. Where this is not possible due to operational requirements and the Electoral Commissioner directs the Employee to return to duty on the following day without the minimum break, the Employee will be paid Overtime Rate B for all hours worked until an 8-hour break can be taken.

14.4. For the avoidance of doubt, all hours paid at Overtime Rate A or Overtime Rate B are paid in place of, not in addition to, the Employee's base rate of pay as specified in Clause 13.

15. Public Holidays

15.1. The following days are recognised as public holidays:

- a. New Year's Day (1 January)
- b. Australia Day (26 January)
- c. Good Friday
- d. Easter Monday
- e. Anzac Day (25 April)
- f. The King's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory)
- g. Christmas Day (25 December)
- h. Boxing Day (26 December)
- i. any day, or part-day, declared or legislated by a State or Territory to be a public holiday, unless excluded from the Fair Work Regulations.

15.2. If, under a State or Territory law, a day or part-day is substituted for one of the public holidays listed above, then the substituted day or part-day is the public holiday.

15.3. If, under a State or Territory law, Easter Tuesday is declared or prescribed by or under that law to be a public holiday, there is no entitlement to receive Overtime Rate B if the employee would have worked, or does perform work, on that day.

15.4. Public holidays apply to an employee based on the location of their usual place of work as per their letter of offer, rather than their home address.

16. Rest and meal breaks

16.1. Employees are entitled to rest breaks and meal breaks in accordance with the below table, noting the following:

- a. A rest break is a 10 minute paid break that counts as time worked; and
- b. A meal break is an unpaid break/s, totalling 30 minutes, that does not count as time worked.

Hours worked	Quantity of rest breaks	Quantity of meal breaks
Up to and including 3	0	0
Over 3 and up to and including 5	1	0
Over 5 and up to and including 8	1	1
Over 8 and up to and including 10	2	1
Over 10	2	2

16.2. All breaks should be taken at a time suitable to the needs of the AEC and generally at the direction of the Officer in Charge/Supervisor.

16.3. Employees should not work more than 5 continuous hours without a meal break in accordance with clause 16.1.b.

16.4. In the exceptional circumstances where, due to the priorities of work, an Employee is directed to work more than 6 continuous hours without a meal break in accordance with clause 16.1.b, they will be entitled to Overtime Rate B for the period from when the Employee worked 6 continuous hours until the time the break was taken or the conclusion of the shift, whichever is earlier.

17. Superannuation

17.1. The AEC will make compulsory employer superannuation contributions as required by the applicable legislation.

17.2. The AEC will make employer superannuation contributions equivalent to the Superannuation Guarantee Contribution rate, unless the employee is an existing member of the:

- a. Public Sector Superannuation Accumulation Plan (PSSap); or
- b. Public Sector Superannuation Scheme (PSS);

whereby the AEC will make employer superannuation contributions to a Commonwealth superannuation fund at the rate prescribed by that fund.

17.3. Employees are entitled to a choice of superannuation fund. For an Employee who elects not to choose a fund, the superannuation fund used will be the stapled fund nominated by the ATO.

18. Allowances

- 18.1. An Employee will be eligible to be paid one overtime meal allowance where they attend the workplace for more than 12 consecutive hours of duty on one day as directed by the Electoral Commissioner. The amount of this allowance will be based on the rate determined by the ATO at the time of the signing of the Collective Determination.
- 18.2. The Electoral Commissioner may approve payment of a one-off telephone allowance of \$24.00 where an Employee is directed by the Electoral Commissioner to use their personal mobile phone for AEC business purposes. If approved, this allowance will only be paid once per role, per TSRA election.
- 18.3. The Electoral Commissioner may approve the payment of a motor vehicle allowance where an Employee has been given prior approval by the Electoral Commissioner to use their personal vehicle for AEC business purposes. The rate of this allowance is the cents per kilometre rate determined by the ATO for deductions of motor vehicle expenses, for the relevant financial year.
- a. Generally, there is no entitlement to this allowance for employees transporting themselves between their home and usual place of work, with the exception of extraordinary circumstances, as approved by the Electoral Commissioner.
 - b. Where an employee is undertaking travel for the purposes of attending scheduled face-to-face training as directed by the Electoral Commissioner and has received prior approval to receive the motor vehicle allowance, the allowance will be paid in line with the cents per kilometre rates determined by the ATO.
- 18.4. The Electoral Commissioner may approve payment of reasonable expenses relating to travel where the Employee is directed to undertake official travel for the AEC. Any payments will be in accordance with the AEC's travel procedures and any related policies and processes.
- 18.5. The Electoral Commissioner may approve the payment of a Community Language Allowance (CLA) at a rate of \$10 per day where an employee uses a language other than English to support a voter. For the avoidance of doubt, an employee who uses AUSLAN to support a voter will be eligible to receive this allowance.
- 18.6. The Electoral Commissioner may approve the payment of a Travelling Voter Services (TVS) allowance at a rate of \$140 per day where the employee is directed by the Electoral Commissioner to deliver Travelling Voter services. This allowance applies to each day when an employee:
- a. works and/or travels on a Polling Service Day, regardless of how many hours are worked and/or travelled; or
 - b. is not delivering a Polling Service Day, but are travelling to or from a Polling Location due to the requirements of their role, and
 - c. is engaged in one of the following positions:
 - Mobile Team Leader (TSRA) (Work Code 922)
 - Mobile Team Second in Charge (TSRA) (Work Code 921)
 - Mobile Team Member (TSRA) (Work Code 923)
 - Mobile Team Liaison Officer (TSRA) (Work Code 924)
- 18.7. In exceptional circumstances, the Electoral Commissioner may approve the payment of the MVS allowance to an employee who is not engaged in one of the positions listed in Clause 18.6(c) provided the employee meets the conditions of either 18.6(a) or (b).

19. Other payments

- 19.1. The Electoral Commissioner may discretionarily approve a payment to reimburse an Employee fully or partially for reasonable work-related expenses. All work-related expenses must be pre-approved by the Electoral Commissioner.
- 19.2. The Electoral Commissioner may discretionarily determine that an Employee is entitled to an exceptional circumstances' payment.
- 19.3. Any claims under Clause 19 must be supported with reasonable evidence acceptable to the AEC.

20. Termination

- 20.1. The Electoral Commissioner or the Employee may terminate the Employee's employment verbally, or in writing, at any time, for any reason. No notice period is required, and the termination takes effect immediately.

PART C – Remuneration rates

21. Application of Part C

21.1. Part C applies to all Employees who are covered by this Determination.

22. Hourly rates of pay

22.1. An Employee will be paid the appropriate hourly rate according to their classification set out in Clause 22.2 for the time worked.

22.2. Hourly and overtime rates for each position are:

EOC	Work code	Position title	Base hourly rate	Casual hourly rate (base hourly rate x 125%)	Overtime rate A (base hourly rate x 150%)	Overtime rate B (base hourly rate x 200%)
EO1	932	Temporary Assistant Level 1 (TSRA)	\$24.1158	\$30.1448	\$36.1737	\$48.2316
EO2	927	Local Assistant (TSRA)	\$24.4356	\$30.5445	\$36.6534	\$48.8712
EO3	923	Mobile Team Member (TSRA)	\$25.7099	\$32.1374	\$38.5649	\$51.4198
EO3	916	Pre-poll Officer (TSRA)	\$25.7099	\$32.1374	\$38.5649	\$51.4198
EO3	929	Polling Day Officer (TSRA)	\$25.7099	\$32.1374	\$38.5649	\$51.4198
EO3	933	Temporary Assistant Level 2 (TSRA)	\$25.7099	\$32.1374	\$38.5649	\$51.4198
EO4	921	Mobile Team Second in Charge (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO4	924	Mobile Team Liaison Officer (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO4	919	Pre-poll Second in Charge (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO4	920	Pre-Poll Office Bearer (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506

EO4	931	Polling Day Second in Charge (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO4	930	Liaison Officer (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO4	934	Regional Panel Member (TSRA)	\$28.5753	\$35.7191	\$42.8630	\$57.1506
EO5	922	Mobile Team Leader (TSRA)	\$29.3184	\$36.6480	\$43.9776	\$58.6368
EO5	913	Pre-Poll Leader (TSRA)	\$29.3184	\$36.6480	\$43.9776	\$58.6368
EO5	926	Polling Day Leader (TSRA)	\$29.3184	\$36.6480	\$43.9776	\$58.6368
EO5	935	Senior Liaison Officer (TSRA)	\$29.3184	\$36.6480	\$43.9776	\$58.6368

Attachment A – Code of Conduct

Code of Conduct

1. An Employee must behave honestly and with integrity in connection with their employment.
2. An Employee must act with care and diligence in connection with their employment.
3. An Employee must maintain political and issue neutrality during employment with the AEC by not being, or seen to be, active in political and referendum activities.
4. An Employee, when acting in connection with their employment with the AEC, must treat everyone with respect and courtesy, and without harassment.
5. An Employee, when acting in connection with their employment with the AEC, must comply with all applicable Australian laws. For this purpose, Australian law means:
 - a. Any legislation, or any instrument made under legislation; or
 - b. Any law of a State or Territory, including any instrument made under such a law.
6. An Employee must comply with any lawful and reasonable direction given by someone in the AEC who has authority to give the direction.
7. An Employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
8. An Employee must:
 - a. Take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's employment with the AEC; and
 - b. Disclose details of any material personal interest of the employee in connection with the employee's employment with the AEC.
9. An Employee must use Commonwealth resources in a proper manner and for a proper purpose.
10. An Employee must not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's employment with the AEC.
11. An Employee must not improperly use inside information or the employee's duties, status, power or authority:
 - a. To gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
 - b. To cause, or seek to cause, detriment to the AEC, the Commonwealth or any other person.
12. An Employee must at all times behave in a way that upholds:
 - a. The AEC Values; and
 - b. The integrity and good reputation of the AEC.
13. An Employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.
14. Although Employees are not employed under the Public Service Act 1999, they must comply with the requirements concerning the disclosure of information throughout the course of their duties as prescribed under section 2.1 of the Public Service Regulations 1999.

