



Information Session

Key Changes to the *Legislative Assembly Members' Staff Enterprise Agreement 2026-2029*





The ACT Government acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Agenda

3

01 | The Bargaining Process

02 | Proposed Amendments to the Agreement

03 | Questions

Housekeeping



Please ask questions using the chat function



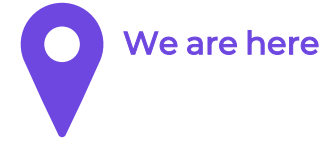
Please note this information session is being recorded

Legend



This is a clause reference

The Bargaining Process



4

1 Notice to Bargain

- Provide notice to Unions that the ACT Government intends to replace the current EA.
- ACT Government issues a Notice of Employee Representational Rights (NERR) within 14 days of providing notice to Unions
- Nominations are invited for bargaining representatives.
- Unions with members are automatically representatives, other individuals or organisations may be nominated to represent employees covered by the Agreement

2 Bargaining Negotiations

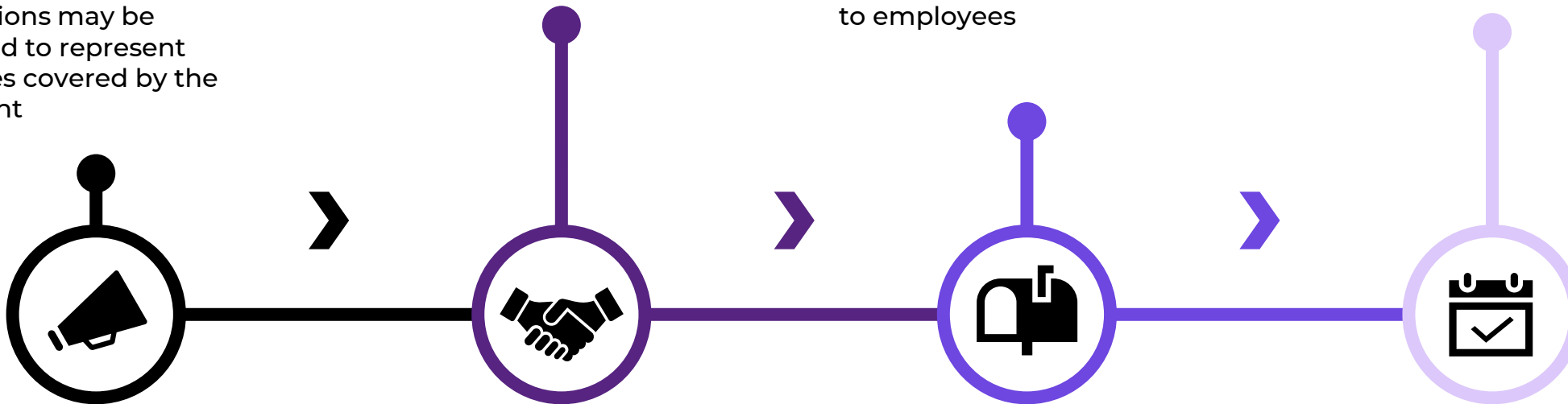
- Discussions and negotiations take place between the ACT Government & bargaining representatives
- Directorates encouraged to consult with employees throughout bargaining
- The bargaining process and timeframes vary for each Agreement

3 Access & Ballot

- **10-day access period:** 06 October 2026 – 15 October 2026 → Employees review the proposed Agreement and supporting materials
- **11-day ballot period:** 16 – 27 October 2026 → Employees vote on the proposed Agreement
- The Agreement is approved if majority of employees who vote support it
- The outcome communicated to employees

4 Fair Work Commission

- Following majority employee support, the proposed agreement is lodged with the Fair Work Commission (FWC) within 14 days of the vote
- FWC reviews and decides whether to approve the Agreement
- If approved, the Agreement commences 7 days after



Key Information

Key changes to the
proposed Agreement

Key Changes at a Glance: Pay



C3: pay Increases
C4: Cost of Living
Payment

D7: Superannuation

6



PAY

3% pay rise each year

3% each year, split as 1.5% in July and 1.5% in February

First pay day **3 December** if Agreement is endorsed, including any applicable backpay



COST OF LIVING

New cost of living payment

\$600 if Canberra CPI reaches 3.5%, rising to \$1,000 at 4.0% or higher



SUPERANNUATION

12.5% → 13.0%

Employer contributions rise to 13% from 1 January 2028

Key Changes at a Glance: LAMS Employment



B1, B4, B7, B8, & C14

7



Types of Employment

Modernised terminology

Updated employment language to align with the LAMS Act, replacing 'fixed term temporary' with 'ongoing' and 'non-ongoing'.



Termination Payments

Increased service calculation

Termination payment provisions have been increased to recognise the unique and tenuous nature of employment at the Assembly.



Time Off in Lieu (TOIL)

Increased TOIL cap

The maximum TOIL balance increased from **100 to 125 hours** to recognise additional hours worked.



TOIL Cash Out

New cashout mechanisms

Employees can now cash out up to one week's accrued TOIL on cessation.



Additional Termination Payment

New 30% uplift

Introduces an additional payment where employment ends and payments are not treated as a genuine redundancy.



Relocation Expenses

Simplified approval process

Approval delegations updated to align with existing Administrative arrangements.

Key Changes at a Glance: Pay, Allowances and Superannuation



C7, D7, C10, F7, Annex B & C9

8



Pay Progression

Clearer progression pathways

Strengthened language to provide employees with greater certainty of incremental advancement.



LAMS Allowance

Superannuation clarified

Clarifies that superannuation is payable on the LAMS Allowance.



Allowances

Increased alongside the Agreement

Relevant allowance rates will increase in line with the broader pay offer.



Superannuation

Enhanced employer contributions

Employer superannuation contributions increased to 13%, which is 1% above the legislated minimum.



Annual Leave

Greater access to leave cash out

Expands circumstances in which annual leave may be cashed out, providing additional flexibility for employees.



Specialist Duties Payment

Pay for all purposes

Clarifies that the Specialist Duties Payment is included for all salary-related purposes, including superannuation.

Sections A – J: Core

Changes to the core of the
proposed Agreement

Section A: Scope of Agreement



A9: Ensuring Fairness, A14: Right to Disconnect

10



A9: Ensuring Fairness

- Strengthened commitment to **fairness, inclusion and cultural safety**
- Introduces a new anti-racism statement and commitment
- Recognises the additional cultural responsibilities often undertaken by Aboriginal & Torres Strait Islander employees
- Introduces entitlements to recognise and value cultural expertise through higher pay points
- Expanded **leave provisions** for Aboriginal & Torres Strait Islander employees that will be outlined under Annex B



A14: Right to Disconnect

- Employees have the **right to disconnect** and refuse to monitor, read or respond to contact outside their working hours
- Exceptions apply where reasonable, including when employees are accruing TOIL or where contact is required for critical operational matters

Section B: Working in the Legislative Assembly



B1: Types of Employment B3: Rest Relief after Extra Duty
B4: Time Off in Lieu (TOIL)

11



B1: Types of Employment

- Updates employment terminology from fixed term temporary to non-ongoing and ongoing to better align with employment under the Legislative Assembly and Members' Staff (LAMS) Act.



B3: Rest Relief after Extra Duty

- Minimum rest period increased from 8 hours plus travel time to 10 hours, including travel time.



B4: Time Off in Lieu (TOIL)

- New ability for employees to cash out up to one week (36:45 hours) of accrued TOIL upon cessation of employment.
 - Note: TOIL will be paid out on an hour for hour basis and is subject to a Member's pre-determined salary cap.
- Increases the maximum TOIL balance **from 100 to 125 hours** to recognise additional hours worked.

Section B: Working in the Legislative Assembly Cont.



B7: Termination Payment
B8: Additional Termination Payment

12



B7: Termination Payment

- Significant increases to termination payment service requirements to better recognise the tenuous and unique nature of employment in the Assembly.
 - Example: For an employee that has worked at the Assembly for 4 years was previously entitled to 12 weeks of pay under the previous Agreement, now entitled to 20 weeks of pay under the proposed Agreement.
 - The duration required to reach the maximum payment entitlement of 48 weeks has been reduced from 22 years to 14 years.



B8: Additional Termination Payment

- Provides a **new additional 30% increase** to the termination payment where the payment is not treated as a genuine redundancy under the *Income Tax Assessment 1997 Act*.

Section C: Rates of Pay and Allowances

C2, C7, C9, C10, C12 & Annex B & C14

14



C2: Casual Employment Arrangements

- Ensures overtime is paid regardless of employee classification



C7: Pay Points & Increments

- Strengthens requirements for decisions to withhold increment progression
- Provides greater clarity and consistency in the application of performance-based progression
- Introduces recognition of cultural expertise through higher pay points



C9: Specialist Duties Payment

- Clarifies that the Specialist Duties Payment counts as pay for all purposes, including superannuation



C10: LAMS Allowance

- Clarifies that the LAMS Allowance includes superannuation



C12 and Annex B: Allowance Rates

- Increases allowance rates in line with the broader Agreements pay offer
- Supports the ongoing value of allowances through regular annual increases



C14: Reimbursement of Reasonable Relocation Expenses

- Updates approval authority from the Chief Minister to the employing Member or Speaker to reflect what is currently occurring in practice

Section D: Pay Related Matters



D2: Classification and Work Value Review
D5: Underpayments
D7: Superannuation

15



D2: Classification and Work Value Review

- Updates to clarify how employees, groups of employees, or unions can request a classification and work value review and establishes the key factors that must be considered during the review process
- Requires reviews to be completed within a reasonable timeframe
- Provides greater transparency by requiring written reasons where a review request is declined



D5: Underpayments

- Clarifies that allowances are included in the provisions for employees seeking an offline payment when an underpayment has occurred
- Ensures that offline payments in these circumstances are made within the required timeframes.



D7: Superannuation

- Removes redundant legacy superannuation provisions applied to employees employed prior to 2007, as no employees from this period currently work at the Assembly.

Section E: Flexible Working Arrangements and Employee Support



E2, E6, E11

16



E2: Making a Request for a Flexible Working Arrangement

- Expands eligibility for flexible working arrangements to include Aboriginal and Torres Strait Islander employees
- Clarifies that requests may also be assessed as a reasonable adjustment



E6: Part-time arrangements following parental leave

- Extended to be available until the end of the child's first year of primary school
- Seven-year cap removed for subsequent births



E11: Employees who are Breastfeeding

- 1 hour paid breastfeeding break + additional travel time where appropriate facilities are not provided by the workplace
- Breaks can be split or used flexibly
- Access to breastfeeding facilities across work locations

Section E13: Management of Workload, Working Hours and Safe Staffing



E13: Management of Workload, Working Hours and Safe Staffing

17



E13: Management of Workload, Working Hours and Safe Staffing

- Expands provisions for workload, working hours and safe staffing.
- Enables employees and unions to raise concerns.
- Requires review and action to address issues where applicable.
- Provides access to Dispute Resolution processes where disagreements cannot be resolved.

Section F: Leave



F4: Personal Leave
F13: Community Service Leave

18



F4: Personal Leave

- Removes transition provisions, including annual accruals, reflecting the move to daily accrual of personal leave
- Increases certificate-free personal leave from 7 to 10 days per year
- Clarifies that anticipated personal leave is only available where an employee has a positive personal leave balance
- Ensures requests for additional paid personal leave are responded to within 14 days, where possible



F13: Community Service Leave (Voluntary Emergency Management Leave)

- Expands leave coverage to include time spent performing voluntary emergency management duties, reasonable travel time, and recovery time
- Clarifies the limited circumstances in which leave may be refused
- Ensures that leave can only be refused where the employee's role is critical to an emergency response or approval would significantly disrupt essential services

F22: Family, Domestic or Sexual Violence Leave



F22: Family, Domestic or Sexual Violence Leave

19



Expanded Access & Flexibility

- Available to employees who have experienced family, domestic or sexual violence, including where the violence occurred in the past
- 20-day cap removed
- Leave can be accessed immediately, with approval finalised afterwards where required



Pay & Entitlements

- Leave is paid at employee's full rate of pay, including:
 - Allowances
 - Shift penalties
 - Other payments that the employees would ordinarily have received



Privacy & Sensitivity Protections

- Leave not identified on payslips or employment records unless required or requested
- Evidence is sighted only, with no copies retained



Safety & Workplace Adjustments

- Expanded reasonable adjustments, including:
 - Removal of the employee's public contact details
 - Limiting online or profile visibility

Section F: Leave



F25: Disability Leave
F28: Reproductive Leave

20



F25: Disability Leave

- Introduces a disability definition specific to this leave provision, broadening eligibility and access to disability leave
 - *F25.1.1 Disability means long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder a person's full and effective participation in society on an equal basis with others*
- Expanded access to include support groups and community supports
- Evidence is sighted only, with no copies retained



F28: Reproductive Leave

- Broadens the entitlement beyond assisted reproductive treatments to cover a wider range of reproductive health needs and conditions
- Helps employees access treatment, recovery and care without needing to rely on other forms of leave
- Doubles the paid leave entitlement from 5 to 10 days each year
- Strengthens support for employee wellbeing and health at all life stages

What's Replacing What: Paid Parental Leave



F14: Paid Parental Leave

21

Expiring Leave Type	→	Replacement Leave Type
Current leave types		From commencement
F14 – Birth leave (<i>paid</i>)	}	F14 – Paid parental leave
F16 – Primary care giver leave		
F18 – Bonding leave (<i>paid</i>)		
F20 – Adoption permanent or long-term care leave care (<i>paid</i>)		

What's Replacing What: Unpaid Parental Leave



F15: Pregnancy-Related Illness Leave
F16: Unpaid Parental Leave
F17: Bonding Leave for non-ongoing employees

22

Expiring Leave Type	→	Replacement Leave Type
From commencement		From commencement
F14 – Birth leave (<i>unpaid</i>)		F16 – Unpaid parental leave
F15 – Special birth leave for the purpose of pregnancy loss		
F17 – Parental leave		
F18 – Bonding leave (<i>unpaid</i>)		
F20 – Adoption, permanent or long-term care leave (<i>unpaid pre-adoption leave for casual employees</i>)		
F15 – Special birth leave for the purpose of pregnancy-related illness		F15 – Pregnancy-related illness leave

NOTE

Additional paid entitlements for pregnancy loss have also been introduced and are outlined in the following slides



Key Improvements



Maintaining existing entitlements

- 24 weeks of paid leave retained for birth parents
- 24 weeks of paid leave remains available following a stillbirth or pregnancy loss after 20 weeks' gestation
- Bonding leave retained for non-ongoing employees



Greater support for non-birth parents

- Paid leave entitlement increased from 6 to 18 weeks



Expanded eligibility

- Removal of the 12-month service requirement for ongoing employee's
- No primary or secondary caregiver distinction



Greater flexibility in how the leave is accessed

- Both parents can take leave at the same time
- Leave can be taken non-continuously, including to replicate a part-time work arrangement
- Leave can be accessed over a 24-month period



Additional leave entitlements in specific circumstances

- Additional paid leave for a premature birth (before 37 weeks' gestation)
- 1-week of paid leave following a pregnancy loss between 12 – 19 weeks' gestation

F15: Pregnancy-Related Illness Leave



F15: Pregnancy-Related Illness Leave

24



Purpose

- Supports employees who are not fit for work due to pregnancy-related illness



Eligibility

- Available to all employees, including eligible casuals



Entitlement

- Unpaid leave for the duration supported by appropriate medical or health advice



Key Features

- Does not reduce the employees parental leave entitlement
- Does not count as service, but continuity of service is maintained
- In addition to an employee's personal leave entitlement

F16: Unpaid Parental Leave



F16: Unpaid Parental Leave

25



Purpose

- Supports extended time away following a child's birth, adoption, or a permanent or long-term care arrangement



Eligibility

- Available to all employees, including eligible casuals



Entitlement

- Up to 2 years of unpaid leave
- Additional unpaid leave may be available for further occasions of birth
- Up to 52 weeks of unpaid leave following a stillbirth or pregnancy loss after 20 weeks' gestation



Key Features

- Periods of paid leave reduce the unpaid leave entitlement for the same child
- Does not count as service, but continuity of service is maintained
- Annual leave and long service leave can be accessed during the leave period

F17: Bonding Leave for non-ongoing employees



F17: Bonding Leave for non-ongoing employees

26



Purpose

- Replaces bonding leave to retain access to paid leave for non-ongoing employees with less than 12 months service



Eligibility

- Non-ongoing employees who are not the primary caregiver



Entitlement

- Up to 5 weeks of paid leave
- 1 additional week of personal leave for caring purposes



Key Features

- Leave must be taken within 14 weeks from the date of birth, adoption or commencement of the permanent or long-term caring arrangements
- Leave can be taken concurrently with partner's leave
- Leave may be granted with full or half pay, or a combination of full and half pay, with credits deducted on the same basis

F18: Transitional Arrangements



ONLY APPLIES IF:

An employee has been approved for, commenced, or recently accessed parental leave under the prior Agreement

OPTION A

Elect to remain on current leave type

NO CHANGE

- Current leave arrangements and entitlements continue to apply

OPTION B

Apply to transition to the new parental leave type

DELEGATE MUST CONSIDER

- The employees' individual circumstances, including:
 - Whether the employee previously met the eligibility requirements and commenced a paid leave entitlement under the prior Agreement
 - Whether the leave will be accessed within 24 months of the child's date of birth

INTERACTION

Any leave taken under the previous Agreement for the same child will count towards the entitlement available under the new paid parental leave entitlement

Example Scenario 1: Transition (Bonding Leave → Full Entitlement)



F14: Paid Parental Leave
F17: Bonding Leave for non-ongoing employees

Transition from Bonding Leave to Paid Parental Leave:

- Rasheed is an ongoing employee
- Rasheed and his partner adopt a baby on 1 November 2026
- When the new Agreement commences, Rasheed meets the eligibility requirements for paid parental leave

Rasheed's Leave Timeline



1 November 2026
Rasheed starts 6 weeks of bonding leave

Agreement commencement
When the bonding leave period ends, Rasheed elects to transition to the new parental leave provisions

Note: Agreement commencement is 7 days after FWC approval

18 weeks – 6 taken = 12 left
The 6 weeks of bonding leave taken counts towards the parental leave entitlement, leaving Rasheed with 12 weeks of paid parental leave



Example Scenario 2: Using Leave Flexibly



B24: Part-Time Employment
Following Parental Leave
F14: Paid Parental Leave

Using leave to replicate a part-time work arrangement:

- Ava is an ongoing employee and gives birth in December 2027
- Ava takes her leave at half pay to stretch her leave out over a longer period (up to 2 years)

Ava's Leave Timeline



PART-TIME ARRANGEMENTS

December 2027 – May 2028
The baby is born, and Ava takes 24 weeks leave at half pay

May 2028 – July 2029
Ava returns to work and uses the remaining 12 weeks at half pay, taking 2 days leave per week

From July 2029
Ava moves to a part-time work arrangement, supported until the end of the child's first year of primary school

Note: Continuity of service is maintained throughout – none of these arrangements break employment.



Example Scenario 3:

Becoming Eligible for Full Parental Leave



F14: Paid Parental Leave
F16: Unpaid Parental Leave

How reaching 12 months' service could work:

- Lily is a long-term non-ongoing employee with 8 months of service
- Lily gives birth in August 2026
- At the time of birth, Lily has not completed 12 months service and is therefore not eligible for paid parental leave

Lily's Leave Timeline

ELIGIBILITY UNLOCKED

January 2027

Lily reaches **12 months' service** and becomes eligible for paid parental leave, with 8 weeks of the paid parental leave available for the remainder of the 24-week period of parental leave

16 weeks

8 weeks

Unpaid parental leave

Paid parental leave

January 2026

Lily joins as a non-ongoing employee

August 2026

Lily gives birth at **8 months service** and takes 16 weeks unpaid parental leave until reaching 12 months service

January 2027 – March 2027

Lily reaches 12-month service and becomes eligible for paid parental leave, accessing 8 weeks of paid parental leave



Example Scenario 4:

Pregnancy-related illness and premature birth, measured by gestational age

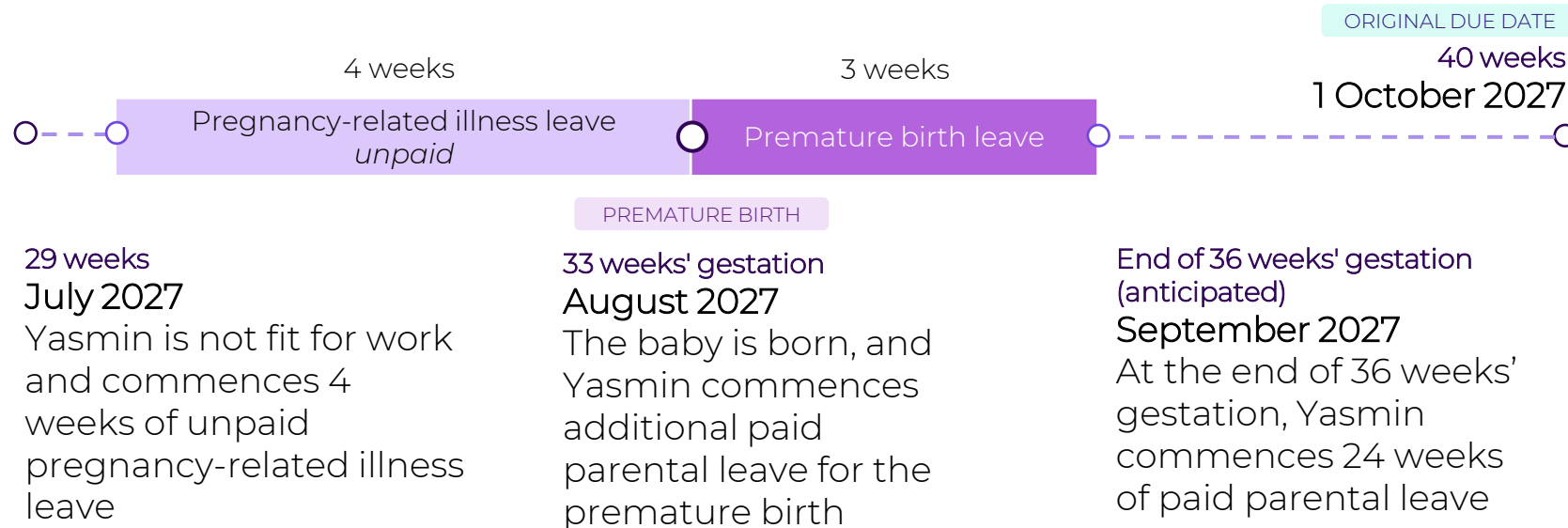


F15: Pregnancy-related illness
F14: Paid Parental Leave
(b) Premature Birth

Accessing the new supports for pregnancy complications:

- Yasmin is an ongoing employee
- Yasmin is currently pregnant with a due date of 1 October 2027 (40 weeks' gestation)
- Yasmin experiences pregnancy complications at 29 weeks' gestation

Yasmin's Leave Timeline



Section G: Communication and Consultation



G3, G5, G6,

32



G4: Co-operation and Facilities for Unions and Other Employee Representatives

- Updated to ensure delegate rights align with *Fair Work Act 2009*



G5: Attendance or Participation in Training or Union Activity

- Access to industrial leave for union members clarified
- Expanded to include:
 - Training courses
 - Union-led activities related to workplace representation



G6: Dispute Avoidance and Settlement Procedures

- Reference update to reflect the 2023-2026 Agreement
- Removes outdated reference to 2021-2022 Agreement as no ongoing disputes remain

Section G7: Artificial Intelligence



New AI Provision

- Recognises the growing role of AI in how work is performed
- Establishes principles for the responsible and effective use of AI



Consultation & Representation

- Consultation required where AI may significantly change an employee's role
- Employees have the right to union representation during consultation



Human Oversight Safeguard

- AI cannot be the sole basis for employment related decisions
- Ensures human decision-making remains central

Section K: Work Level Standards Review & Section L: Transitional Arrangements



Section K & Section L

34



K: Work Level Standards Review

- Removes provisions relating to a Work Level Standards Review as this has been completed during the previous Agreement.



Section L: Transitional Arrangements

- Transitional provisions following the completion of the classification has been removed as employees have transitioned to the consolidated Adviser Level 1 classification.
- Clarifies that the competency barrier is to remain following the outcome of the Work Level Standards Review.

Annex B: Allowances



Annex B

35



New Allowances

- Chief emergency warden allowance



Removed Allowances

- Agency representative allowance



Amended Allowances

- Advanced first aid allowance
- Corporate citizens allowance
- Motor vehicle allowance

Annex C: Cultural & Community Leave Type Enhancements



2. Attend Aboriginal or Torres Strait Islander Cultural or Community Obligations or Expectations

- Expanded beyond ceremonies to include participation in cultural and community obligations, expectations and ceremonies
- Work from Country arrangements available during or after the leave period to support participation
- Eligibility extended to employees with an immediate family member of Aboriginal or Torres Strait Islander descent



3. Attend Aboriginal and Torres Strait Islander meetings

- Leave now includes preparation time for meetings



4. Religious or Cultural Purposes

- Religious or Cultural leave available to attend ceremonies or cultural events that are of significant importance to the employee's faith or cultural group
- Entitlement includes:
 - 1 day paid leave, plus
 - 5 days unpaid leave per 12-month period

Annex C: Service & Community Leave Type Enhancements



13. Donate blood products

- Language has been amended from 'blood' to 'blood products' to clarify that plasma and platelet donations are included
- Requires 2 days' notice where practicable



17. Australian Defence Force Personal leave

- Leave title updated from operational service personal leave to Australian Defence Force personal leave
- Available to current and former ADF members
- Covers injury or illness arising from service, no longer limited to war-caused conditions



18. Veterans for medical purposes

- Leave title updated from returned soldiers for medical purposes to veterans for medical purposes
- Expanded recognition of all current and former service personnel

Next steps

38

01

Access Period:

6 October 2026 – 15 October 2026

02

Ballot Period:

16 October 2026 – 27 October 2026

03

Fair Work Commission (FWC) Approval

- If 'yes' vote → proposed Agreement is lodged FWC
- If approved, the Agreement commences 7 days after
- Pay rises processed on **3 December 2026** if Agreement is endorsed, including any applicable backpay



Thank you.

Any questions?

Email eba@act.gov.au