



Australian Electoral Commission

Commonwealth Electoral Act 1918

Collective Determination 2020/1

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

Signed: 25/06/2020

Tom Rogers, Electoral Commissioner

Australian Electoral Commission

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PART A – PRELIMINARY

1. Citation

1.1. This Determination may be cited as Collective Determination 2020/1

2. Commencement

2.1. This Determination takes effect from the date of signature.

3. Application

3.1. The Determination will only apply to an employee who is employed under section 35(1)(a) of the *Commonwealth Electoral Act 1918* (CEA) to undertake election related duties for the purpose of:

- a. an election, by-election or referendum conducted under the CEA or the *Referendum (Machinery Provisions) Act 1984*; or
- b. a national plebiscite conducted under Commonwealth law; or
- c. a Torres Strait Regional Authority election under Division 5 of Part 3A of the *Aboriginal and Torres Strait Islander Act 2005*.

4. Interaction with Other Instruments

4.1. Employees who are engaged under section 35 of the CEA are not covered by the *AEC Enterprise Agreement 2016-2019* and will not be covered by any successor instrument.

5. Period of Operation

5.1. This Determination continues in force unless it is replaced wholly or in part by another Determination made under subsection 35(3) of the CEA.

5.2. This Determination supersedes and replaces all previous Determinations made under section 35(3) of the CEA.

6. Delegation of Powers

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

7. Definitions

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

<i>AEC</i>	Australian Electoral Commission
<i>APS</i>	<i>Australian Public Service</i>
<i>CEA</i>	<i>Commonwealth Electoral Act 1918</i>
<i>Election Day</i>	The polling day for a general election of the House of Representatives, a Senate election not held concurrently with a general election for the House of Representatives, a by-election,

referendum not held concurrently with a general election, a plebiscite, or a Torres Strait Regional Authority Election.

Employee

A person who is employed under section 35(1)(a) of the CEA to perform election-related duties.

FWA

Fair Work Act 2009 (Cth)

Remote mobile teams

Remote mobile polling teams service isolated communities, town camps and mining sites without practical access to a static polling place and where the likely number of voters in a particular location is 10 or more.

PART B –EMPLOYMENT TERMS AND CONDITIONS

8. Engagement

- 8.1. Employees are engaged to perform duties on an irregular or intermittent basis as required by the AEC.
- 8.2. Employees are engaged from day to day, and the AEC is under no obligation to provide an employee with a minimum amount of work or any work at all.
- 8.3. Employees are engaged to perform duties at various locations and these locations will be determined and advised prior to each shift.

9. Minimum age of employment

- 9.1. The Electoral Commissioner has determined that each employee under the age of 18 years may:
 - i. be allocated a position as a Temporary Assistant Level 1
 - ii. not be involved in administering polling during the early voting period or on polling day
 - iii. not be involved in the counting, or unfolding, of ballot papers..
- 9.2. The minimum age for employment at which a person may be employed is determined by State or Territory legislation in each jurisdiction.

10. Employee Obligations

- 10.1. Consistent with employees engaged under the Public Service Act 1999, employees engaged by this Determination are also required to abide by the APS Values and the APS Code of Conduct as provided for by the Public Service Act 1999.
- 10.2. Employees must:
 - a. perform the duties described in their Job Description with due care and diligence;
 - b. perform other duties as directed from time to time by the Electoral Commissioner, including training with due care and diligence;
 - c. comply with the Australian Electoral Commission's procedures and policies as varied from time to time;
 - d. comply with reasonable directions issued by permanent AEC staff;
 - e. complete required training;
 - f. behave in accordance with AEC and APS values;
 - g. comply with all relevant Commonwealth , State and Territory laws relevant to their employment, including privacy and *Work Health and Safety Act 2011* and relevant regulations and codes of practice;
 - h. maintain political neutrality and must not be or be seen to be active in any political affairs, during the course of their employment; and
 - i. complete the Section 202A Undertaking form prior to commencing employment.

11. Superannuation

- 11.1. The AEC will make employer superannuation contributions to complying funds in accordance with the applicable superannuation legislation.

Note:

If the AEC pays an employee less than \$450 by way of salary or wages in a calendar month, the AEC will not be required to make superannuation contributions to the employee.

- 11.2. Unless clause 11.3 applies:

- a. where an employee has not exercised superannuation choice, the default superannuation fund will be Australian Super, and
- b. the AEC will pay employer superannuation contributions equivalent to the Superannuation Guarantee Contribution rate (currently 9.5% of the employee's ordinary time earnings).

- 11.3. Where an employee is a member of a Commonwealth superannuation scheme, the AEC will pay employer superannuation contributions at the rate prescribed by those funds. If the Employee is a member of the Public Sector Superannuation Accumulation Plan (PSSap):

- a. the Employee's superannuation salary for the purposes of the PSSap is the Employee's ordinary time earnings; and
- b. the AEC will make a superannuation contribution equal to the contribution prescribed in the Superannuation (PSSap) Trust Deed (currently 15.4 percent of the employee's ordinary time earnings).

Note:

In clauses 11.2 and 11.3, the term "ordinary time earnings" has the same meaning as in the *Superannuation Guarantee (Administration) Act 1992*.

12. Other payments

- 12.1. The Electoral Commissioner may approve other payments (excluding salary) to an Employee to cover work related expenses or reimbursement of work related expenses.

13. Reimbursement for loss or damage

- 13.1. The Electoral Commissioner may approve that an Employee is fully or partially reimbursed for loss or damage to clothing or personal effects that occurred in the course of their duties.

14. Performance Appraisal of Employees

- 14.1. At the conclusion of all work performed by election staff, a performance rating will be assigned based on the performance and conduct of their duties.

PART C –ELECTION DAY

15. Application

- 15.1. This Part C sets out the work arrangements and remuneration for all employees for work on Election Day (except Temporary Assistants whose work arrangements and remuneration are set out in Part D).
- 15.2. An employee will be paid the appropriate remuneration package for the work classification they actually perform on Election Day. If they perform in more than one work classification on Election Day they will receive the remuneration for the higher value work classification.

16. Requirement to complete training prior to Election Day

- 16.1. An employee must complete all required training prior to Election Day.
- 16.2. The Remuneration Package provided in Schedule 1 includes compensation for undertaking the required training prior to Election Day.

17. Hours of work on Election Day

- 17.1. An employee will be required to work the following hours on Election Day:

Work classification	Start time	Finish time
Polling Place Liaison Officer (PPLO)	7.00am	When all required duties are complete in the polling places the PPLO supports and no later than 11:00pm
Officer-in-Charge (OIC)	7.00am	When all required duties are complete in the polling place and either materials returned, or custody of materials handed over to the Scrutiny Assistant (ROM), and no later than 11:00pm
Second-in-Charge	7.00am	When all required duties are complete in the polling place and no later than 11:00pm
Pre-Poll Voting Centre OIC	7.00am	When all required duties are complete in the polling place or custody of materials handed over and no later than 11:00pm
Polling Assistant Declaration Vote Issuing Officer Inquiry Officer Pre-Poll Voting Centre Officer	7:00am	When all required duties are complete in the polling place and no later than 11:00pm

Scrutiny Assistant	5.00pm	When all required duties are completed in the polling place and no later than 11:00pm
Scrutiny Assistant (ROM)	5.00pm	When all required duties are complete in the polling place and materials returned, and no later than 11:00pm
Part-day Polling Assistant <i>NOTE: If a part-day Polling Assistant works in excess of 5 hours then they will be paid additional hours in accordance with clause 20</i>	Start time as at the direction of the employer during polling hours (8am – 6pm)	Finish time at the direction of the employer and generally during polling hours (8am – 6pm)

18. Meal and rest breaks

- 18.1. Employees will have at least a 30 minute meal break after each five (5) hours of continuous work. Meal breaks will generally be taken at a time at the direction of the Officer-in-Charge based on work flow. To accommodate this, an employee's break may occur between four (4) and six (6) hours of continuous work.
- 18.2. Employees required to work beyond six (6) hours without a meal break must be paid double time for all time so worked until a meal break is allowed.
- 18.3. In addition to the meal break described in clause 18.1, employees will have two 10-minute rest intervals if they are engaged to work more than 8 ordinary hours on Election Day, and one 10-minute rest interval if they are required to work more than three (3) but less than eight (8) ordinary hours on Election Day.

19. Remuneration packages

- 19.1. An employee will be paid a Remuneration Package and superannuation as specified in Schedule 1 in recognition of all work performed on Election Day.
- 19.2. The Remuneration Package will include compensation for:
- a. the performance of all duties by the employee on Election Day;
 - b. casual loading;
 - c. overtime;
 - d. allowances; and
 - e. payment for required training completed prior to Election Day (as referred in clause 16).
- 19.3. For Officers in Charge and Seconds in Charge, the Remuneration package for Election Day will include compensation for set up activities prior to Election Day. For Officers in Charge the package also includes compensation for materials management and pre and post polling day duties and associated travel.

19.4. If an employee does not perform all of their required duties on Election Day, the Electoral Commissioner may determine that the employee will be paid a pro rata amount of the Remuneration Package for the day, based on proportion of the duties actually performed by the employee on the day when compared against the hours that the employee would otherwise have been expected to perform on the day. Payment will be based on:

- a. Employees who worked from the 7.00am Start time, listed in clause 17 but departed prior to 11:00am will receive payment for 4 hours of work;
- b. Employees who worked from the 7.00am Start time, listed in clause 17 but departed prior to 3:00pm will receive payment for 8 hours of work;
- c. Employees who worked from the 7.00am Start time, listed in clause 17 but departed prior to 7:00pm will receive payment for 12 hours of work; and
- d. Employees who worked from the 7.00am Start time, listed in clause 17, until 7:00pm or beyond, but left prior to the conclusion of the work in the polling place will receive the full Remuneration Package.

19.5. Employees whose employment was terminated with cause related to their conduct or behaviour will receive payment to the time of termination in accordance with clause 19.4.

19.6. Where an employee completes training successfully but cannot attend on Election Day for unforeseen reasons (for example, illness) and provides adequate notification and explanation of that reason, the Electoral Commissioner may make a payment to the employee in respect of the completion of that training.

20. Rates for additional hours worked on Election Day

20.1. Part-day Polling Assistants who work additional hours other than the hours described in clause 17 will be paid for the additional hours that they worked at the hourly rate of pay for the classification. Hours worked in excess of 8 hours on Election Day will be paid in accordance with the relevant overtime rate described in clause 27.

20.2. Employees who work beyond the finish time in clause 17.1 on Election Day, with DRO approval, (other than Part-day polling assistants) will be paid in accordance with the relevant overtime rate described in clause 27.

20.3. 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.

21. Exceptional Circumstances Payment

21.1. The Electoral Commissioner may determine that an employee is entitled to an Exceptional Circumstances Payment in addition to the Remuneration Package amount (Schedule 1) or in addition to an amount paid for additional hours worked on Election Day (Clause 20) in exceptional circumstances.

22. Method of Payment

22.1. All employees will be paid in arrears by electronic funds transfer according to AEC general pay arrangements.

22.2. It is generally expected that employees who are employed to work only on Election Day will be paid within 3 weeks following the Election Day. If this cannot be accommodated, advice will be provided to those employees.

PART D – WORK ON OTHER THAN ELECTION DAY

23. Application of Part D

- 23.1. This Part D sets out the work arrangements and rates of pay for:
- a. work performed by employees on any day that is not Election Day (excluding training provided to employees in relation to their duties on Election Day);
 - b. all work performed by Temporary Assistants and Pre-Poll Voting Centre Scrutiny, including on Election Day; and
 - c. All work performed by employees undertaking Remote Mobile Polling duties, including on Election Day.

24. Hours of work

- 24.1. An employee will be required to work the hours directed by the AEC.
- 24.2. The span of ordinary hours for work performed will be 7.00am to 8.00pm, Monday to Saturday.
- 24.3. 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. 3 hours on any day where the employee is otherwise directed to perform duties.
- 24.4. Employees must take at least a 30 minute meal break after 5 hours continuous work.

25. Recording attendance

- 25.1. An employee must accurately record their start and finish times (and any breaks) on a timesheet.

26. Rates of pay

- 26.1. The rates of pay set out in Table 1 of Schedule 2 will be paid during the operation of this Determination.
- 26.2. Employees will be paid a 25% casual loading in lieu of all paid leave.
- 26.3. No casual loading will be paid for any hours for which an employee is paid at overtime rates.

27. Overtime

- 27.1. An employee will be entitled to be paid overtime rates in accordance with Table 3 of Schedule 2 when an employee is directed by the Electoral Commissioner to work:
- a. in excess of 8 hours on a day. Overtime rates will only apply to the hours worked in excess of 8 hours;
 - b. outside the span of ordinary hours as specified in clause 24.2. Overtime rates will only apply to the hours worked outside the span of ordinary hours;

- c. in excess of 38 hours in a week. Overtime rates will only apply to the hours worked in excess of 38 hours; or
 - d. any hours worked on a Sunday or a Public Holiday.
- 27.2. An employee will be eligible to be paid an overtime meal allowance of \$30.05 per day where the employee works a period of approved overtime that immediately follows the employee's rostered hours, and the employee has performed in excess of 12 hours duty on that day.

28. Rest Relief after Overtime

- 28.1. An employee must have a break of at least eight (8) hours plus reasonable travelling time before recommencing work without incurring any loss of pay.
- 28.2. Where this break is not possible due to operational requirements and the Electoral Commissioner directs the employee to return to duty without the minimum break, the employee will be paid at Overtime rate A or Overtime rate B if work is undertaken on a Sunday for all hours worked until an eight hour break can be taken.

29. Payment for Remote Mobile Polling employees

- 29.1. An employee engaged for the delivery of remote mobile voting services at remote locations shall be paid a remuneration package and superannuation as specified in Schedule 1 in recognition of all mobile polling work performed.
- 29.2. The Remuneration Package for each full day period for work undertaken in the early voting period prior to an Election and on Election Day will include compensation for:
- a. the performance of all duties by the employee;
 - b. casual loading;
 - c. compensation for working within the remote locations;
 - d. overtime; and
 - e. allowances.
- 29.3. The Remuneration Package paid for the first day of remote polling will also include compensation for completing the required training requirements for the position.
- 29.4. All other work performed by an employee prior to the commencement of official polling, including travel hours on non polling days, to remote mobile polling locations shall be paid at an hourly rate for the classification.
- 29.5. If, when scheduling remote mobile polling itineraries, there is a requirement for the employee to not return to their home location, the Remuneration Package will not apply and a payment of \$250.00 per day will be paid.
- 29.6. Employees who work as a member of a Mobile Polling Team that is not gazetted as remote mobile polling shall be paid at an hourly rate.

30. Telephone Allowance

- 30.1. The Electoral Commissioner may approve a one-off telephone allowance of \$24 where an employee, authorised by the Electoral Commissioner, is required to use their personal mobile phone.

31. Travel

- 31.1. The Electoral Commissioner may approve payment of reasonable expenses relating to travel where the employee is directed to undertake official travel for the Australian Electoral Commission. Any payments will be in accordance with the Australian Electoral Commission's Travel Procedures, and any policies and processes.
- 31.2. The Electoral Commissioner may approve the payment of vehicle allowance of 66 cents per kilometre where an employee has been given prior approval by an authorised officer to use their personal vehicle for AEC Business purposes and in accordance with AEC policy for payment of a motor vehicle allowance.

32. Method of Payment

- 32.1. All employees will be paid in arrears by electronic funds transfer according to AEC general pay arrangements.

**SCHEDULE 1: REMUNERATION PACKAGES – RELATING TO PART C –
ELECTION DAY AND REMOTE MOBILE POLLING**

Classification - Electoral Officer	Work classification and work code	Remuneration package (excluding superannuation)	Superannuation contribution
EO1	Scrutiny Assistant (015)	\$228.06	na
EO2	Scrutiny Assistant (ROM) (029)	\$255.13	na
EO2	Pre-Poll Voting Centre Voting Officer (011)	\$605.36	\$34.61
EO2	Polling Assistant (013)	\$467.19	\$21.48
EO2	Declaration Vote Issuing Officer (023)	\$580.24	\$32.22
EO2	Inquiry Officer (024)	\$580.24	\$32.22
EO2	Voter Information Officer (070)	\$580.24	\$32.22
EO2	Part-day Polling Assistant (5 hrs) (030)	\$195.96	na
EO2	Remote Mobile Team Member (017)	\$532.60 Day 1 (including training) \$381.87 Subsequent days (without training)	\$33.41 \$19.09
EO4	OIC 1-3 issuing points (001)	\$901.18	\$52.84
EO4	Second in Charge (2IC) (008)	\$814.43	\$44.71
EO4	Pre-Poll Voting Centre 2IC (028)	\$803.02	\$47.42
EO4	Remote Mobile Team 2IC (025)	\$647.47 Day 1 (including training) \$433.55 Subsequent days (without training)	\$42.00 \$21.68

EO5	Pre-Poll Voting Centre OIC (009)	\$841.70	\$48.71
EO5	OIC 4-6 issuing points (002)	\$924.30	\$54.28
EO5	OIC 7-10 issuing points (003)	\$982.90	\$59.85
EO5	OIC 11+ issuing points (004)	\$1070.81	\$68.20
EO5	Polling Place Liaison Officer (007)	\$900.86	\$57.06
EO5	Remote Mobile Team Leader (016)	\$665.14 Day 1 (including training) \$445.38 Subsequent days (without training)	\$43.15 \$22.27

SCHEDULE 2 – PAY RATES – RELATING TO PART D – WORK ON OTHER THAN ELECTION DAY

TABLE 1 – CLASSIFICATION AND RATES OF PAY

Electoral Officer Levels 1-5

Classification Electoral Officer	Hourly rate of pay	Hourly rate with 25% casual loading	Overtime Rate A	Overtime Rate B
EO1	\$ 19.8311	\$24.7888	\$29.7466	\$39.6622
EO2	\$ 20.0982	\$25.1227	\$30.1473	\$40.1963
EO3	\$ 21.1462	\$26.4327	\$31.7193	\$42.2924
EO4	\$ 22.8184	\$28.5229	\$34.2275	\$45.6367
EO5	\$ 23.4411	\$29.3013	\$35.1616	\$46.8821

TABLE 2 - RATE OF PAY FORMULA

Hourly rate with casual loading
Casual loading hourly rate = Hourly rate x 125%
Overtime Rate A
Overtime (x1.5) = Hourly rate x 150%
Overtime Rate B
Overtime (x2) = Hourly rate x 200%

Note: The 25% casual loading does not apply to any hours worked as overtime.

TABLE 3 - OVERTIME

The employee will be paid the following overtime rates.

	Overtime Rate A	Overtime Rate B
Description	Payable to an employee who performs overtime on Monday to Saturday (excluding public holidays)	Payable to an employee who performs overtime on a Sunday or public holiday.
Calculation	Hourly Rate X 150%	Hourly Rate X 200%

TABLE 4: REMUNERATION RATES – RELATING TO PART D – WORK ON OTHER THAN ELECTION DAY

The employee will be paid the hourly rate as listed below at the following classifications and applicable overtime rates as listed in Table 1:

Classification - Electoral Officer	Work classification and work code	Hourly rate with 25% casual loading
EO1	Pre-Poll Voting Centre Scrutiny (Part time on Election Day) (026)	\$24.7888
EO1	Temporary Assistant Level 1 (050)	\$24.7888
EO2	Pre-Poll Officer (019)	\$25.1227
EO2	Electoral Visitor (021)	\$25.1227
EO2	Remote Area Mobile Polling (055)	\$25.1227
EO3	Temporary Assistant Level 2 (051)	\$26.4327
EO4	Electoral Visitor OIC (020)	\$28.5229
EO4	Pre-Poll 2IC (027)	\$28.5229
EO5	Pre-Poll OIC (018)	\$29.3013
EO5	Early Voting Liaison Officer (080)	\$29.3013
EO5	Trainer (TOPS)	\$29.3013