

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2008 (No 1)

Disallowable instrument DI2008-101

Legislative Assembly (Members' Staff) Act 1989, s 10 (2) (Members may employ staff) and s 20 (3) (Members may engage consultants and contractors)

EXPLANATORY STATEMENT

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff, and the engagement of consultants or contractors, by members of the Legislative Assembly.

Subsections 10(1) and 20(1) of the Act give members the authority to employ staff, and engage consultants and contractors, respectively. Subsections 10(2) and 20(3) provide for the Chief Minister to determine in writing the conditions within which members may exercise that authority. Such a determination is a disallowable instrument.

Outline

This instrument revokes disallowable instrument DI2005-289 and puts in place new arrangements. The purpose of the determination is to provide the arrangements under which members may agree to employ staff under subsection 10(1), or engage consultants and contractors under subsection 20(1), of the Act.

The arrangements for the employment of staff set out in item 6 and item 8 of the attachment to schedule 1 to the determination are amended to include provision for *Specialist Duties Payments*.

The insurance requirements set out in clause 10.1(2) of schedule 2 to the determination are amended to accord with *Financial Management Guidelines* and *Determinations*. An *Endorsement* page is appended to schedule 2.

References in the instrument to *Certified Agreement* are changed to *Collective Agreement* and references to *delegate* and *delegated* are changed to *authorised person* and *authorised*.

Arrangements

Numbered clauses 1 to 4 of the determination contain technical provisions.

Numbered clause 5 of the determination revokes determination DI2005-289.

Numbered clause 6 of the determination sets out the purpose of the instrument is to approve arrangements under which members may employ staff under section 10 of the Act, and engage consultants or contractors under section 20 of the Act.

Numbered clause 7 of the determination makes a requirement that members may only employ staff under an agreement in the form provided in schedule 1 to the determination. The arrangements for the employment of staff set out in item 6 and item 8 of the attachment to schedule 1 are amended to include provision for *Specialist Duties Payments*. This is a new provision introduced under the *ACT Legislative Assembly Members' Staff Union Collective Agreement 2007–2010*. The collective agreement requires that the amount of any specialist duties payment, and the identified duties which attract the payment, are specified in the employee's employment agreement.

Numbered clause 8(1) of the determination makes a requirement that members may only engage a consultant or contractor under an agreement in the form provided in schedule 2 to the determination. Clause 10.1(2) of schedule 2 is amended to align the determination of public liability insurance coverage with *Financial Management Guidelines* and *Determinations* as varied from time to time to provide greater flexibility.

Numbered clause 8(2)(a) of the determination requires a contract for services provided to a member by a consultant or contractor to be endorsed by the Clerk, or a person authorised by the Clerk for that purpose, before execution. An *Endorsement* page is appended to schedule 2 to the determination to provide for this endorsement.

References in the determination to *Certified Agreement* are changed to *Collective Agreement*, references to *delegate* and *delegated* are changed to *authorised person* and *authorised*, to bring them in to line with current legislation.