

EXPLANATORY STATEMENT

TERMS AND CONDITIONS OF EMPLOYMENT OF STAFF OF OFFICE-HOLDERS PURSUANT TO SECTION 6(2) 2003 (No 1)

DETERMINATION MADE UNDER SECTION 6(2) OF THE *Legislative Assembly (Members' Staff) Act 1989*

Instrument No. DI 2003-44

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff by members of the Legislative Assembly. Subsection 5(1) of the Act gives the authority for office-holders to employ staff. Subsection 6(2) of the Act provides that the Chief Minister may determine the variable terms of employment of office-holders' staff.

Outline

Determination 42 of 2001 authorised office-holders to individually negotiate, on behalf of the Chief Minister, terms and conditions of employment of staff employed under Part 2 of the Act through Certified Agreements or Australian Workplace Agreements in accordance with the *Workplace Relations Act 1996*.

This Determination revokes Determination 42 of 2001.

Arrangements

A review of Legislative Assembly members' staffing arrangements was recently undertaken. After considering the review recommendations, the Chief Minister decided to implement a single certified agreement covering all staff employed under the Act, and to revoke Determination 42 of 2001 establishing the present framework of individually negotiated industrial agreements.

To date, there have been no certified agreements negotiated between office-holders and their staff. Staff will not be disadvantaged by the new arrangements, as the introduction of a single certified agreement will be subject to the "no disadvantage" test in accordance with the *Workplace Relations Act*.

A new set of enterprise bargaining parameters has also been developed and will be issued separately.