



Australian Capital Territory

Legislative Assembly (Members' Staff) Act 1989

A1989-19

Republication No 6

Effective: 30 October 2008 – 4 November 2008

Republication date: 30 October 2008

Last amendment made by A2008-38

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Legislative Assembly (Members' Staff) Act 1989* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 30 October 2008. It also includes any amendment, repeal or expiry affecting the republished law to 30 October 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Legislative Assembly (Members' Staff) Act 1989

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R6
30/10/08

Legislative Assembly (Members' Staff) Act 1989
Effective: 30/10/08-04/11/08

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Australian Capital Territory

Legislative Assembly (Members' Staff) Act 1989

An Act to provide for the employment of staff and the engagement of consultants and contractors by office-holders and members of the Legislative Assembly

Part 1 Preliminary

1 Name of Act

This Act is the *Legislative Assembly (Members' Staff) Act 1989*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*relevant chief executive*—see the PSM Act.' means that the term 'relevant chief executive' is defined in that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Staff of office-holders

4 Determinations by Chief Minister

- (1) The Chief Minister may, in writing, determine that, having regard to the parliamentary duties of a member of the Assembly, the member ought to be empowered to employ staff under this part.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

U 5 Office-holders may employ staff

- (1) An office-holder may, on behalf of the Territory, employ, under an agreement in writing, a person as a member of the office-holder's staff.
- (2) The power conferred on an office-holder by subsection (1) is not exercisable otherwise than in accordance with arrangements approved, in writing, by the Chief Minister, and the exercise of that power is subject to such conditions as are determined, in writing, by the Chief Minister.
- (3) An approval or determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

6 Terms of employment

- (1) If a matter relating to the employment of a part 2 employee is not covered by this Act or by the agreement of employment, the relevant provisions of the PSM Act apply in relation to the matter as if the employee were employed under the PSM Act, division 5.7 for the term indicated in the agreement.

- (2) The Chief Minister may, in writing, determine that the variable terms of employment of part 2 employees are varied.
- (3) A determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

7 Superannuation

- (1) In this section:

relevant person means a person other than—

- (a) a person who, immediately before being employed under this part, was an eligible employee within the meaning of the Superannuation Act; or
 - (b) a pensioner.
- (2) An agreement under section 5 for the employment by an office-holder of a relevant person as a member of the office-holder's staff may contain provisions determined by the office-holder in relation to the provision to the person of superannuation benefits or benefits in the nature of superannuation benefits.
- (3) An office-holder is not empowered to determine provisions for the purposes of subsection (2) except in accordance with arrangements approved by the Chief Minister.

8 Termination of employment

- (1) The employment of a person under this part terminates if the office-holder by whom the person was employed dies.
- (2) The employment of a person under this part terminates if—
 - (a) in the case of a person employed by an office-holder—the office-holder ceases to hold office; or

- (b) in the case of a person employed by a member of the Assembly in respect of whom a determination by the Chief Minister under section 4 is in force—the member ceases to be a member of the Assembly or the determination is revoked.
- (3) For subsection (2) (b), a member of the Assembly shall be deemed not to have ceased to be such a member while he or she continues to be entitled to an allowance that was payable to him or her as such a member.
- (4) An office-holder may at any time, by notice in writing given to a person employed by the office-holder under this part, terminate the person's employment.
- (5) A person employed by an office-holder under this part may at any time, by notice in writing given to the office-holder, terminate the person's employment.
- (6) Where the employment of a person under this part is terminated by subsection (1) or (2), the Chief Minister may by writing direct that the employment of the person shall be deemed—
- (a) not to have been so terminated; and
- (b) to have continued, or to continue, until a specified date;
- and, where the Chief Minister so directs, the employment of the person under this part shall for all purposes be deemed to have continued, or to continue, until that date.
- (7) A direction under subsection (6) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

9 Power to employ staff not affected

Nothing in this part affects the power of an office-holder to employ staff under part 3.

Part 3 Staff of members

10 Members may employ staff

- (1) A member of the Assembly may, on behalf of the Territory, employ, under an agreement in writing, a person as a member of the staff of the member.
- (2) However, a member of the Assembly must not employ a person who is a family member of the member.
- (3) The power conferred on a member of the Assembly by subsection (1) is not exercisable otherwise than in accordance with arrangements approved, in writing, by the Chief Minister, and the exercise of that power is subject to such conditions as are determined, in writing, by the Chief Minister.
- (4) An approval or determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

11 Terms of employment

- (1) If a matter relating to the employment of a part 3 employee is not covered by this Act or by the agreement of employment, the relevant provisions of the PSM Act apply in relation to the matter as if the employee were employed under the PSM Act, division 5.7 for the term indicated in the agreement.
- (2) The Chief Minister may, in writing, determine that the variable terms of employment of part 3 employees are varied.
- (3) A determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

12 Superannuation

- (1) In this section:

relevant person means a person other than—

- (a) a person who, immediately before being employed under this part, was an eligible employee within the meaning of the Superannuation Act; or
 - (b) a pensioner.
- (2) An agreement under section 10 for the employment by a member of the Assembly of a relevant person as a member of the staff of the member may contain provisions determined by the member in relation to the provision to the person of superannuation benefits or benefits in the nature of superannuation benefits.
- (3) A member of the Assembly is not empowered to determine provisions for the purposes of subsection (2) except in accordance with arrangements approved by the Chief Minister.

13 Termination of employment

- (1) The employment of a person under this part terminates if the member of the Assembly by whom the person was employed—
- (a) dies; or
 - (b) ceases to be a member of the Assembly.
- (2) For subsection (1) (b) a member of the Assembly shall be deemed not to have ceased to be such a member while he or she continues to be entitled to an allowance that was payable to him or her as such a member.
- (3) A member of the Assembly may at any time, by notice in writing given to a person employed by the member under this part, terminate the person's employment.

- (4) A person employed by a member of the Assembly under this part may at any time, by notice in writing given to the member, terminate the person's employment.
- (5) Where the employment of a person under this part is terminated by subsection (1), the Chief Minister may, by writing direct that the employment of the person shall be deemed—
 - (a) not to have been so terminated; and
 - (b) to have continued, or to continue, until a specified date;and, where the Chief Minister so directs, the employment of the person under this part shall for all purposes be deemed to have continued, or to continue, until that date.
- (6) A direction under subsection (5) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 4 Public servants employed by members

14 Rights of officers

- (1) A part 2 or part 3 employee who is also an officer may apply to the commissioner for a determination to be made under this section of his or her classification and salary as an officer.
- (2) An application may be made—
 - (a) during the employment under part 2 or part 3; or
 - (b) not later than 30 days, or a longer period allowed by the commissioner, after the termination of the employment.
- (3) On receiving an application, the commissioner must establish a committee consisting of—
 - (a) a person nominated by the relevant chief executive; and
 - (b) a person nominated by the commissioner; and
 - (c) an independent officer;to consider the application and make a recommendation to the commissioner.
- (4) If the applicant tells the commissioner in writing that the applicant wishes the independent officer for the committee to be appointed on the nomination of a named organisation registered under the *Workplace Relations Act 1996* (Cwlth), the commissioner must ask the named organisation to nominate a person for appointment and, if it does so, appoint the person so nominated to be the independent officer for the committee.

- (5) The commissioner must, in writing, determine—
- (a) procedures for choosing an independent officer for a committee; and
 - (b) procedures that a committee must follow in considering an application.

Note Power given under an Act to make a statutory instrument (including a determination) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 38 (1)).

- (6) A determination under subsection (5) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (7) The commissioner must, taking account of the recommendation of the committee, determine a classification and rate of salary for the applicant as an officer that are not less than his or her current classification and rate of salary as an officer, having regard to—
- (a) the employment of the applicant immediately before being employed under part 2 or part 3; and
 - (b) the duration of the applicant's employment under part 2 or part 3; and
 - (c) the duties performed by the applicant in employment under part 2 or part 3; and
 - (d) any other matter that the commissioner considers relevant.
- (8) A determination must be in writing and a copy given to the applicant.
- (9) A determination has effect, or is taken to have had effect, when the officer resumes duty as an officer.

15 Rights of certain employees under PSM Act

- (1) Subject to subsection (2), for the *Public Sector Management Act 1994*, an employee who is employed by a member of the Assembly is to be taken to be on leave without pay while the employment continues but the service of the employee under that employment shall be taken into account as if it were service as an employee.
- (2) An employee—
 - (a) who was selected for employment under the *Public Sector Management Act 1994*; or
 - (b) whose employment under that Act was authorised;
on the condition that the employment—
 - (c) should not continue after the end of a specified period; or
 - (d) should not continue after the completion of specified work;is to be taken to have ceased to be an employee at the end of that period or the completion of the work.
- (3) In this section:
employee—see the PSM Act.

Part 5 Consultants and contractors

Division 5.1 Office-holders

16 Determinations by Chief Minister

- (1) The Chief Minister may, by writing, determine that, having regard to the parliamentary duties of a member of the Assembly, the member ought to be empowered to engage a consultant or contractor, or both, under this division.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

U 17 Office-holders may engage consultants and contractors

- (1) An office-holder may, on behalf of the Territory, engage, under an agreement in writing, a consultant or contractor for the provision of services necessarily incidental to the performance of his or her ministerial or parliamentary duties.
- (2) An agreement under subsection (1) shall be taken to be a contract for services.
- (3) The power conferred on an office-holder by subsection (1) is not exercisable otherwise than in accordance with arrangements approved, in writing, by the Chief Minister, and the exercise of that power is subject to such conditions as are determined, in writing, by the Chief Minister.
- (4) An approval or determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

18 Termination of engagement

- (1) The engagement of a consultant or contractor under this division terminates if the office-holder by whom the consultant or contractor was engaged dies.
- (2) The engagement of a consultant or contractor under this division terminates if—
 - (a) in the case of a consultant or contractor engaged by an office-holder—the office-holder ceases to hold office; or
 - (b) in the case of a consultant or contractor engaged by a member of the Assembly in respect of whom a determination by the Chief Minister under section 16 is in force—the member ceases to be a member of the Assembly or the determination is revoked.
- (3) For subsection (2) (b), a member of the Assembly shall be deemed not to have ceased to be such a member while he or she continues to be entitled to an allowance that was payable to him or her as such a member.
- (4) An office-holder may at any time, by notice in writing given to a consultant or contractor engaged by the office-holder under this division, terminate the engagement of the consultant or contractor.
- (5) A consultant or contractor engaged by an office-holder under this division may at any time, by notice in writing given to the office-holder, terminate the engagement.
- (6) The engagement of a consultant or contractor that is not terminated—
 - (a) by subsection (1) or (2); or
 - (b) by the office-holder under subsection (4); or

(c) by the consultant or contractor under subsection (5);

terminates at the expiration of 3 years, or such shorter period (if any) as is specified in the relevant agreement as the term of the engagement.

(7) Where the engagement of a consultant or contractor under this division is terminated by subsection (1) or (2), the Chief Minister may, by writing, direct that the engagement of the consultant or contractor shall be deemed—

(a) not to have been so terminated; and

(b) to have continued, or to continue, until a specified date, being a date not later than the date on which the engagement would have terminated by the operation of subsection (6);

and, where the Chief Minister so directs, the engagement of the consultant or contractor under this division shall, subject to subsection (8), be deemed to have continued, or to continue, until that date.

(8) A direction under subsection (7) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(9) Where the engagement of a consultant or contractor is deemed to have continued or to continue under subsection (7)—

(a) the Chief Minister may at any time, by notice in writing given to the consultant or contractor, terminate the engagement; and

(b) the consultant or contractor may at any time, by notice in writing given to the Chief Minister, terminate the engagement.

19 Power to engage consultants and contractors not affected

Nothing in this division affects the power of an office-holder to engage a consultant or contractor under division 5.2.

Division 5.2 Members

20 Members may engage consultants and contractors

- (1) A member of the Assembly may, on behalf of the Territory, engage, under an agreement in writing, a consultant or contractor for the provision of services necessarily incidental to the performance of his or her parliamentary duties.
- (2) However, a member of the Assembly must not engage a consultant or contractor who—
 - (a) if the consultant or contractor is an individual—is a family member of the member; or
 - (b) if the consultant or contractor is a corporation—has a director or other officer who is a family member of the member.
- (3) An agreement under subsection (1) shall be taken to be a contract for services.
- (4) The power conferred on a member of the Assembly by subsection (1) is not exercisable otherwise than in accordance with arrangements approved, in writing, by the Chief Minister, and the exercise of that power is subject to such conditions as are determined, in writing, by the Chief Minister.
- (5) An approval or determination under subsection (4) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

21 Termination of engagement

- (1) The engagement of a consultant or contractor under this division terminates if the member of the Assembly by whom the consultant or contractor was engaged—
 - (a) dies; or

- (b) ceases to be a member of the Assembly.
- (2) For subsection (1) (b), a member of the Assembly shall be deemed not to have ceased to be such a member while he or she continues to be entitled to an allowance that was payable to him or her as such a member.
- (3) A member of the Assembly may at any time, by notice in writing given to a consultant or contractor engaged by the member under this division, terminate the engagement of the consultant or contractor.
- (4) A consultant or contractor engaged by a member of the Assembly under this division may at any time, by notice in writing given to the member, terminate the engagement.
- (5) The engagement of a consultant or contractor that is not terminated—
- (a) by subsection (1); or
 - (b) by the member of the Assembly under subsection (3); or
 - (c) by the consultant or contractor under subsection (4);
- terminates at the expiration of 3 years, or such shorter period (if any) as is specified in the relevant agreement as the term of the engagement.
- (6) Where the engagement of a consultant or contractor under this division is terminated by subsection (1), the Chief Minister may, by writing, direct that the engagement of the consultant or contractor shall be deemed—
- (a) not to have been so terminated; and
 - (b) to have continued, or to continue, until a specified date, being a date not later than the date on which the engagement would have terminated by the operation of subsection (5);

and, where the Chief Minister so directs, the engagement of the consultant or contractor under this division shall, subject to subsection (8), be deemed to have continued, or to continue, until that date.

- (7) A direction under subsection (6) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (8) Where the engagement of a consultant or contractor is deemed to have continued or to continue under subsection (6)—
- (a) the Chief Minister may at any time, by notice in writing given to the consultant or contractor, terminate the engagement; and
 - (b) the consultant or contractor may at any time, by notice in writing given to the Chief Minister, terminate the engagement.

Part 6 Miscellaneous

22 Powers may be exercised by authorised person

An office-holder or member of the Assembly may, in writing, authorise another person to exercise, on his or her behalf, a power conferred on the office-holder or member by part 2, 3 or 5, and a person so authorised may exercise the power accordingly.

23 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- Chief Minister
- disallowable instrument
- domestic partner (see s 169 (1))
- Executive instrument
- sitting day.

Assembly means the Legislative Assembly.

classification—see the PSM Act.

commissioner—see the PSM Act.

family member, of a person, means—

- (a) a domestic partner of the person; or
- (b) a parent or step-parent of the person; or
- (c) a parent or step-parent of the person's domestic partner; or
- (d) a child or step-child of the person; or
- (e) a child or step-child of the person's domestic partner; or
- (f) a brother, sister, half-brother or half-sister of the person; or
- (g) a grandparent of the person; or
- (h) an uncle, aunt or cousin of the person.

office-holder means—

- (a) a Minister; or
- (b) the Speaker of the Assembly; or

- (c) a person in respect of whom a determination by the Chief Minister under section 4 or 16 is in force.

officer—see the PSM Act.

part 2 employee means a person employed under part 2.

part 3 employee means a person employed under part 3.

pensioner means—

- (a) a person to whom an invalidity pension within the meaning of the Superannuation Act is payable or would, but for the pension having been suspended, be payable; or
- (b) a person to whom a pension under the *Superannuation Act 1922* (Cwlth) is payable or would, but for the pension having been suspended, be payable, being a person who was retired on the ground of invalidity or of physical or mental incapacity to perform the person's duties.

PSM Act means the *Public Sector Management Act 1994* and the management standards made under that Act.

relevant chief executive—see the PSM Act.

Superannuation Act means the *Superannuation Act 1976* (Cwlth).

variable term of employment means a term of employment of a part 2 or part 3 employee relating to any matter except a matter covered by section 7 or 12 (Superannuation), or 8 or 13 (Termination of employment).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Legislative Assembly (Members' Staff) Act 1989 No 19

notified 14 November 1989 (Gaz 1989 No S35)

commenced 14 November 1989 (s 2)

as amended by

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 53

notified 30 June 1994 (Gaz 1994 No S121)

s 1, s 2 commenced 20 June 1994 (s 2 (1))

sch 1 pt 53 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S 142)

Legislative Assembly (Members' Staff) (Amendment) Act 1997 No 6

notified 22 April 1997 (Gaz 1997 No S92)

commenced 22 April 1997 (s 2)

Legislative Assembly (Members' Staff) (Amendment) Act 1999 No 15

notified 14 April 1999 (Gaz 1997 No S16)

commenced 14 April 1999 (s 2)

Public Sector Legislation Amendment Act 1999 No 70 s 5

notified 3 December 1999 (Gaz 1999 No S62)

s 5 commenced 5 December 1999 (s 2 and Cwlth Gaz 1999 No S584)

Public Sector Legislation Amendment Act 2000 No 77 s 5

notified 21 December 2000 (Gaz 2000 No S69)

s 1, s 2 commenced 21 December 2000 (IA s 10B)

s 5 remainder commenced 31 December 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 222

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

amds 1.2632, 1.2633, 1.2636, 1.2637 commence immediately after the commencement of Act 2001 No 57 (amds 1.2632, 1.2633, 1.2636, 1.2637)

pt 222 remainder commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Legislative Assembly (Members' Staff) Amendment Act 2001 No 57 pt 2

notified 10 September 2001 (Gaz 2001 No S66)
 s 1, s 2 commenced 10 September 2001 (IA s 10B)
 pt 2 commenced 13 September 2001 (Gaz 2001 No S69)

Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.23

notified LR 20 June 2007
 s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))
 sch 3 pt 3.23 commenced 11 July 2007 (s 2 (1))

Legislative Assembly (Members' Staff) Amendment Act 2008 A2008-38

notified LR 3 September 2008
 s 1, s 2 commenced 3 September 2008 (LA s 75 (1))
 s 3, s 5, ss 7-9 commenced 30 October 2008 (s 2 (1))
remainder commences 5 November 2008 (s 2 (2))

4 Amendment history**Title**

title sub 1999 No 15

Name of Act

s 1 sub A2007-16 amdt 3.106

Dictionary

s 2 om R4 LA
 ins A2007-16 amdt 3.108

Notes

s 3 defs reloc to dict A2007-16 amdt 3.107
 sub A2007-16 amdt 3.108
 def **administrative unit** om 1994 No 38 sch 1 pt 53

Determinations by Chief Minister

s 4 am 2001 No 44 amdt 1.2629, amdt 1.2630

Office-holders may employ staff

s 5 am 1997 No 6; 2001 No 44 amdt 1.2631; A2008-38 s 4

Terms of employment

s 6 am 1994 No 38
 sub 2001 No 57 s 5
 am 2001 No 44 amdt 1.2632, amdt 1.2633

Endnotes

4 Amendment history

Termination of employment

s 8 am 2001 No 44 amdt 1.2634

Power to employ staff not affected

s 9 am 1999 No 15

Members may employ staff

s 10 am 1997 No 6; 2001 No 44 amdt 1.2635; A2008-38 s 5;
ss renum R6 LA

Terms of employment

s 11 am 1994 No 38; 1997 No 6
sub 2001 No 57 s 6
am 2001 No 44 amdt 1.2636, amdt 1.2637

Termination of employment

s 13 am 2001 No 44 amdt 1.2638

Rights of officers

s 13B ins 1994 No 38 sch 1 pt 53
om 2001 No 57 s 8

Application of Merit Protection (Australian Government Employees) Act

s 13BA ins 1999 No 70 s 5
am 2000 No 77 s 5
om 2001 No 57 s 8

Disallowable instruments

s 13D ins 1997 No 6
sub 1999 No 15
om 2001 No 44 amdt 1.2647

Public servants employed by members

pt 4 hdg (prev pt 3A hdg) ins 1994 No 38 sch 1 pt 53
sub 2001 No 57 s 7

Rights of officers

s 14 (prev s 13A) ins 1994 No 38 sch 1 pt 53
sub 2001 No 57 s 8
renum R4 LA

Rights of certain employees under PSM Act

s 15 hdg (prev s 13C hdg) ins 1994 No 38 sch 1 pt 53
sub 2001 No 57 s 9
s 15 (prev s 13C) ins 1994 No 38 sch 1 pt 53
am 2001 No 57 s 9
renum R4 LA

Consultants and contractors

pt 5 hdg (prev pt 3B hdg) ins 1999 No 15
renum R4 LA

Office-holders

div 5.1 hdg (prev pt 3B div 1 hdg) renum R4 LA

Determinations by Chief Minister

s 16 (prev s 13CA) ins 1999 No 15
am 2001 No 44 amdt 1.2639, amdt 1.2640
renum R4 LA

Office-holders may engage consultants and contractors

s 17 (prev s 13CB) ins 1999 No 15
am 2001 No 44 amdt 1.2641
renum R4 LA
am A2008-38 s 6

Termination of engagement

s 18 (prev s 13CC) ins 1999 No 15
am 2001 No 44 amdt 1.2642; R4 LA (see 2001 No 44
amdt 1.2643)
renum R4 LA

Power to engage consultants and contractors not affected

s 19 (prev s 13CD) ins 1999 No 15
renum R4 LA

Members

div 5.2 hdg (prev pt 3B div 2 hdg) renum R4 LA

Members may engage consultants and contractors

s 20 (prev s 13CE) ins 1999 No 15
am 2001 No 44 amdt 1.2644, amdt 1.2645; R4 LA (see 2001
No 44 amdt 1.2646)
renum R4 LA
am A2008-38 s 7; ss renum R6 LA

Termination of engagement

s 21 (prev s 13CF) ins 1999 No 15
am R4 LA (see 2001 No 44 amdt 1.2646)
renum R4 LA

Miscellaneous

pt 6 hdg (prev pt 4 hdg) renum R4 LA

Powers may be exercised by authorised person

s 22 (prev s 14) am 1999 No 15
renum R4 LA

Regulation-making power

s 23 (prev s 15) sub 2001 No 44 amdt. 1.2648
renum R4 LA

Endnotes

5 Earlier republications

Dictionary

dict	ins A2007-16 amdt 3.109 am A2008-38 s 8 def Assembly reloc from s 3 A2007-16 amdt 3.107 def classification ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def commissioner ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def family member ins A2008-38 s 9 def office-holder am 1999 No 15 s 5 reloc from s 3 A2007-16 amdt 3.107 def officer ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def part 2 employee ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def part 3 employee ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def pensioner reloc from s 3 A2007-16 amdt 3.107 def PSM Act ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def relevant chief executive ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107 def variable term of employment ins 2001 No 57 s 4 reloc from s 3 A2007-16 amdt 3.107
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5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1989 No 19	31 August 1991
2	Act 1994 No 38	28 February 1995
3	Act 1997 No 6	31 January 1998
4	A2001-57	26 October 2001
5	A2007-16	11 July 2007

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Legislative Assembly (Members' Staff) Amendment Act
2008 A2008-38 s 4, s 6****4 Office-holders may employ staff
New section 5 (1A)**

insert

- (1A) However, an office-holder must not employ a person who is a family member of the office-holder.

**6 Office-holders may engage consultants and contractors
New section 17 (1A)**

insert

- (1A) However, an office-holder must not engage a consultant or contractor who—
- (a) if the consultant or contractor is an individual—is a family member of the office-holder; or
 - (b) if the consultant or contractor is a corporation—has a director or other officer who is a family member of the office-holder.

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