

Legislative Assembly (Members' Staff) Deemed Date Of Termination Of Employment Of Office-holders' Staff Direction 2015

Disallowable instrument DI2015-77

made under the

Legislative Assembly (Members' Staff) Act 1989, s 8 (6) (Termination of employment)

1 Name of instrument

This instrument is the *Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment of Office-holders' Staff Direction 2015*.

2 Commencement

This instrument commences on the day after its notification day.

3 Notes

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

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

4 Definition

In this instrument:

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

office-holder means an office-holder of the Legislative Assembly as defined in the *Legislative Assembly (Members' Staff) Act 1989* ('the Act').

5 Revocation

The following instrument is revoked:

Disallowable instrument DI2005-292: *Legislative Assembly (Members' Staff) Deemed Date of Termination of Employment of Office-holders' Staff 2005*.

6 Approval for Act, s 8

This instrument directs that the employment of part 2 employees under the Act is deemed not to have been terminated and to have continued, or to continue, until a specified date, section 8.

Note Staff are also employed subject to terms of employment under any award or enterprise agreement under the *Fair Work Act 2009* (Cth) that applies to office-holders' staff.

7 Class of persons to whom this direction applies

This direction applies to the class of persons whose employment ceased, or would have ceased, by the operation of subsection 8(1) or 8(2) of the Act.

8 Termination of employment

- (1) The class of persons to whom this direction applies are deemed to continue in employment until the date that is two weeks after the date on which the employment would otherwise have been terminated under subsection 8(1) or 8(2) of the Act.
- (2) The period of deemed continued employment set out in paragraph (1) above constitutes notice for the purposes of the *Fair Work Act 2009* and payment for the purpose of any termination payments made pursuant to the applicable enterprise agreement, in respect to part 2 employees who are not subsequently re-employed.
- (3) Notwithstanding the foregoing, the period of deemed continued employment referred to above shall end if, during that period, a part 2 employee resigns in accordance with subsection 8(5) of the Act.

Dated 8 May 2015.

Andrew Barr
Chief Minister