

EXPLANATORY STATEMENT

DETERMINATION MADE UNDER SECTION 11(2) OF THE *Legislative Assembly (Members' Staff) Act 1989*

TERMS AND CONDITIONS OF EMPLOYMENT OF STAFF OF MEMBERS

Instrument No. DI2002-123

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff by members of the Legislative Assembly. Subsection 10(1) of the Act gives the authority for members to employ staff. Subsection 11(2) of the Act provides that the Chief Minister may determine the variable terms of employment of members' staff.

Outline

Determination 51 of 2001 sets out the terms and conditions of employment for staff employed by members under Part 3 of the Act.

This Determination revokes Determination 51 of 2001 and puts in place a new set of terms and conditions which provide for the payment to all employees of an extra duty/electoral allowance in place of the discretionary payment of overtime and time off in lieu of extra hours worked.

A number of other minor technical amendments have been made to the Schedule to the Determination which have no impact on the entitlements of staff.

Terms and Conditions

This Determination sets out the variable terms and conditions of employment for staff employed by members under Part 3 of the Act. These terms and conditions are set out in the Schedule to the Determination. The Schedule comprises the terms and conditions of employment and the Attachment to the Schedule, which contains a Contract of Employment.

This Determination is intended to:

- provide for the payment to all employees of an extra duty/electoral allowance for electoral duties performed and extra hours worked; and
- remove the discretionary basis for extra duty payment and the corresponding requirement for employees to maintain a record of their attendance.

Other Changes

A number of minor changes have been made to the Schedule to the Determination by way of inserting additional clause references, renumbering some clauses, stylistic changes, the omission of erroneous wording and inserting additional clarification in relation to salary.