

Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2005 (No 1)

Disallowable instrument DI2005-290

Legislative Assembly (Members' Staff) Act 1989, s 5 (2) (Office-holders may employ staff) and s 17 (3) (Office-holders 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 office-holders (Ministers and "the Speaker") of the Legislative Assembly.

Subsections 5(1) and 17(1) of the Act give office-holders the authority to employ staff, and engage consultants and contractors, respectively. Subsections 5(2) and 17(3) provide for the Chief Minister to determine in writing the arrangements within which office-holders may exercise that authority. Such a determination is a disallowable instrument.

Outline

This determination sets out the arrangements under which office-holders may agree to employ staff under subsection 5(1), or engage consultants and contractors under subsection 17(1), of the Act.

This Instrument is intended to replace all current determinations made under subsections 5(2) and 17(3) of the Act.

The following Disallowable Instruments are revoked:

- DI2004-231
- DI1997-195
- DI1997-167.

The arrangements for the employment of staff set out in clause 7(1) of schedule 1 to DI2004-231 are amended to include the obligation that in performing their duties staff of office-holders will "*comply with the requirements of the Code of Conduct for Ministers as varied from time to time*".

The arrangements for the engagement of contractors and consultants set out in schedule 2 to DI2004-231 are amended to bring them into line with the current pro-forma contract issued by the Government Solicitor's Office.

Arrangements

Numbered clauses 1 to 3 contain technical provisions.

Numbered clause 4 revokes all current determinations made under subsections 5(2) and 17(3) of the Act.

Numbered clause 5 sets out the arrangements in accordance with which office-holders may employ staff under section 5 of the Act, and engage consultants or contractors under section 17 of the Act.

Numbered clause 6 makes a requirement that office-holders may only employ staff under an agreement in the form provided in schedule 1 to the determination. Clause 7(1) of schedule 1 has been amended to include the obligation that in performing their duties, staff of office-holders will “*comply with the requirements of the Code of Conduct for Ministers as varied from time to time*”.

Numbered clause 7(1) makes a requirement that office-holders may only engage a consultant or contractor under an agreement in the form provided in schedule 2 to the determination. Schedule 2 has been amended to bring it into line with the current pro-forma contract issued by the Government Solicitor's Office.

Numbered clause 7(2)(a) requires that a contract for services to be provided by a consultant or contractor be endorsed by the Chief Minister, or his or her delegate, before execution. The requirement in clause 7(2)(b) that a contract for services “*must represent value for money for the Territory*” has been deleted and has been replaced with the requirement that a contract for services “*must be in accordance with guidelines issued by the ACT Government Procurement Board*”, which include the principle of value for money