

## EXPLANATORY MEMORANDUM

### **Arrangements made under Section 10(2) and 13CE(3)**

*Legislative Assembly (Members' Staff) Act 1989*

### **SALARY ALLOCATION**

**Instrument No. DI 335 /2001**

#### Legislative Context

Subsection 10(2) of the *Legislative Assembly (Members' Staff) Act 1989* provides for the approval by the Chief Minister of arrangements for the employment of persons as members of the staff of Members of the Legislative Assembly. Subsection 13CE(3) provides for the approval by the Chief Minister of arrangements for the engagement of consultants and contractors by Members.

#### Outline

A new set of arrangements is required to provide pro-rata salary allocations for Members elected to the fifth Assembly for the period from the declaration of the poll to the end of the 2001–2002 financial year.

This Instrument revokes the arrangements made in Instrument Number 169 of 2001, and substitutes new arrangements for the salary allocation provided to Members elected to the fifth Assembly. The allocation will allow Members of the fifth Assembly to employ staff, or engage consultants and contractors, in the period from the declaration of the poll until the end of the 2001–2002 financial year, on a pro rata basis. The allocation is to be calculated on a formula based on the amount Members of the fourth Assembly have been receiving for their respective positions in the Assembly and the number of working days the Member occupies that position, as described in the Instrument.

This arrangement also enables Members, with the written agreement of the Chief Minister, to employ staff outside of these allocations in some circumstances. These circumstances are where the allocations are not sufficient for a Member to perform his or her parliamentary duties because of the need to replace an employee who is on extended leave for reasons largely beyond the Member's control. Leave is considered to be 'extended' when it is for periods in excess of four continuous weeks during the term of the salary allocation.

The types of absences for which this arrangement might apply include:

- paid maternity leave;
- workers compensation (including graduated return to work);
- long service leave; and
- sick leave.

This arrangement will enable a Member to employ replacement staff from his or her salary allocation for the extent of the absence.