

EXPLANATORY STATEMENT

DETERMINATION MADE UNDER SECTION 6(2) OF THE *Legislative Assembly (Members' Staff) Act 1989*

TERMS AND CONDITIONS OF EMPLOYMENT OF STAFF OF THE SPEAKER 2002 (No 2)

Instrument No. DI2002-210

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff by members of the Legislative Assembly. Subsection 5(1) of the Act gives the authority for office-holders (Ministers and the Speaker) to employ staff. Subsection 6(2) of the Act provides that the Chief Minister may determine the variable terms of employment of office-holders' staff.

Outline

Determination 125 of 2002 amended the variable terms and conditions of employment of staff employed by the Speaker under Part 2 of the Act. These changes were the inclusion of a provision for the payment to all employees of an extra duty/electoral allowance in lieu of overtime payment and time off in lieu of extra hours worked.

This Determination revokes Determination 125 of 2002 and puts in place new variable terms and conditions of employment for staff with pre 1 July 1997 employment agreements employed by the Speaker. These terms and conditions include provision for the payment of overtime or access to time off in lieu of extra hours worked, in addition to the extra duty/electoral allowance, subject to the agreement of the Speaker.

Some minor grammatical corrections have also been made to the Schedule to the Determination.

Terms and Conditions

This Determination establishes the variable terms and conditions of employment for staff with pre 1 July 1997 employment agreements employed by the Speaker under Part 2 of the Act. These terms and conditions are set out in the Schedule to the Determination.

This Determination amends the variable terms and conditions of employment of staff by providing access to overtime payments and time off in lieu where:

- an employee works more than five additional hours in a fortnight; and
- the Speaker agrees in writing; and
- suitable records of attendance are maintained.