

Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff 2008 (No 1)

Disallowable instrument DI2008-122

Legislative Assembly (Members' Staff) Act 1989, s 6 (2) (Terms of employment)

EXPLANATORY STATEMENT

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the LAMS Act") provides for the employment of staff by office-holders (Ministers and "the Speaker") of the Legislative Assembly. Subsection 5(1) of the LAMS Act gives office-holders the authority to employ staff. Subsections 6(2) provides for the Chief Minister to determine in writing the variable terms of employment of staff of office-holders. Such a determination is a disallowable instrument.

Outline

The employment of persons under the LAMS Act is principally regulated by the *ACT Legislative Assembly Members' Staff Union Collective Agreement 2007-2010* (the collective agreement), including the classifications and rates of pay for staff employed under the LAMS Act.

Currently, the collective agreement does not provide a classification and rate of pay for a position of Executive Chief of Staff or variable terms of employment for such a position. This Instrument sets out the variable terms of employment, including rate of pay and other employer provided benefits, to reflect the requirements of the new position.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 2 sets the commencement of the instrument as 29 May 2008. As this is a new position, and the variable terms will only apply to the occupant of this position, the determination will not detrimentally affect current staff. The commencement of the determination ahead of its notification similarly does not detrimentally affect current staff.

Numbered clauses 5 and 6 set the purpose of the instrument as determining the variable terms of employment to apply to the new position of Executive Chief of Staff.

Numbered clause 7(1) sets the variable terms of employment as those specified in schedule 1 to the determination. Numbered clause 7(2) sets out those provisions of the collective agreement specified in schedule 2 to the determination that the Executive Chief of Staff is not subject to.

Numbered clause 8 specifies the duties and obligations of the Executive Chief of Staff.