

## EXPLANATORY STATEMENT

### **TERMS AND CONDITIONS OF EMPLOYMENT OF STAFF OF MEMBERS PURSUANT TO SECTION 11(2) 2003 (No 1)**

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

#### **Instrument No. DI 2003-45**

#### 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 43 of 2001 authorised members to individually negotiate, on behalf of the Chief Minister, terms and conditions of employment of staff employed under Part 3 of the Act through Certified Agreements or Australian Workplace Agreements in accordance with the *Workplace Relations Act 1996*.

This Determination revokes Determination 43 of 2001.

#### Arrangements

A review of Legislative Assembly members' staffing arrangements was recently undertaken. After considering the review recommendations, the Chief Minister decided to implement a single certified agreement covering all staff employed under the Act, and to revoke Determination 43 of 2001 establishing the present framework of individually negotiated industrial agreements.

To date, there have been no certified agreements negotiated between members and their staff. Staff will not be disadvantaged by the new arrangements, as the introduction of a single certified agreement will be subject to the "no disadvantage" test in accordance with the *Workplace Relations Act*.

A new set of enterprise bargaining parameters has also been developed and will be issued separately.