

INSTRUMENT NO. 74 OF 1998

EXPLANATORY MEMORANDUM

Determination made under subsection 11(2)

Legislative Assembly (Members' Staff) Act 1989

Legislative Context

The Legislative Assembly (Members' Staff) Act 1989 (the Act) provides for the employment of staff by Members of the Legislative Assembly on behalf of the Territory. Section 11 of the Act provides for the terms and conditions to be generally the same as those applying to ACT public servants except where the Chief Minister Determines otherwise under subsection 11(2). Subsection 11(2) provides the power for the Chief Minister to determine in writing that the terms and conditions of employment are varied as specified in the Determination.

Outline

This Determination deals with the continuation of the entitlement to a severance benefit to staff following a change of the employing Member.

The Determination provides that where staff who would have been terminated in accordance with the provisions of sections 13(1) or 13(3) of the Act and are entitled to receive severance benefits, those staff will be able to be employed by another Member for a period of three months or less without forgoing the entitlement to a severance benefit, provided the two periods of employment are continuous.