

Australian Capital Territory

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2003 (No 1)

Disallowable instrument DI2003-317

Legislative Assembly (Members' Staff) Act 1989, s 10 (2) (Members may employ staff) and s 20 (3) (Members may engage consultants and contractors)

EXPLANATORY STATEMENT

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff, and the engagement of consultants or contractors, by members of the Legislative Assembly.

Subsections 10(1) and 20(1) of the Act give members the authority to employ staff, and engage consultants and contractors, respectively. Subsections 10(2) and 20(3) provide for the Chief Minister to determine in writing the conditions within which members may exercise that authority. Such a determination is a disallowable instrument.

Outline

This Instrument revokes the following Disallowable Instruments:

- DI1999-178 of 24 June 1999 ("DI1999-178"); and
- DI2002-209 of 2 December 2002 ("DI2002-209").

The purpose of DI1999-178 was to provide the arrangements and conditions within which members may engage consultants or contractors. These arrangements are being re-made and a standard contract issued, which requires endorsement by the clerk of the Assembly, or his or her delegate, before execution by the parties.

The purpose of DI2002-209 was to amend the variable terms and conditions of employment of staff of members. The amendment provides access to overtime payments and time off in lieu, after an employee has worked more than five

additional hours in a fortnight, in addition to the payment of an extra duty/electoral allowance.

A certified agreement has now been accepted by a valid majority of eligible staff. The certified agreement provides for the replacement of the extra duty/electoral allowance with paid overtime, or time off in lieu, upon certification of the agreement. As most of the terms and conditions of employment of members' staff will now be regulated by the certified agreement, there is no longer a requirement for these terms to be provided by determination. These arrangements are being re-made, to delete the extra duty/electoral allowance, and provide for a simplified employment agreement.

Arrangements

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 5 revokes determinations DI1999-178, and DI2002-209.

Numbered clause 6 sets out that the purpose of the determination is to approve new arrangements in accordance with which members may, employ staff under section 10 of the Act, and engage consultants or contractors under section 20 of the Act.

Numbered clause 7 makes a requirement that members may only employ staff under an agreement in the form provided in schedule 1 to the determination.

Numbered clause 8(1) makes a requirement that members may only engage a consultant or contractor under an agreement in the form provided in schedule 2 to the determination.

Numbered clause 8(2) requires that a contract for services to be provided by a consultant or contractor be endorsed by the clerk, or his or her delegate, before execution; and that the contract represent value for money for the Territory.