

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

Disallowable instrument DI2003-318

Legislative Assembly (Members' Staff) Act 1989, s 5 (2) (Office-holders may employ staff) and s 17 (3) (Office-holders 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 office-holders (Ministers and "the Speaker") of the Legislative Assembly.

Subsections 5(1) and 17(1) of the Act give office-holders the authority to employ staff, and engage consultants and contractors, respectively. Subsections 5(2) and 17(3) provide for the Chief Minister to determine in writing the arrangements within which office-holders may exercise that authority. Such a determination is a disallowable instrument.

Outline

This Instrument revokes the following Disallowable Instruments:

- DI1999-177 of 24 June 1999 ("DI1999-177");
- DI2002-210 of 2 December 2002 ("DI2002-210"); and
- DI2002-211 of 2 December 2002 ("DI2002-211").

The purpose of DI1999-177 was to provide the arrangements and conditions within which office-holders may engage consultants or contractors. These arrangements are being re-made and a standard contract issued, which requires endorsement by the Chief Minister, or his or her delegate, before execution by the parties.

The purpose of DI2002-210 was to amend the variable terms and conditions of employment for a member of the Speaker's staff employed on pre 1 July 1997 arrangements. 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. The purpose of DI2002-211 was to amend the variable terms and conditions of employment of staff of office-holders. 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 office-holders' 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 3 contain technical provisions.

Numbered clause 4 revokes determinations DI1999-177, DI2002-210 and DI2002-211.

Numbered clause 5 sets out that the purpose of the determination is to approve new arrangements in accordance with which office-holders may, employ staff under section 5 of the Act, and engage consultants or contractors under section 17 of the Act.

Numbered clause 6 makes a requirement that office-holders may only employ staff under an agreement in the form provided in schedule 1 to the determination.

Numbered clause 7(1) makes a requirement that office-holders may only engage a consultant or contractor under an agreement in the form provided in schedule 2 to the determination.

Numbered clause 7(2) requires that a contract for services to be provided by a consultant or contractor be endorsed by the Chief Minister, or his or her delegate, before execution; and that the contract represent value for money for the Territory.