

EXPLANATORY MEMORANDUM

Determination made under sub-section 11(2) - 4/1997

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 generally be the same as those applying to ACT public servants except where the Chief Minister determines otherwise under subsection 11(2). Sub-section 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 replaces the terms and conditions made by the Chief Minister in Determination 1/1997 applying to staff employed under the Act and underpins new employment arrangements sought by Members of the Legislative Assembly.

Schedule 1 of this Determination provides terms and conditions of employment to staff who choose not to use the new contract of employment applying to staff under the Act. The Schedule covers

- records of attendance,
- part-time employment,
- severance pay benefits,
- Senior Officer Grade A,B,C ACTPS equivalent, and

Senior Officer Grade A,B,C Annual Allowance

Schedule 2 of this Determination varies the terms and conditions of employment for staff who sign the new contract of employment. An explanation of each clause of Schedule 2 is provided below.

Clause 1 provides for the use of a contract of employment.

Clause 2 provides for the negotiation of gross salary and introduces flexible remuneration packaging.

Clause 3 changes the current arrangements for payment for extra duty. Extra duty will now only be available if provided for in the contract of employment.

Clause 4 provides an entitlement to annual leave loading only when provided for in the contract of employment. In all cases where a loading is provided it will be annualised and paid fortnightly.

Clause 5 provides that staff who are not already members of a superannuation fund managed by the Commonwealth may elect to have the employer superannuation contribution paid to an approved private superannuation fund.

Clause 6 requires the maintenance of records of attendance.

Clause 7 provides the severance benefits payable to staff if their services are terminated.

Clause 8 provides that staff may elect to either accrue long service leave or receive payment in lieu of accrual.

Clause 9 provides that duties will be in accordance with the contract of employment.

Clause 10 puts into place arrangements regarding exclusivity of employment.

Clause 11 provides that hours of duty will be in accordance with the contract of employment.

Clause 12 provides that the contract of employment will be reviewed in accordance with the arrangements in the contract of employment.

Clause 13 provides arrangements for suspension and discipline.

Clause 14 puts into place arrangements regarding disclosure of information.

Clause 15 provides that any disputes about matters provided for in the contract of employment will be resolved in the manner described in the contract of employment.

Attachment A to this Determination is the form of contract of employment which is required to be used by Members in engaging staff employed under the Act.