



Legislative Assembly (Members' Staff) Act 1989

**TERMS AND CONDITIONS OF EMPLOYMENT OF STAFF
OF THE SPEAKER PURSUANT TO SECTION 6(2) 2002 (No 2)***

Instrument No. DI2002-210

Class of persons to whom this determination applies

This Determination deals with the class of persons who:

- entered into written contracts of employment prior to 1 July 1997; and
- continued to be employed in accordance with the terms and conditions available prior to 1 July 1997 in accordance with Determination Number 66 of 1998 and Determination Number 4 of 1997 made pursuant to subsection 6(2) of the *Legislative Assembly (Members' Staff) Act 1989* ("the Act"); and
- whose employment ceased because of the operation of subsections 8(1) or 8(2) of the Act, but which employment is deemed to have been extended by direction of the Chief Minister of 7 February 1990 made pursuant to subsection 8(6) of the Act; and
- who have not signed a contract of employment in the form attached to Determination Number 50 of 2001 or Determination Number 51 of 2001, or any preceding Determination ("persons with pre 1 July 1997 employment agreements").

Determination

Pursuant to subsection 6(2) of the Act:

- (1) I REVOKE Determination Number 125 of 2002 approved on 27 June 2002 concerning the terms of employment of staff of the Speaker; and
- (2) I DETERMINE that persons with pre 1 July 1997 employment agreements may be re-engaged in accordance with the same terms and conditions as those employees were engaged prior to 20 October 2001 subject to the terms of employment set out in the Schedule to this Determination.

This Determination has effect from 1 July 2002, except insofar as it affects the rights of an employee in a manner prejudicial to that employee or imposes liabilities on an employee in respect of any act or omission before the date of notification of this Determination.

Dated the 2nd day of December 2002.

Jon Stanhope MLA
Chief Minister

*Name amended under Legislation Act 2001 s 60

SCHEDULE TO THE DETERMINATION**Schedule to the Determination Setting out Terms and Conditions of Employment
of Staff of the Speaker Pursuant to Subsection 6(2)****(1) Salary**

- (a) The employee salary will be the salary he or she was receiving on the first pay period on or after 1 January 1998.

(2) Severance Benefits

- (a) An employee whose employment is terminated other than through resignation or for an offence which in the view of the Chief Minister, or a person authorised by the Chief Minister for this purpose, would have led to dismissal is entitled to be paid:
- (i) a sum equal to four (4) weeks' salary irrespective of length of service; plus
 - (ii) a sum equal to two (2) weeks' salary for each completed year of continuous service, plus a pro-rata payment for additional completed months of service, up to a maximum of forty eight (48) weeks' salary.
- (b) The severance benefits set out in paragraph 2(a) shall not be payable to employees:
- (i) who are covered by the mobility provisions of Part IV of the *Public Service Act 1922* (Cwlth);
 - (ii) who are taken to be on leave without pay from the Australian Capital Territory Public Service; or
 - (iii) who are engaged for fixed periods to fill a vacancy caused by a staff member being absent on leave, or to fill a substantive vacancy pending a permanent appointment.
- (c) A person who receives severance benefits under this provision and is subsequently re-employed under the Act, shall repay to the employer the severance benefit received to the extent that his or her re-employment covers the same period of time as his or her severance benefit.

For example, where a person's employment is terminated under this provision and he or she is entitled to severance benefits equal to 10 weeks' gross annual salary but is subsequently re-employed 8 weeks after termination then the amount of severance benefit repayable under this provision would be severance benefits equal to 2 weeks' gross annual salary.

(3) Senior Officer Grade A, B, and C - ACTPS Equivalent

- (a) The terms and conditions of employment of a person employed under Part 2 of the Act are those applicable to an equivalent officer performing the duties of a Senior Officer Grade A, B or C classification in the A.C.T. Public Service.

(4) Senior Officer Allowance

- (a) A person holding a position having a classification listed in Column 1 below shall, in addition to other terms and conditions of employment, be entitled to an annual allowance listed in Column 2 below that corresponds to that classification.

<i>Column 1</i> <i>Classification</i>	<i>Column 2</i> <i>Annual Allowance</i>
Senior Officer Grade A	\$1583 pa
Senior Public Affairs Officer Grade 2	\$1583 pa
Senior Officer Grade B	\$1483 pa
Senior Public Affairs Officer Grade 1	\$1483 pa
Public Affairs Officer Grade 3 (2 nd and 3 rd Increments)	\$1483 pa
Senior Officer Grade C	\$790 pa
Public Affairs Officer Grade 3 (1 st Increment)	\$790 pa

(5) Extra Duty/Electoral Allowance

- (a) An employee is entitled to payment of an allowance in recognition that staff generally perform electoral duties and work additional hours.
- (b) The allowance will be paid by fortnightly instalments at the rate of \$3000 for a full year for a full-time employee. Where the period of employment is less than one (1) year the full year allowance will be paid on a pro-rata basis.
- (c) In the case of a part-time employee, the amounts specified in paragraph 5(b) are to be reduced by the ratio of part-time hours to full-time hours.

(6) Part Time Employment

- (a) A person employed to work on a part-time basis where the hours of work are less than 24 hours per week may elect;
- (i) to work under the terms and conditions set out in Standard 13, Chapter 1, Rule 4 of the Public Sector Management Standards; or
- (ii) that the terms and conditions of Standard 13, Chapter 1, Rule 4 of the Public Sector Management Standards do not apply but there shall be an entitlement to all classes of leave, and payments in lieu of leave, calculated pro-rata having regard to their required hours of work.

(7) Overtime Payment

- (a) The Speaker may agree that an employee is able to access overtime payment where the employee works more than five (5) hours in excess of standard full-time fortnightly hours.
- (b) An employee will only be entitled to access overtime payment if this has been agreed in writing by the Speaker and suitable records of attendance are maintained.
- (c) Subject to paragraph 7(b) payment for overtime will be on a case-by-case basis, subject to the limitation of the staff salary allocation approved by the Chief Minister, and limited to those hours worked in excess of the additional five (5) hours in a fortnight.

(8) Time Off in lieu of Extra Hours Worked

- (a) The Speaker may agree that an employee is able to access time off in lieu where the employee works more than five (5) hours in addition to his or her ordinary fortnightly hours of work.
- (b) An employee will only be entitled to access time off in lieu if:
 - (i) this has been agreed in writing by the Speaker; and
 - (ii) suitable records of attendance are maintained; and
 - (iii) there has been no payment made for overtime pursuant to paragraph 7(c).