

# Replacement Copy

(In substitution for copy presented to Assembly on 4 November 2004)

Australian Capital Territory

## **Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2004 (No 1)**

**Disallowable instrument DI2004-231**

**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**

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#### **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 Instrument:

- DI2003-318 of 4 December 2003 ("DI2003-318").

The purpose of DI2003-318 was to amend the variable terms and conditions of employment specified in the employment agreement for staff of office-holders consistent with the *ACT Legislative Assembly Members' Staff Certified Agreement 2003-2004*, following endorsement of the certified agreement by a valid majority of eligible staff. The certified agreement provided for the replacement of the extra duty/electoral allowance with paid overtime or time off in lieu. The amendment was to delete the extra duty/electoral allowance and to simplify the employment agreement. As most of the terms and conditions of employment of office-holders' staff are regulated by the certified

agreement, there is no longer a requirement for these terms to be provided by determination.

The current arrangements for the employment of staff by office-holders, set out in schedule 1 to the determination, are being re-made to bring them into line with the replacement certified agreement for 2004-2007, which has now been agreed to by unions and staff. The new certified agreement provides for the maintenance, by all staff, of records of attendance for duty and absence from duty in an agreed form. The amendment removes the discretion currently available to office-holders to exempt certain staff from maintaining records of attendance.

The current arrangements for the engagement of contractors and consultants by office-holders, set out in schedule 2 to the determination, are also being re-made to bring them into line with the new pro-forma contract issued by the Government Solicitors Office.

## **Arrangements**

Numbered clauses 1 to 3 contain technical provisions.

Numbered clause 4 revokes determination DI2003-318.

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.