

EXPLANATORY STATEMENT

DETERMINATION MADE UNDER SECTIONS 10(2) AND 20(3) OF THE *Legislative Assembly (Members' Staff) Act 1989*

ARRANGEMENTS FOR THE EMPLOYMENT OF STAFF AND THE ENGAGEMENT OF CONSULTANTS AND CONTRACTORS BY MEMBERS 2002

Instrument No. DI2002-121

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 or contractors, respectively. Subsections 10(2) and 20(3) provide for the Chief Minister to determine in writing the arrangements and conditions which regulate the employment of staff and engagement of consultants or contractors by members.

Outline

Determination 335 of 2001 provides for arrangements and conditions under which members may employ staff and engage consultants or contractors for the period ending on 30 June 2002.

This Determination revokes Determination 335 of 2001 and provides arrangements and conditions under which members may employ staff and engage consultants or contractors for the period 1 July 2002 to 30 June 2003 inclusive.

Arrangements and Conditions

Numbered clause 1 makes a requirement that members may only employ staff, or engage consultants or contractors, within the amount made available to them to employ staff under the Act for the period 1 July 2002 to 30 June 2003 inclusive.

Numbered clause 2 provides that members may, with the written agreement of the Chief Minister, employ staff outside these allocations in certain circumstances. These circumstances are where the allocations are not sufficient for the member to perform his or her parliamentary duties because of the need to replace an employee who is on extended leave for reasons largely beyond the member's control. Leave is considered to be 'extended' when it is for periods in excess of four (4) continuous weeks during the term of the salary allocation.

The types of absences for which this arrangement might apply include:

- paid maternity leave;
- workers compensation (including graduated return to work);
- long service leave; and
- sick leave.

This arrangement will enable a member to employ replacement staff outside of his or her salary allocation for the extent of the absence.