

Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Members' Staff 2005

Disallowable instrument DI2005-294

Legislative Assembly (Members' Staff) Act 1989, s 11 (2) (Terms of employment)

EXPLANATORY STATEMENT

Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff by members of the Legislative Assembly. Subsection 10(1) of the Act gives members the authority to employ staff. Subsections 11(2) provides for the Chief Minister to determine in writing the variable terms of employment of staff of members. Such a determination is a disallowable instrument.

Outline

This Instrument is intended to replace all current determinations made under subsection 11(2) of the Act.

The following Disallowable Instruments are revoked:

- DI2000-81
- DI2000-80
- DI1999-77
- DI1998-74
- DI1997-198
- DI1997-166
- DI1997-138.

This Instrument re-makes the variable terms of employment determined under DI1998-74 pertaining to the existing entitlement of members' staff to preserved severance benefits. DI1998-74 provides that where a person's employment is terminated by the operation of subsections 13(1) or 13(3) of the Act, and the person is immediately re-employed by another member for a period of three months or less that person is entitled, on completion of that employment, to the payment of severance benefits. The extended period of employment is included for the purpose of determining the severance benefit.

Variable Terms

Numbered clauses 1 to 4 contain technical provisions.

Numbered clause 5 revokes all current determinations made under subsection 11(2) of the Act.

Numbered clause 6 determines that the variable terms of employment of members' staff established under section 11(2) of the Act are as set out in the instrument.

Numbered clause 7 specifies the class of persons to whom the determination applies.

Numbered clause 8 specifies the variable terms of employment, which pertain to an existing entitlement of members' staff to preserved severance benefits.