

# Legislative Assembly (Members' Staff) Variable Terms Of Employment Of Office-holders' Staff 2005

## Disallowable instrument DI2005-293

Legislative Assembly (Members' Staff) Act 1989, s 6 (2) (Terms of employment)

### EXPLANATORY STATEMENT

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#### Legislative Context

The *Legislative Assembly (Members' Staff) Act 1989* ("the Act") provides for the employment of staff by office-holders (Ministers and "the Speaker") of the Legislative Assembly. Subsection 5(1) of the Act gives office-holders the authority to employ staff. Subsections 6(2) provides for the Chief Minister to determine in writing the variable terms of employment of staff of office-holders. Such a determination is a disallowable instrument.

#### Outline

This Instrument is intended to replace all current determinations made under subsection 6(2) of the Act.

The following Disallowable Instruments are revoked:

- DI2001-161
- DI2000-82
- DI2000-77
- DI1999-78
- DI1998-75
- DI1997-196
- DI1997-168
- DI1997-137
- Determination made by the Chief Minister, Kate Carnell, on 2 May 1995 concerning the ACT Code of Conduct for Ministers, tabled in the Legislative Assembly on 2 May 1995, applying to the staff of Ministers.

This Instrument re-makes the variable terms of employment determined under DI1998-75 pertaining to the existing entitlement of office-holders' staff to preserved severance benefits. DI1998-75 provides that where a person's employment is terminated by the operation of subsections 8(1), 8(2) or 8(4) 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 6(2) of the Act.

Numbered clause 6 determines that the variable terms of employment of office-holders' staff established under section 6(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 the existing entitlement of office-holders' staff to preserved severance benefits.