

## EXPLANATORY MEMORANDUM

### **DETERMINATION MADE UNDER SECTIONS 5(2) AND 17(3) OF THE *Legislative Assembly (Members' Staff) Act 1989***

### **ARRANGEMENTS FOR THE EMPLOYMENT OF STAFF AND THE ENGAGEMENT OF CONSULTANTS AND CONTRACTORS BY THE SPEAKER 2003**

**Instrument No. DI 2003-186**

#### 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 and conditions which regulate the employment of staff and engagement of consultants or contractors by office-holders.

#### Outline

Determination 122 of 2002 provides for arrangements and conditions under which the Speaker may employ staff and engage consultants or contractors for the period ending on 30 June 2003.

This Determination revokes Determination 122 of 2002 and provides interim arrangements and conditions under which the Speaker may employ staff and engage consultants or contractors from 1 July 2003 pending finalisation of a certified agreement for staff employed under the Act. New arrangements will be determined once an agreement is certified.

#### Arrangements and Conditions

Numbered clause 1 makes a requirement that the Speaker may only employ staff, or engage consultants or contractors, within the amount made available to him or her for this purpose under the Act for the period 1 July 2003 to 30 June 2004 inclusive.

Numbered clause 2 provides that the Speaker may, with the written agreement of the Chief Minister, employ staff outside the allocation in certain circumstances. These circumstances are where the allocation is not sufficient for the Speaker 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 Speaker'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 the Speaker to employ replacement staff outside of his or her salary allocation for the extent of the absence.