

Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2021 (No 1)

Disallowable instrument DI2021-180

Legislative Assembly (Members' Staff) Act 1989, s 5 (3) (Office-holders may employ staff) and s 17 (4) (Office-holders may engage consultants and contractors)

EXPLANATORY STATEMENT

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.

Subsection 5(1) of the Act gives office-holders the authority to employ staff under part 2 of the Act ('part 2 employees'). Subsection 17(1) of the Act gives office-holders the authority to engage consultants and contractors. Subsections 5(3) and 17(4) provide for the Chief Minister to determine in writing the conditions and arrangements within which office-holders may exercise the authority to employ staff and engage consultants and contractors. Such a determination is a disallowable instrument.

Outline

This instrument revokes disallowable instrument DI2016-299 and puts in place new employment arrangements for part 2 employees. The new determination provides for the recognition of employment with a Commonwealth department or instrumentality for the purposes of specified leave accrual for office-holders' staff, both current and future. This is in addition to the current recognition of employment as a staff member of a Member or Senator of an Australian parliament towards the accrual of personal leave and long service leave, which has been extended to also include annual leave.

The determination includes the conditions under which these leave types may be recognised, together with a relevantly modified Employment Agreement. The determination is dated to commence on 1 July 2021.

Arrangements

Numbered clauses 1 to 4 of the determination contain technical provisions. Numbered clause 2 sets the date of commencement of the determination as 1 July 2021.

Numbered clause 5 revokes determination DI2016-299.

Numbered clause 6 sets out the purpose of the instrument is to approve arrangements and conditions under which office-holders may, on behalf of the Territory, employ part 2 employees under section 5 of the Act, and engage consultants or contractors under section 17 of the Act.

Numbered clauses 7 and 8 of the determination deal with the employment of staff by office-holders, which have not been altered.

Numbered clause 9 of the determination deals with the engagement of consultants and contractors by office-holders, which has not been altered.

Schedule 1 to the determination provides the Employment Agreement for staff of office-holders. Clauses 6.1 and 6.2 of the Schedule, and Item 11 of the Attachment to the Schedule, have been amended to include the recognition of employment with a Commonwealth department or instrumentality for the purposes of specified leave accrual. Clause 6.2 has also been amended to include the accrual of annual leave and related conditions.

Schedule 2 to the determination provides the standard Agreement for the engagement of contractors and consultants by office-holders, which has not been altered.