

EXPLANATORY MEMORANDUM

Arrangements made under Section 5(2) and 17(3)

Legislative Assembly (Members' Staff) Act 1989

SALARY ALLOCATION

Instrument No. DI 338 /2001

Legislative Context

Subsection 5(2) of the *Legislative Assembly (Members' Staff) Act 1989* provides for the approval by the Chief Minister of arrangements for the employment of persons as members of the staff of the Speaker of the Legislative Assembly. Subsection 17(3) provides for the approval by the Chief Minister of arrangements for the engagement of consultants and contractors by the Speaker.

Outline

A new set of arrangements is required to provide a salary allocation for the Speaker of the fifth ACT Legislative Assembly for the period from the first sitting day to the end of the 2001–2002 financial year.

This Instrument revokes the arrangements made in Instrument Number 170 of 2001, and substitutes new arrangements for the salary allocation provided to the Speaker of the fifth Legislative Assembly. The allocation will allow the Speaker to employ staff, or engage consultants and contractors, in the period from the first sitting day until the end of the 2001–2002 financial year. The allocation is to be calculated on a pro-rata basis using a formula based on the amount allocated to the Speaker for 2001–2002 and the number of working days between the first sitting day and 30 June 2002, as described in the Instrument.

This arrangement also enables the Speaker, with the written agreement of the Chief Minister, to employ staff outside of these allocations in some circumstances. These circumstances are where the allocations are not sufficient for a 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 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 from his or her salary allocation for the extent of the absence.