

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2007 (No 1)

Disallowable instrument DI2007-166

Legislative Assembly (Members' Staff) Act 1989, s 5 (2) (Office-holders may employ staff) and s 17 (3) (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.

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 conditions within which office-holders may exercise that authority. Such a determination is a disallowable instrument.

Outline

This Instrument revokes disallowable instrument DI2006-139. The purpose of DI2006-139 was to provide conditions under which the Speaker may employ staff and engage consultants or contractors from 1 July 2006.

This determination provides conditions under which the Speaker may employ staff and engage consultants and contractors for the 2007-2008 financial year. This determination sets out the Speaker's annual salary allocations.

Disallowable instrument DI2006-139 provided a separate allocation for the payment to staff for overtime worked. The overtime allocation is omitted from this determination, as paid overtime is replaced under the *ACT Legislative Assembly Members' Staff Union Collective Agreement 2007-2010*, from 1 July 2007, by an allowance paid directly to employees.

This determination also provides authority for the carry over of up to a maximum of 10% of the Speaker's 2006-2007 salary allocation remaining unexpended.

Conditions

Numbered clause 2 sets the commencement of the instrument as 1 July 2007.

Numbered clause 5 revokes disallowable instrument DI2006–139.

Numbered clause 7 sets that the conditions apply to a person while the person holds the office of Speaker during the 12-month period ending on 30 June 2008.

Numbered clause 8(1) sets the condition that the Speaker may only employ staff, or engage consultants or contractors, while the total amount payable for salary and payments do not exceed the prescribed salary cap while the Speaker holds the office during the 2007–2008 financial year.

Numbered clause 8(2) sets the formula for calculating the relevant salary cap. The formula provides for the carry over by the Speaker of unspent salary allocation from the 2006–2007 financial year. Numbered clause 8(3) limits the carry over to no more than 10% of the Speaker's annual salary allocation for that financial year.

Numbered clause 8(4) provides that the Speaker may, with the written agreement of the Chief Minister, hire staff, consultants and contractors outside the salary cap in certain circumstances. These circumstances are set out in numbered clause 8(5). Sub-clause 8(5)(c) is amended to clarify its intent and to remove any ambiguity.

Numbered clauses 9(1), 9(2) and 9(3) of disallowable instrument DI2006–139 have been omitted from this determination, as the allocation for paid overtime is replaced by an allowance paid directly to employees from 1 July 2007

References to overtime and overtime cap have been omitted from the Dictionary.