

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY (MEMBERS' STAFF)
AMENDMENT BILL 2008 (No 2)**

EXPLANATORY STATEMENT

Authorised by:

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LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) AMENDMENT BILL 2008 (No 2)

Overview of Bill

This Bill proposes to amend the Legislative Assembly (Members' Staff) Act 1989 (LAMS Act).

The purpose of the provisions in this Bill is to allow explicitly for Members of the Assembly to allocate part or all of their salary allocation to another Member. These amendments are being proposed, following advice that the current practice whereby Members have allocated part of their salary allocation to another Member has been determined not to be lawful.

The effect of these amendments will be that Members will be able to allocate part or all of their annual salary allocation to another Member. By this process, Members of a group in the Assembly will be able to pool their salary allocation for the common purposes of the group.

A consequence of these amendments will be that the current Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2008 (No. 1) [refer Disallowable Instrument DI2008-124 of 18 June 2008] will be invalid at least to the extent that this Instrument restricts the capacity of a Member to pool or allocate unspent salary allowance.

Notes on key clauses

Clause 1

It is proposed that these new provisions apply from a day to be determined by the Minister.

Clause 3

Clause 3 will introduce a new subsection 10 (3A) into the LAMS Act. This new subsection will permit a Member of the Assembly to allocate any unspent part of their salary allocation to another Member of the Assembly.

Clause 4

Clause 4 will introduce a new subsection 20 (4A). This new subsection will permit a Member of the Assembly to allocate part or all of their salary allocation for the purpose of engaging consultants and contractors. Again, this recognises that a group within the Assembly may wish to engage specific expertise for a particular project or activity.