

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2005 (No 1)

Disallowable instrument DI2005-148

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 DI2004–134. The purpose of DI2004–134 was to provide interim conditions under which the Speaker may employ staff and engage consultants or contractors from 1 July 2004 pending the finalisation of a replacement certified agreement for staff employed under the Act.

This determination provides conditions under which the Speaker may employ staff and engage consultants and contractors for the 2005–2006 financial year. This determination sets out the Speaker's annual salary and overtime allocations. These allocations incorporate the pay increase to be paid to staff from 1 April 2006 under the *ACT Legislative Assembly Members' Staff Certified Agreement 2004–2007* ("the Agreement").

The determination provides a separate allocation for the payment to staff for overtime worked. The allocation for overtime has been calculated in accordance with the Agreement as 7% of the annual salary allocation.

This determination also provides authority for the carry over of up to a maximum of 10% of the Speaker's 2004–2005 salary allocation remaining unexpended.

Conditions

Numbered clause 2 sets the commencement of the instrument as 1 July 2005.

Numbered clause 5 revokes disallowable instrument DI2004–134.

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 2006.

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 (excluding overtime) do not exceed the prescribed salary cap while the Speaker holds the office during the 2005–2006 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 2004–2005 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).

Numbered clause 9(1) provides that the Speaker may authorise staff to work overtime only while the total amount payable (including amounts payable as back pay) to all staff, while the Speaker holds the office during the 2005–2006 financial year, does not exceed the prescribed overtime cap. Numbered clause 9(2) sets the formula for calculating the relevant overtime cap.