

# Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2016 (No 2)

Disallowable instrument DI2016-280

Legislative Assembly (Members' Staff) Act 1989, s 10 (3) (Members may employ staff) and s 20 (4) (Members may engage consultants and contractors)

## EXPLANATORY STATEMENT

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### 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 members of the Legislative Assembly.

Subsections 10(1) and 20(1) of the Act give members the authority to employ staff, and engage consultants and contractors, respectively. Subsections 10(3) and 20(4) provide for the Chief Minister to determine in writing the conditions within which members may exercise that authority. Such a determination is a disallowable instrument.

### Outline

This Instrument revokes disallowable instrument DI2016-111 which provided conditions under which members may employ staff and engage consultants or contractors, including salary allocations for the 2016–2017 financial year. The instrument determines new conditions to apply to allocations for 2016-2017.

A new provision has been added which allows a member to make staff, consultants or contractors under the member's hire available to other members or office-holders. The provision also enables a member to reimburse another member or office-holder, from the member's salary allocation, the cost of salary or payments paid to staff, consultants or contractors for services provided to the member under a secondment arrangement between the member and another member or office-holder.

This new provision is in addition to the existing authority for a member to allocate part or all of the member's uncommitted salary allocation to another member, and to receive part or all of the uncommitted salary allocation from another member.

## Conditions

Numbered clause 2 sets the commencement of the instrument as 1 July 2016. The retrospective commencement date is non-prejudicial as the individual allocations themselves are unchanged, and the new provision simply provides additional flexibility in the way in which members may utilise their salary cap.

Numbered clauses 3 and 4 contain technical provisions.

Numbered clause 5 revokes disallowable instrument DI2016-111.

Numbered clauses 6 to 8 are unaltered.

The newly added numbered clause 9(1) provides that a member may make staff, consultants or contractors under the member's hire available to other members or office-holders.

Numbered clause 9(2), which has also been added, provides that for the purposes of remaining within a member's salary cap, the member may reimburse another member or office-holder an amount equal to the salary or payments paid for the services of staff, consultants or contractors provided to the member under a secondment arrangement between the member and other member or office-holder.

Schedule 1 sets the salary allocations for the relevant positions covered by the determination. There has been no change to these allocations.