LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MEMBERS’ GUIDE

GUIDE TO SERVICES, FACILITIES AND ENTITLEMENTS FOR NON-EXECUTIVE MEMBERS AND THEIR STAFF

Eighth Assembly
As at February 2015
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1 MESSAGE FROM THE CLERK

This members’ guide has been prepared by the Office of the Legislative Assembly to provide advice and assistance to members, particularly new members, and their staff in relation to:

- the processes and procedures of the Assembly and its committees
- the roles, functions and services of the Office of the Legislative Assembly
- information about the workplace environment and the Assembly building
- members’ entitlements

This guide is based on relevant legislative provisions, the standing orders and determinations of the ACT Remuneration Tribunal. It is updated periodically to reflect relevant changes.

The guide is not intended as a detailed examination of Assembly practice and procedure. For a comprehensive analysis of this area of interest members should refer to the Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory, available on the Assembly website site.

Details on the administration of travel arrangements for non-executive members (Chapter 15) are currently being finalised and will be issued as a revision shortly.

Tom Duncan
Clerk
February 2015
2 KEY CONTACTS AND LINKS

IMPORTANT LINKS

- LANET, Legislative Assembly intranet site
  http://ladotnet/
- Legislative Assembly website
  www.parliament.act.gov.au
- Legislative Assembly standing orders
- ACT Remuneration Tribunal
- Australian Capital Territory (Self-Government) Act 1988 (Cwlth)
- Companion to the Standing Orders for the Legislative Assembly for the Australian Capital Territory
- Australian Parliament
  www.aph.gov.au
- House of Representatives Practice
- Odgers’ Australian Senate Practice (Odgers)
- Commonwealth Parliamentary Association (CPA)
  www.cpahq.org/
- Australasian Study of Parliament Group (ASPG)
  www.aspg.org.au
## IMPORTANT CONTACTS

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1 All telephones in the Assembly building are part of the ACT government telephone network. Telephones on that network are given a five digit extension number. When calling that extension from outside the ACT government network, the caller needs to add the **prefix 620**. To call numbers outside the network the caller will need to **key in ‘0’** for an outside line.
3 THE ASSEMBLY – GENERAL PROVISIONS RELATING TO MEMBERSHIP

THE LEGISLATIVE ASSEMBLY

3.1 The Australian Capital Territory (Self-Government) Act 1988 (the Self-Government Act) establishes the Australian Capital Territory as a body politic under the Crown and provides that there shall be a Legislative Assembly for the Australian Capital Territory.

TERM OF OFFICE

3.2 The term of office of each member begins at the end of the day on which the election of the member is declared by the Electoral Commissioner and, unless sooner ended by resignation or disqualification or by dissolution of the Assembly, ends on the polling day for the next election.

3.3 The Electoral Act 1992 provides that each election shall be held on the third Saturday in October in the fourth year after the year in which the last ordinary election was held. The date for the next election is 15 October 2016, provided the date does not coincide with a federal election.

RESIGNATION OF MEMBERS AND OFFICE HOLDERS

3.4 The Self-Government Act (section 13) provides that:

(1) A member may resign office as a member by written notice delivered to a person authorised by the Assembly to receive it.

(2) The Presiding Officer may resign office as Presiding Officer by written notice delivered to a person authorised by the Assembly to receive it.

(3) The person receiving a notice of resignation must arrange for it to be laid before the Assembly as soon as practicable after receiving that notice.

3.5 On 27 March 1992, the Assembly authorised the Speaker to receive the written notice of resignation of a member of the Assembly. If the Speaker is absent from the Territory or from duty, the Deputy Speaker may accept this notice on the Speaker’s behalf. The Clerk is authorised to receive the written notice of resignation of the Speaker of the Assembly.

3.6 Section 45 of the Self-Government Act provides that the Chief Minister may resign office as Chief Minister by written notice delivered to the Presiding Officer (Speaker) and any other minister may resign office as minister by written notice delivered to the Chief Minister.
DISQUALIFICATION PROVISIONS

3.7 Section 14 of the Self-Government Act provides that a member vacates office if the member:

- is not qualified to take a seat as a member at any time after the beginning of the first meeting of the Assembly after a general election;
- is absent without permission (leave) of the Assembly for four consecutive meetings or such number of meetings as is specified by enactment [no specification has yet been made]; or
- “takes or agrees to take, directly or indirectly, any remuneration, allowance, honorarium or reward for services rendered in the Assembly, otherwise than under section 73.” (NB section 73 makes provision for the remuneration and allowances for members and other offices).

ELIGIBILITY TO BE AN MLA

3.8 Section 103 of the Electoral Act provides that, to be eligible to be an MLA, a person must be:

- an Australian citizen
- at least 18 years of age
- an elector or entitled to be an elector (i.e. a person who is enrolled, or is to be taken under the Act to be enrolled for an electorate)

3.9 Under the Act, to be eligible a person must not:

- be a member of the Parliament of the Commonwealth or the legislature of a State or another Territory; or
- hold an office or appointment (other than a prescribed office - i.e. office of Speaker, Deputy Speaker, Chief Minister, Deputy Chief Minister, Minister or MLA) under a law of the Territory, the Commonwealth, a State or another Territory; or
- be employed by the Territory, the Commonwealth, a State or another Territory authority or a body (whether corporate or not) established by a law of the Commonwealth, a State or another Territory and entitled to any remuneration or allowance (other than reimbursement of expenses reasonably incurred) in respect of the office, appointment or employment.

3.10 The Act also provides that a person who is convicted of certain offences under the Electoral Act, Crimes Act 1900 and Crimes Act 1914 (Cwlth) (including bribery, violence and intimidation), or found by the Court of Disputed Elections to have contravened nominated offences while a candidate, is not eligible to be an MLA during the period of two years commencing on the date of the conviction or finding.

3.11 Section 104 of the Electoral Act makes provision for the eligibility of persons to be nominated for election as an MLA.
3.12 The Assembly can, by resolution, refer questions relating to the eligibility of a person to be an MLA or vacancies in the membership of the Assembly to the Court of Disputed Elections (Electoral Act, section 252).

PRIVILEGE

3.13 Parliamentary privilege refers to the powers and immunities the Assembly and its members and committees possess to ensure they can discharge their functions.

3.14 The most well-known privilege granted to members is that of freedom of speech. Members have immunity from legal action for anything said in the course of proceedings of the Assembly or its committees.

3.15 The source of the privileges powers of the Assembly is section 24 of the Australian Capital Territory (Self-Government) Act 1988. This section links the privileges and immunities of the Assembly and its members and committees, with those of the House of Representatives and its members and committees until such a time as the Assembly makes a law with respect to its own powers (it is yet to do so).

3.16 It should be noted that the Assembly does not have the power to imprison or fine a person.

3.17 For further reading see chapter 2 of the Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory, chapter 19 of the 6th edition of House of Representatives Practice and chapter 2 of the 13th edition of Odgers’ Australian Senate Practice.

3.18 For further advice contact the Clerk (ext. 50191) or Deputy Clerk (ext. 50171).

JURY SERVICE AND ATTENDANCE BEFORE COURTS

3.19 Based on the Assembly’s prior claim to the service of its members, MLAs are excused from service on juries. The Juries Act 1967 also provides that members and members of their staff who are advisers or private secretaries are exempt from serving as jurors (section 11).

3.20 Section 14 of the Parliamentary Privileges Act 1987 (Cwlth), to which the Assembly is linked through the Self-Government Act, provides that a member shall not be required to attend before a court or tribunal on any day on which the House (or, in the ACT, the Assembly) or committee of which that member is a member meets or within five days before or five days after such a day. A similar immunity exists in relation to the arrest or detention of a member in a civil case.

3.21 For further advice contact the Clerk (ext. 50191) or Deputy Clerk (ext. 50171).
CODE OF CONDUCT

3.22 On 25 August 2005, the Assembly agreed to a resolution of continuing effect to adopt a code of conduct for members of the Assembly. The code was subsequently amended on 16 August 2006 and 24 October 2013.

3.23 The code is reproduced below in full.

The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.

In committing to this Code of Conduct, Members undertake, to the community and to one another, that the following principles shall guide their conduct as Members in all matters:

(1) Members should at all times act with integrity, honesty and diligence.

(2) Members should act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.

(3) Members should always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.

(4) Members should be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.

(5) Members should be transparent in, and accountable for, their decisions and actions, should avoid or appropriately resolve any actual or reasonably perceived conflicts of interest and should submit themselves to appropriate scrutiny.

(6) Members should make only proper use of those public resources to which they have access.

(7) Members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as permitted by law.

(8) Members should observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.

(9) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.
Consistent with the above principles, Members further undertake that they should:

(10) Actively seek to prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:

(a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth);

(b) declare their pecuniary interests and ensure that their declaration is kept up to date pursuant to the resolution of the Assembly ‘Declaration of Private Interests of Members’ agreed to on 7 April 1992 (as amended or replaced from time to time). Include in the Member’s Statement of Registrable Interests all gifts, payments, fees, rewards or benefits valued at more than $100 received in connection with the Member’s functions as a Member; and

(c) disclose in a manner appropriate to the circumstances any other financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) which a reasonable observer, informed of that interest, might perceive as giving rise to a conflict of interest with the performance of the Member’s duty as a Member.

(11) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person.

(12) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly ‘Exercise of freedom of speech’ agreed to on 4 May 1995 (as amended or replaced from time to time).

(13) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information, or improperly for the private benefit of themselves or another person.

(14) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members’ Staff) Act 1989*:

(a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);

(b) not employ a family member as defined in that Act;

(c) direct their personal staff to be mindful of the Member’s commitment to this Code of Conduct, and to assist the Member to comply with this Code of Conduct; and

(d) direct their personal staff to comply with any code of conduct applicable to those staff from time to time.
In all their dealings with staff of the Assembly and members of the ACT Public Service:

(a) extend professional courtesy and respect; and
(b) recognise the unique position of impartiality and the obligations of Public Service officials.

Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.

Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member."

3.24 The code is included in the *Standing Orders and resolutions of continuing effect of the Assembly* (see Continuing resolution 5).

3.25 On 24 October 2013 the Eighth Assembly agreed to a resolution reaffirming each member’s ‘commitment to the principles, obligations and aspirations of the code’.

**ETHICS AND INTEGRITY ADVISER**

3.26 On 10 April 2008 the Speaker moved a motion enabling an ethics and integrity adviser for the Legislative Assembly to be appointed. The position, which is modelled on the NSW Parliament’s Ethics Adviser, provides advice to members on the Assembly’s code of conduct, use of entitlements, potential conflicts of interest, and any other matters of an ethical nature where advice is sought.

3.27 The Ethics and Integrity Adviser makes his or her contact details available to members as a matter of course. The adviser can also be contacted through the Clerk’s office.

More information on the operation of the Ethics and Integrity Adviser position is available in the *Standing Orders and resolutions of continuing effect of the Assembly* (see Continuing resolution 6A).

**COMMISSIONER FOR STANDARDS**

3.28 On 31 October 2013 the Assembly resolved to request that the Speaker appoint a Commissioner for Standards.

3.29 The functions of the Commissioner are to:

a) investigate specific matters referred to the Commissioner—
   - by the Speaker in relation to complaints against Members; or
   - by the Deputy Speaker in relation to complaints against the Speaker; and

b) report to the Standing Committee on Administration and Procedure.
3.30 Members of the public, members of the ACT Public Service and Members of the Assembly may make a complaint to the Speaker about a Member’s compliance with the Members’ Code of Conduct or the rules relating to the registration or declaration of interests.

3.31 The process of appointing a commissioner commenced in November 2013 with an appointment expected to be made by the Speaker in early 2014.

3.32 The resolution outlining the commissioner’s roles and functions is included in the Standing Orders and resolutions of continuing effect of the Assembly (see Continuing resolution 5AA).

PECUNIARY INTEREST

3.33 Standing order 156 provides that:

A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion on a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

3.34 This standing order reflects the provisions of section 15 of the Self-Government Act. Both section 15 and standing order 156 provide that any question concerning the application of this provision shall be decided by the Assembly. Section 15 of the Self-Government Act also provides that a contravention of this provision does not invalidate anything done by the Assembly.

3.35 Standing order 224 provides that a member is prohibited from sitting on a committee if the member has any direct pecuniary interest in the inquiry before the committee.

DECLARATION OF PRIVATE INTERESTS

3.36 By order of the Assembly, members are required to provide to the Clerk a declaration of the private interests of themselves and their immediate family. The declaration must be made in a ‘Statement of registrable interests’ form which covers a range of matters, including shareholdings in public and private companies, family and business trusts and nominee companies, real estate holdings and gifts. This declaration must be provided by each member within 28 days of being sworn in.

3.37 Notification of alterations must be lodged with the Clerk within 28 days of the alteration occurring.

3.38 Declarations of members’ interests, and alterations, are published on the Assembly’s website at: http://www.parliament.act.gov.au/members/declarations-of-interest
3.39 Members must specify the precise location of any real estate in which they or their immediate family hold an interest, however they are not required to state the precise location of their principal private residence.

3.40 Members are also directed to chapter 15 of this guide on travel entitlements which addresses issues associated with keeping a record of frequent flyer points accrued whilst travelling on Assembly business.

3.41 A copy of the 'Statement of registrable interests' form is available on the intranet. For more information on members’ responsibilities with respect to declaring their interests contact the Office of the Clerk (ext. 50173).

3.42 The resolution outlining the declaration of members’ private interests is included in the Standing Orders and resolutions of continuing effect of the Assembly (see Continuing resolution 6).

**RECEIPT OF GIFTS**

3.43 There may be occasions where, in the course of a member’s duties, he or she receives an official gift (i.e. a gift that is received in the course of representing the Assembly on official business such as interstate committee travel).

3.44 Official gifts are those which are presented to the Assembly by individuals or institutions, that are of an enduring nature and that, in some way, speak to the unique background of the benefactor or to the relationship between the Assembly and the benefactor, such as particular cultural artefacts, artworks, or ceremonial or commemorative objects. Ephemeral gifts such as gifts of alcohol, flowers or confectionery products are not deemed to be official gifts, nor are low-value items such as lapel pins, pens/pencils or other types of stationery paraphernalia.

3.45 If a gift is made whilst the member is representing the Assembly (i.e. an official gift), it should be forwarded to the Speaker’s office accompanying the ‘Official gift submission form’ located on the intranet.

3.46 The Speaker will determine whether or not a particular submitted gift should be retained as part of the official gift collection which is maintained by the Office of the Legislative Assembly (with various items being displayed periodically in the exhibition room).

3.47 Members should indicate on the form whom the gift was from, a description of the gift, the date on which it was received, the approximate value of the gift, and the occasion or event at which the gift was given.

3.48 Where the Speaker determines that the gift may be retained by the member or where a gift is received by a member that has not been given in an official capacity, it is important that the member updates his or her 'Statement of registrable interests' form and provides the updated information to the Clerk.
3.49 The statement of registrable interests form provides:

*Gifts valued at more than $250 received from official sources, or at more than $100 where received from other than official sources (provided that a gift received by a member, the members’ spouse or dependants from family members or personal friends in a purely personal capacity) need not be registered unless the member judges that an appearance of conflict of interest may be seen to exist.*

3.50 Additional information on the presentation of gifts is in chapter 18.

### CHAPTER 3 ASSEMBLY – GENERAL PROVISIONS RELATING TO MEMBERSHIP: SUBJECT MATTER EXPERTS

- Clerk (ext. 50191)
- Deputy Clerk (ext. 50171)
- Clerk Assistant (ext. 50557)
- Chamber Support (ext. 50173)
4 Office of the Legislative Assembly

The Office

4.1 Pursuant to the Legislative Assembly (Office of the Legislative Assembly) Act 2012, the Office is charged with:

- providing advice on parliamentary practice and procedure and the functions of the Assembly and committees
- reporting proceedings of the Assembly and meetings of committees
- maintaining an official record of proceedings of the Assembly
- providing library and information facilities and services for members
- providing staff to enable the Assembly and committees to operate efficiently
- providing business support functions, including administering the entitlements of members who are not part of the Executive
- maintaining the Assembly precincts

4.2 The Office also has the function of providing public education about the functions of the Assembly and committees.

4.3 Importantly, the Clerk (the head of the Office) and staff of the Office are not subject to the direction of the Executive. The Office receives a separate annual appropriation passed by the Legislative Assembly to fund its operations.

Structure of the Office

4.4 The Office is made up of the five different areas:

- Chamber Support
- Committee Support
- Hansard, Technology and Library
- Governance and Communications
- Business Support

Clerk

4.5 The Clerk of the Assembly is a statutory office-holder and is principal adviser to the Speaker and all members on all matters relating to the proceedings of the Assembly and the committees of the Assembly.

4.6 The Clerk is responsible for the overall administration of the Office and has responsibilities under several acts and the standing orders.

4.7 The Clerk is the Secretary to the Standing Committee on Administration and Procedure.
4.8 The Office of the Clerk is located on the south-eastern side of the ground floor of the Assembly building.

**CHAMBER SUPPORT**

4.9 The Chamber Support area is responsible for:

- servicing the Assembly Chamber, including the programming of business
- providing procedural advice and the publication and custody of the records of the chamber
- processing of legislation which has been passed by the Assembly for publication and notification on the Legislation Register as laws of the ACT
- providing administrative and procedural support to the Standing Committee on Administration and Procedure, and servicing the Standing Committee on Justice and Community Safety in its legislative scrutiny role
- fraud and corruption prevention
- internal audit
- administration of inter-parliamentary relations

4.10 Chamber Support is located on the south-eastern side of the ground floor of the Assembly building.

**COMMITTEE SUPPORT**

4.11 The Committee Support area is responsible for assisting both the standing and select committees appointed by the Assembly. It is frequently the point of contact for inquiries by the public. It is responsible for:

- coordinating inquiry processes
- providing research and analysis for committee inquiries
- coordinating public consultation
- drafting committee reports
- providing procedural advice to committees
- supplying administrative support services

4.12 The Committee Support area is located on the south-eastern side of the ground floor of the Assembly building.

4.13 For more information on Committee Support refer to chapter 6.
HANSARD, TECHNOLOGY AND LIBRARY

4.14 The Hansard, Technology and Library area is responsible for:

- producing and publishing accurate and timely transcripts of Assembly debates and evidence given before Assembly committees. Detailed information on Hansard transcripts and services is provided in chapter 7
- producing live webstreaming and daily audiovisual replays of Assembly and committee proceedings
- managing information technology for non-executive members, their staff, and staff of the Office of the Legislative Assembly, and developing Information and communications policies
- Maintaining the Assembly’s website and the Hansard database service. More information on IT equipment and facilities is provided in chapter 18
- Managing the Office’s records and information
- Providing broadcasting and related technical services, and developing broadcasting policy for the Assembly and its committees
- Providing library information and reference services (more information is provided in chapter 10)

4.15 The Hansard, Technology and Library area is located on the north-western side of the second floor of the Assembly building.

GOVERNANCE AND COMMUNICATIONS

4.16 Governance and Communications area is responsible for:

- financial and budget management
- public affairs and parliamentary education
- corporate governance and strategic policy
- risk management and business continuity
- content management for the Assembly’s website
- the Assembly art program

4.17 Education and public affairs staff are located on the first floor in a spare member’s office, while finance staff and the Director, Governance and Communications, are located on the Western side of the building on the ground floor.

4.18 For more information on parliamentary education refer to chapter 8.
BUSINESS SUPPORT

4.19 The Business Support area is responsible for servicing and advising non-executive members, their staff, the Clerk and staff of the Office of the Legislative Assembly in relation to a range of administrative, financial and human resource issues, including:

- employment arrangements and HR
- workplace management
- payroll
- provision of attendant and security services for the Assembly
- building and facilities management
- administration of members’ entitlements

4.20 The Business Support area is located on the north-western side of the ground floor of the Assembly building.

CHAPTER 4 OFFICE OF THE LEGISLATIVE ASSEMBLY: SUBJECT MATTER EXPERTS

- Clerk (ext. 50191)
- Deputy Clerk (ext. 50171)
- Director, Committee Support (ext. 50199)
- Director, Hansard, Technology and Library (ext. 50126)
- Director, Business Support (ext. 50181)
- Director, Governance and Communications (ext. 50018)
5 ASSEMBLY PROCEDURES

5.1 This chapter of the members’ guide gives a brief introduction to the procedures and forms of the Assembly. A comprehensive examination of the Assembly’s practice and procedure is available in the ‘Companion to the Standing Orders’ on the Assembly website.

5.2 Further inquiries concerning Legislative Assembly procedures should be directed to the Deputy Clerk (ext. 50171) or the Clerk Assistant (ext. 50557).

STANDING ORDERS AND CONTINUING RESOLUTIONS OF THE ASSEMBLY

5.3 The Assembly, acting under the power conferred by section 21 of the Australian Capital Territory (Self-Government) Act, has adopted comprehensive standing orders to govern the conduct of its business and related matters such as the operation of its committees. The Assembly has also made continuing resolutions with respect to the conduct of its business. Those it has declared to be of continuing effect are printed as an addendum to the standing orders. On occasions it also makes temporary orders.

5.4 Copies of the standing orders are available from the Legislative Assembly’s website.

5.5 The general rule for the conduct of the business of the Assembly (SO 275) provides that any question relating to the procedure or the conduct of the business of the Assembly not provided for in the standing orders or practices of the Assembly shall be decided according to House of Representatives Practice.

5.6 The Speaker is elected by the Assembly, presides over meetings of the Assembly and is responsible for maintaining order in the chamber. The Speaker ensures the proceedings are conducted in accordance with the standing orders and practices of the Assembly. The Speaker has certain statutory responsibilities and represents the Assembly in official dealings with other parliaments and organisations.

ROLE OF THE SPEAKER

5.7 The Speaker, as Presiding Officer, has overall responsibility for administration of the Assembly and control of the Assembly building (in effect performing a role similar to that of a minister). This responsibility is exercised in accordance with the provisions of the Legislative Assembly Precincts Act 2001.

5.8 The Speaker has specific roles pursuant to the Legislative Assembly (Office of the Legislative Assembly) Act 2012 in relation to the appointment of the Clerk, suspension of the Clerk and termination of the Clerk’s appointment.

5.9 Pursuant to the Financial Management Act 1996, the Speaker is responsible for determining annually the recommended appropriation for the Office which is communicated to the Treasurer for the consideration of the Budget Cabinet Committee (s20).
5.10 In 2013, the Assembly passed the *Officers of the Assembly Legislation Amendment Act 2013* (commenced July 2014). Upon commencement, the Speaker assumed a number of responsibilities, including in relation to the appointment, suspension and termination of appointment of the Auditor-General, Electoral Commissioner and Ombudsman.

5.11 The *Deputy Speaker* performs the duties of the Speaker as Acting Speaker when the Assembly is informed of the absence of the Speaker and takes the chair when requested to do so by the Speaker during a sitting of the Assembly.

5.12 At the commencement of every Assembly the Speaker nominates not more than three members (who are not ministers) to act as *Assistant Speakers* who may be called on to substitute for the Speaker in the chair.

**DAYS AND HOURS OF MEETING**

5.13 Standing order 27 provides that, unless otherwise ordered, the Assembly meets at 10am each sitting. The Assembly usually meets on Tuesday, Wednesday and Thursday in a sitting week. The practice is that towards the end of each year, the Assembly determines the sitting pattern for the forthcoming year.

5.14 On sitting days, the Assembly usually suspends for lunch at approximately 12:30pm, and the chair is resumed at 2:30pm. Adjournment procedures provide that the question on adjournment be put at 6pm or soon thereafter, although sittings sometimes rise earlier, or may be extended beyond 6:30pm.

**ROUTINE OF BUSINESS**

**ORDINARY ROUTINE OF BUSINESS**

5.15 The ordinary *routine of business* is as follows (SO 74):

- Prayer or reflection
- Presentation of petitions
- Notices and orders of the day
- Questions without notice (at 2:30pm)
- Presentation of papers
- Ministerial statements, by leave
- Matters of public importance
- Notices and orders of the day

5.16 See Figure 1 for a guide to a normal sitting week
**FIGURE 1: GUIDE TO NORMAL SITTING DAYS**

<table>
<thead>
<tr>
<th>TIME</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
<th>THURSDAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>10am</td>
<td>PRAYER OR REFLECTION</td>
<td>PRAYER OR REFLECTION</td>
<td>PRAYER OR REFLECTION</td>
</tr>
<tr>
<td></td>
<td>Petitions</td>
<td>Petitions</td>
<td>Petitions</td>
</tr>
<tr>
<td></td>
<td>Executive business</td>
<td>Private members business</td>
<td>Executive notices of intention to present bills</td>
</tr>
<tr>
<td></td>
<td>Notices and orders of the day</td>
<td>Notices and orders of the day</td>
<td>Assembly business</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Executive members’ business</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Executive business notices and orders of the day</td>
</tr>
<tr>
<td>12:30pm approx</td>
<td>LUNCH SUSPENSION</td>
<td>LUNCH SUSPENSION</td>
<td>LUNCH SUSPENSION</td>
</tr>
<tr>
<td>2:30pm</td>
<td>QUESTION TIME</td>
<td>QUESTION TIME</td>
<td>QUESTION TIME</td>
</tr>
<tr>
<td></td>
<td>Presentation of papers</td>
<td>Presentation of papers</td>
<td>Presentation of papers</td>
</tr>
<tr>
<td></td>
<td>Ministerial statements</td>
<td>Ministerial statements</td>
<td>Ministerial statements</td>
</tr>
<tr>
<td></td>
<td>Matter of public importance (if submitted)</td>
<td>Matter of public importance (if submitted)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Executive business – notices and orders of the day</td>
<td>Private members’ business – notices and orders of the day</td>
<td>Executive business – notices and orders of the day</td>
</tr>
<tr>
<td>6pm</td>
<td>Adjournment debate</td>
<td>Adjournment debate</td>
<td>Adjournment debate</td>
</tr>
</tbody>
</table>

5.17 **Executive business** refers to notices and orders of the day (see paragraphs 5.42-5.45 below) sponsored by ministers and has precedence on Tuesdays and Thursdays (with the exception of time on Thursday mornings for Assembly and Executive Members’ business) over all other business. Subject to standing order 77, the Manager of Government Business arranges the order of executive business.

5.18 **Private members’ business** refers to notices and orders of the day sponsored by non-ministers (including government members) and has precedence over executive and Assembly business on sitting Wednesdays. The order of private members’ business is determined by the Standing Committee on Administration and Procedure (SO 16) when it meets each sitting Tuesday during the lunch suspension.
5.19 **Assembly business** refers to any notice of motion or order of the day relating to certain committee business (as defined by SO 77), any notice of motion to amend, disallow, disapprove and declare void and of no effect certain statutory instruments or any order of the day to consider such a motion (SO 77(j)) and any notice of motion or order of the day relating to the administration of the Assembly or the way it conducts its proceedings (SO 77(k). The order of Assembly business is determined by the Standing Committee on Administration and Procedure.

5.20 **Executive members’ business** refers to business that has been introduced by a crossbench member of the Executive.

5.21 The *Notice Paper* is the official agenda of the Assembly and lists all the business before the Assembly in order of precedence for the sitting on the day of issue. It also lists notices of questions (or a record of unanswered questions), responses to petitions yet to be presented by ministers, and the membership of Assembly committees.

5.22 The printed version of the *Notice Paper* is usually available early on the morning of each sitting and, an electronic version, late the preceding evening on the Legislative Assembly website under the ‘In the Assembly’ menu. It can also be located in the Legislative Assembly section of the “Public Folders” section (Legislative Assembly folder) of Microsoft Outlook.

5.23 The *Daily Program* (or “Blue”) is an unofficial document compiled in accordance with standing orders 74 and 77, in collaboration with the Standing Committee on Administration and Procedure and on the advice of the Manager of Government Business and ministers and members who have business to bring forward. It serves as a guide to members and others, listing business for the sitting in the order in which it is expected to be considered on any given sitting day. It reflects the order of business shown on the *Notice Paper* and is always subject to change.

5.24 The Daily Program is available on the Legislative Assembly website under the ‘In the Assembly’ menu at least one hour before the Assembly meets and can also be accessed via Microsoft Outlook’s “Public Folders” (Legislative Assembly folder). In addition, copies are placed on members’ desks in the chamber and are available at the members’ and public entrances.

5.25 The *Minutes of Proceedings* is the official record of the proceedings of the Assembly. Copies are distributed in proof form both as limited hard copy the following morning and electronically via the Legislative Assembly website under the ‘In the Assembly’ menu within 2 hours of rising each sitting. Final *Minutes of Proceedings* are issued after appropriate checking processes have been undertaken. *Minutes of Proceedings* can also be located in the Legislative Assembly section of the “Public Folders” section (Legislative Assembly folder) of Microsoft Outlook.
5.26 Other Assembly documents available on the Legislative Assembly’s website include:
- Bills list — tracking tool for following progress of bills
- Summary of bills — synopsis of bills presented with links to the Legislation Register
- Bills volume — bills and associated material
- Business of the Assembly — annual summary of business
- Standing orders — rules of proceedings
- Sitting pattern — days the Assembly will sit during the year

5.27 In addition to being online, limited copies of these documents can be obtained from the Chamber Support area (ext. 50173).

5.28 Additional copies of bills, explanatory statements and acts are available at www.legislation.act.gov.au. Further information can be obtained from the Minutes/Legislation Officer in the Chamber Support area (ext. 50440).

PRAYER OR REFLECTION

5.29 At the commencement of each sitting, provided a quorum of members is present, the Speaker will call upon members to pray or reflect on their responsibilities to the people of the Territory (SO 30).

5.30 A quorum of members is an absolute majority of members (i.e. nine members).

PETITIONS

5.31 Standing orders 83 to 100C relate to petitions. A sample petition format and “Preparing a petition for the Legislative Assembly for the ACT: Notes for Guidance” are available on the intranet.

5.32 Petitions may be lodged by members on public or individual grievances provided they relate to matters over which the Assembly has jurisdiction.

5.33 Although a member is not bound to do so, it is customary for a member to whom a petition is sent for presentation to lodge it, irrespective of any personal view concerning its content.

5.34 A petition must be lodged with the Clerk by 5pm on the day before the meeting of the Assembly at which it is proposed to be presented. Members lodging petitions need to sign the petition on the first page, indicating the number of petitioners. They also need to ensure that the petition conforms to the standing orders.

5.35 Petitions that have been lodged are announced by the Clerk at the commencement of each sitting. Responses to petitions from ministers are also presented at this time.
5.36 Standing order 83A makes provision for the presentation of petitions that do not conform to standing orders.

5.37 Further inquiries: Clerk Assistant (ext. 50557)

E-PETITIONS

5.38 The standing orders also provide for ACT residents to sign up to petitions via the e-petitions component of the Assembly’s website.

5.39 Citizens wishing to establish an e-petition must first seek a member to sponsor the e-petition. Once approved, the terms of the e-petition will be published on the Assembly’s website for others to join. After the expiration of a nominated time period, the petition will be presented to the Assembly.

5.40 Forms and further information are available on the e-petitions website.

5.41 Members wishing to sponsor an e-petition should contact the Deputy Clerk (ext. 50171)

NOTICES AND ORDERS OF THE DAY

5.42 Most of the Assembly’s time is taken up considering notices and orders of the day.

5.43 A Notice is formal advice of a motion to be moved or a bill to be presented (notice may also be given of questions to be asked). A notice of motion or intention to present a bill is a declaration of intent by a member to move a motion or present a bill on a specified day. Members may give notice that they intend to move a motion or present a bill by lodging a notice of motion form. The form must be signed by the member and be received by one of the clerks in the chamber while the Assembly is sitting. Although it is not required to show the day proposed for moving the motion it is usual to say “at the next sitting”. “Sample Notice of motion format” and “Rules for notices of motion” documents are available on the intranet. The terms of a notice may be altered, or the notice may be withdrawn, by the member who gave the notice by notifying the Clerk in writing. A notice becomes effective only when it appears on the Notice Paper.

5.44 While most motions require notice to be given prior to being moved, the standing orders allow certain motions to be moved without notice. Two examples are leave of absence to members and condolence motions. Also, any member may move a motion without notice to suspend the standing orders.

5.45 An Order of the day is a matter that the Assembly has ordered to be considered or further considered at a future time. As with notices, they are called on in the order in which they are shown on the Notice Paper.
QUESTIONS

5.46 Members may ask questions either orally (without notice) or place questions on the Notice Paper for written reply.

5.47 The Speaker calls on questions without notice at 2:30pm each sitting and they are not concluded until all non-executive members who wish to do so, have asked at least one question. A member is entitled to ask a supplementary question to his or her original question, and other members may ask up to two further supplementary questions.

5.48 Questions to be asked on notice (QoN) should be clearly written or typed on the QoN template which is available on the intranet. These are to be signed by the member and lodged with the Notice Paper/Projects Officer in the Chamber Support area (ext. 50631 lanoticepaper@parliament.act.gov.au) by 12 noon on the day preceding the sitting day on which they are to appear on the Notice Paper. It greatly assists production of the Notice Paper if the text of a question could also be emailed to the Notice Paper/Projects Officer.

5.49 Questions may be edited by the Chamber Support area (acting under the authority of the Speaker pursuant to standing order 117(f)) to conform to the standing orders before appearing on the Notice Paper.

5.50 The signed original of an answer to a question on notice (or to a question taken on notice during question time) should be delivered to the Notice Paper Officer, together with three copies of the answer. A copy of an answer to a question on notice will be distributed to the member who asked the question as soon as practicable following receipt.

5.51 When an answer to a question on notice is received, the question is removed from the next day’s Notice Paper. The question and answer are also published in Hansard as soon as possible.

5.52 Standing order 118A provides that, if a question on notice (including a question taken on notice during questions without notice) is not answered within 30 days, the member who asked it may ask the relevant minister for an explanation after question time.

PRESENTATION OF PAPERS

5.53 Presentation of papers follows question time. Papers may be presented by the Speaker or by ministers either pursuant to a statutory requirement or at their discretion.

5.54 Other business may arise following presentation of papers, such as the motion “That the Assembly takes note of the paper”. This motion is a procedural device to enable the paper to be debated – either immediately or at a future time.
Standing order 212 allows members to obtain copies of documents presented to the Assembly. Most documents other than bills, reports, or subordinate legislation are available electronically on members’ P drive. (For executive members, in folder LAEX/Projects/LAEX Tabled Papers; for non-executive members in folder LANEX/Projects/LANEX Tabled Papers.) For copies of other documents, contact the Minutes/Legislation Officer (ext. 50440).

While most documents presented during the time for presentation of papers are authorised for publication (SO 212A(e)), not all documents presented in the Assembly are necessarily made available to persons other than members. With the permission of the Speaker, documents may be inspected by other persons or copies made.

Although every effort is made to meet genuine requests for access to documents, the release of some documents to persons other than members raises questions about liability in respect of any civil or criminal action.

Legal advice may be sought before the Speaker authorises publication of papers tabled, and members are advised to contact the Clerk if they have any queries concerning the publication of documents beyond their offices (see also paragraphs 3.14-3.19 on privilege or, for a more detailed analysis chapter 2 of the Companion to the Standing Orders).

MINISTERIAL STATEMENTS

Following questions without notice, having obtained leave of the Assembly, ministers may make a ministerial statement, usually concerning government policy or other matters for which they have ministerial responsibility.

Other members may be granted leave to make a statement on the same matter or, if the statement has been tabled, a motion “That the Assembly takes note of the paper” may be moved by a minister. Debate on the motion may take place immediately or may be adjourned until a future time.

MATTERS OF PUBLIC IMPORTANCE

A member can propose to the Speaker that a matter of public importance be submitted to the Assembly for discussion on Tuesdays and Thursdays. Under standing order 79, written advice of the matter is given to the Speaker not less than one and a half hours before the time fixed for the meeting of the Assembly (i.e. by 8:30am on a sitting day). If the Speaker determines that the matter is in order it is submitted to the Assembly.

If more than one matter is proposed for the same day, before the start of the sitting the Speaker determines, by lot, which matter will be discussed.
5.63 Matters are expected to contain an element relating to ministerial responsibility or come within the scope of ministerial action. They are not submitted in the form of a motion and are not voted on by the Assembly.

5.64 The discussion can continue for up to 45 minutes: 15 minutes being allowed for the proposer, and 10 minutes for other members.

**LEGISLATION**

5.65 A *bill* is a proposed law. Once it has been agreed to by the Assembly its passing is notified on the [Legislation Register](#) by the Parliamentary Counsel and it becomes an *Act*.

5.66 The majority of bills introduced into the Assembly are government bills. The bills, explanatory statements, Human Rights Act compatibility statements and presentation speeches are distributed in the chamber when the bills are introduced. Additional copies are available online from the Legislation Register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

5.67 Members who are not ministers may introduce bills, and they are known as *private members’ bills*. An *Executive Members’ bill* is a bill introduced by a member of the Executive in his or her capacity as a crossbench member.

5.68 *Amendments* to bills may be moved during the detail stage (clause by clause consideration) of a bill. Members who need help drafting amendments should contact the Parliamentary Counsel’s Office (ext. 53700). A signed copy of a proposed amendment must be delivered to the Clerk’s Office for circulation to members by 12 noon on the day prior to the sitting at which it is to be moved (standing order 178A).

5.69 The four stages for consideration of legislation by the Assembly are shown at Figure 2.

5.70 Any queries relating to the progress of legislation should be directed to the Minutes/Legislation Officer (ext. 50440). A [Bills List](#) is issued regularly detailing the progress of each bill presented to the Assembly and is available on the Legislative Assembly’s website.
FIGURE 2: STAGES FOR CONSIDERATION OF LEGISLATION

PRESENTATION
- Generally a bill is presented following the calling on of a notice for its presentation.
- The minister or member first presents two signed copies of the bill.
- He or she then moves "That this bill be agreed to in principle".
- After the speaker proposes the question, the member explains to the Assembly the purpose of the bill and why it is necessary (known as a the presentation speech).
- The debate must then be adjourned until a future day.

IN PRINCIPLE DEBATE
- When the order of the day for the resumption of the debate is called on, the Assembly debates the general principles of the bill.
- If the question is negatived, the bill proceeds no further; if it is agreed to, it can either proceed to the detail stage or be referred to an Assembly committee for examination.
- The Assembly resumes consideration of the bill at the detail stage when the report of the committee is presented.

BILL NEGATIVED
No further action is taken.

BILL BECOMES AN ACT
Once the bill has been agreed to by the Assembly, it is certified by the Clerk and the Speaker then asks Parliamentary Counsel to notify the Act on the Legislation Register. The proposed law takes effect on the date of notification (or as otherwise provided in the proposed law). Notification usually occurs within 10 working days after the Assembly has passed the bill.

DETAIL STAGE
The standing orders lay down the order of consideration of bills in the detail stage. It is usually clause by clause but leave of the Assembly can be given to consider some clauses together or "the bill as a whole" may be considered. Amendments may be moved to the substantive provisions of the bill.

QUESTION PROPOSED:
"That this bill (or this bill as amended) be agreed to"
GUIDELINES ABOUT THE USE OF HAND-HELD DEVICES AND SOCIAL MEDIA

USE BY MEMBERS IN THE CHAMBER AND COMMITTEES

5.71 Members are asked:

1. To keep the electronic device on silent
2. To avoid interference or distraction to other members, either visually or audibly, particularly the member speaking
3. Not to divert attention from the member speaking
4. Not to use the electronic device to record the proceedings (audio or vision)
5. To try to use the device unobtrusively, and bear in mind the need to balance use with creating a negative public image, particularly in question time and high profile debates

5.72 Members are reminded:

1. Any comments made on social media are not covered by parliamentary privilege
2. Use of social media to reflect on the Office of the Speaker or Deputy Speaker, aside from being disorderly, may amount to a contempt
3. Not to use social media to release confidential information about committee meetings or in camera hearings

USE BY PRESS GALLERY

5.73 Media representatives are reminded that all existing rules and conventions in regard to media interviews or in written communication, apply to their use of social media. That is, that any reflections they make on the Office of Speaker or Deputy Speaker may amount to contempt.

CHAPTER 5  ASSEMBLY PROCEDURES: SUBJECT MATTER EXPERTS

- Clerk (ext. 50191)
- Deputy Clerk (ext. 50171)
- Clerk Assistant (ext. 50557)
- Minutes/Legislation Officer (ext. 50440)
- Notice Paper/Projects Officer (ext. 50631)
6 COMMITTEES

6.1 The Assembly appoints and delegates certain of its powers and functions to committees. Committees are able to undertake detailed examinations not possible in the Assembly as a whole and have the ability to call witnesses to assist with their inquiries. Committees have the power to call for and receive submissions from individuals, community organisations, ACT government departments and agencies and other bodies. The conduct of an inquiry is determined by the committee. Committees report their conclusions and recommendations to the Assembly and their inquiries assist the Assembly in both its scrutiny role and its deliberations (particularly in relation to complex matters).

6.2 When conducted at a properly constituted meeting, committee proceedings are protected by parliamentary privilege in a manner similar to that of the Assembly itself. The protection of privilege extends to the preparation of documents for a committee and things said in the committee by witnesses and committee members. However, privilege does not necessarily apply where those things are said publicly beyond the committee proceedings or where a document submitted to a committee existed prior to the proceedings of a particular committee inquiry. For more information on parliamentary privilege in relation to committee matters contact the Director, Committee Support (ext. 50199).

6.3 Where committees recommend government action in an inquiry report it has been the practice for the government to respond to those recommendations within three months of presentation of the report. If a response has not been provided in that time, the chair of the committee may request an explanation in accordance with standing order 254A.

COMMITTEES AND THEIR MEMBERSHIP

6.4 Standing committees are established for the life of the Assembly. The resolution of the Assembly establishing committees determines their terms of reference, and any inquiry undertaken by a committee and any recommendations made by it must fall within the terms of reference.

6.5 Select committees are formed to inquire into and report on specific matters. Select committees cease to function once they have reported to the Assembly. For example, a Select Committee on Estimates is established each year during the life of an Assembly. The Select Committee on Estimates is charged with examining the budget estimates set out in the budget papers and the appropriation bill presented by the government of the day.

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2 For a detailed explanation of parliamentary privilege see chapter 2 of the Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory
Standing orders require that committee membership reflects as nearly as practicable the proportional representation of all groups and parties within the Assembly. In the Seventh Assembly there were seven standing committees and 10 select committees.

While historically standing committees have consisted of three members, the Eighth Assembly departed from this practice and established a committee structure in which each standing committee is comprised of four members – two from the government side and two from the opposition.

It is not a common practice for ministers to serve on committees, although occasionally ministers will be members of select committees on privileges.

Ministers often appear before committees by agreement as witnesses and give evidence.

**TYPES OF COMMITTEE**

The numbers and subject areas of standing committees have varied from one Assembly to another. The standing orders require that the Standing Committee on Administration and Procedure (responsible for the management of the Assembly) be established at the commencement of each Assembly. Successive Assemblies have also established committees to scrutinise bills and subordinate legislation and to perform the duties of a public accounts committee. Since the Fourth Assembly the scrutiny of bills function has been performed as part of the duties of a standing committee rather than by separate committee.

Committees also have a range of statutory responsibilities or functions that they are required by Territory legislation to perform. The most frequent requirements for all committees concern the review of statutory appointments. A minister must consult with the relevant committee on certain proposed statutory appointments. Legislation also sets out certain statutory obligations for committees in relation to budgetary, auditing, planning and legal matters.

**COMMITTEE SUPPORT**

The Committee Support area provides procedural advice, research and administrative support for most of the standing and select committees.

Each committee is assigned a committee secretary who reports to the Director of the Committee Support area. Secretaries support committees, responding to the direction of the chair and the committee as a whole. This work includes the organisation and administration of inquiries, including witnesses and submissions and the program of work, and research, writing and analysis leading to committee reports.

Reports of previous inquiries as well as evidence authorised by committees for publication can be accessed through the Committee portion of the Legislative Assembly website.
6.15 Committee Support can assist with any inquiries about committee operations, including scheduled meetings and public hearings. The contact for such matters is the Administrative Assistant for the Committee Support area (ext. 50127).

6.16 Inquiries about committees generally and committee policy matters can be directed to the Director, Committee Support (ext. 50199).

**COMMITTEE ROOMS**

6.17 Committees normally meet in one of the two committee rooms: Committee Room 1 and the Kiribati Room (formerly known as Committee Room 2). Bookings are made by the committee secretary.

6.18 Bookings to use the committee rooms for purposes other than committee meetings are managed by the Committee Support area in accordance with guidelines. For more information contact the Committee Support’s Administrative Assistant (ext. 50127).

**COMMITTEE MEETINGS**

6.19 Committees determine their own meeting program. A public hearing schedule listing times, dates, venues and subjects/witnesses appearing Assembly committees is available on the Assembly website. Although it is less common, committees may meet in places other than in the two committee rooms, and meetings may be held at venues beyond the Assembly, including in places outside the ACT. Meetings may also be conducted using audio or visual links.

6.20 Public hearings are usually broadcast within the Assembly building and webcast on the Assembly’s website. Archived audio-visual replays of committee proceedings are available via the Assembly website.

6.21 Public audio broadcast of committee proceedings can also take place in accordance with the provisions of the *Legislative Assembly (Broadcasting) Act 2001*.

**CONDUCT OF MEETINGS**

6.22 Committee meetings are, in general, less formal than proceedings in the chamber of the Assembly.

6.23 The chair and deputy chair are elected by the committee at its first meeting. Thereafter, the chair (or, in her/his absence, the deputy chair) is responsible for conducting meetings in accordance with the standing orders. Committee secretaries provide advice to the chair and the committee on standing orders and other aspects of procedure.
6.24 Committees, on occasions, propose and vote on formal resolutions. Such resolutions represent the committee’s view on a matter or implement a course of action on which it has decided. There are also resolutions which allow a committee to meet its formal obligations: for example, before the tabling of an inquiry report a committee must vote on and pass a resolution that the draft report be adopted as the report of the committee.

6.25 All matters considered, and decisions agreed to by the committee, are minuted by the committee secretary. At a later meeting the minutes are considered and confirmed (with any necessary amendments) by the committee. They are not a verbatim record of the meeting but are, as are the Assembly’s Minutes of Proceedings, a record of the business conducted at a specific meeting and the decisions taken.

CONDUCT OF INQUIRIES

6.26 The Legislative Assembly of the ACT is distinctive in that the subject of committee inquiries can either be determined by resolution of the Assembly (as is more usual) or by self-referral.

6.27 Where a committee chooses this second path, it resolves to undertake an inquiry on a particular subject, within the area described in the committee’s resolution of appointment, having set out terms of reference. Where this occurs, the Legislative Assembly should be notified as soon as possible, by means of a statement by the chair to the Assembly under Standing Order 246A.

6.28 Normal practice is to advertise the inquiry and call for submissions, once the committee has met to determine its program for the inquiry. Particular stakeholders may be invited to contribute a submission. The committee may then determine to gather further evidence and will call on some of the submitters or other experts to appear at public hearings.

6.29 It is usual for committees to invite the appropriate minister to make a submission, and for the minister and his or her officers to be the first witnesses to appear in the public hearing program.

6.30 The committee has the authority of the Legislative Assembly to call for persons, papers and records.

6.31 There are protocols to be observed when committees question ministers and public officials. Likewise, there are formal protections and obligations for witnesses who appear before committees in public hearings, which are set out in the privileges statement which is forwarded to witnesses before they appear, and is made available to them in hardcopy in the hearing. It is usual for the chair of the committee to ask witnesses if the privileges statement has been read and understood before witnesses begin giving evidence to the committee.
6.32 Committees may on occasion also decide to undertake visits or interstate travel to gather further information for the inquiry. Approval of the Speaker is required for any travel.

6.33 The chair of the committee, subject to the approval of the other members of the committee, may speak to the media about the inquiry, while maintaining the confidentiality which attaches to committee discussions and evidence. All media releases are prepared by the secretary in consultation with the chair of the committee, again subject to discussion with, and the approval of, the other members of the committee. Other members of the Assembly who make statements on topical issues to the media should not represent themselves as members of a particular committee: rather, they should make it plain that in so doing they are speaking on their own behalf.

**TRANSCRIPTS OF PUBLIC HEARINGS AND INQUIRY SUBMISSIONS**

6.34 The evidence given by a witness in a public hearing is recorded and transcribed by Hansard. Uncorrected proof transcripts (that is, the ‘raw’ or unedited transcript) of public hearings of committees are circulated to members as soon as they are available (see chapter 7 for more detail about Hansard services). It is conventional for secretaries to circulate the corrected (that is, edited) proof transcript to witnesses for corrections. At this point, witnesses have an opportunity to propose corrections of mis-transcribed place or personal names, or other errors arising from unclear audio et cetera. “Editorial” corrections, proposing changes to arguments or facts, are not applied to transcripts, which are intended to be verbatim accounts of evidence given in hearings. Witnesses are able to make submissions or supplementary submissions if they have concerns about the evidence they have given.

6.35 Committees may also determine to take evidence ‘in camera’, often in response to concerns raised by witnesses. However the decision always rests with the committee, which may, at a later date, decide to authorise the publication of such evidence. In these rare cases, committees will advise witnesses of their decision prior to publishing the material.

6.36 Committees will also consider all submissions provided and determine whether they should or should not be authorised for publication (that is, made public). Submissions not authorised for publication are confidential and may not be protected by parliamentary privilege.

6.37 Once submissions have been authorised for publication by a committee they are made available to the public by the Committee Support area on the webpage for the particular inquiry. Each committee webpage also provides links to the committee’s resolution of appointment, terms of reference for the inquiry, transcripts and, at the close of the inquiry, the inquiry report and the subsequent government response to the report. Inquiry webpages are available from the “In Committees” section of the Assembly’s website.
REPORTING

6.38 Committees regularly report back to the Legislative Assembly on the outcomes of inquiries or other activities. Standing orders allow committees to present statements and discussion papers as well as reports to the Legislative Assembly. Standing order 246A sets out that statements or discussion papers can be made on matters within a committee’s terms of reference.

6.39 In concluding an inquiry, the committee will provide a report which will often include recommendations for further action. Prior to the tabling of the report the chair, with the assistance of the secretary, provides a draft report to committee members. Once circulated, the secretary arranges a time for the committee to meet and deliberate. The committee then discusses the report according to the method agreed upon at the meeting, usually either paragraph-by-paragraph, page-by-page, or chapter-by-chapter. Another common approach is to begin by considering report recommendations.

6.40 During report consideration, members suggest amendments as necessary, either to the narrative and/or the recommendations. The report reflects the consensus of the committee. This is underscored by the requirement that the committee achieve a majority vote in order that the draft report be adopted, formally, as the report of the committee.

6.41 Where consensus cannot be reached, any member may provide a dissenting report or additional comments which will be attached to the report agreed by the committee. While dissenting reports or comments should be provided to the Committee Support area for inclusion in the final report, they are not considered to be part of the body of the report. As such the secretary is not able to assist with their preparation.

COMPREHENSIVE GUIDE

6.42 A comprehensive guide on all aspects of the processes and procedures associated with Assembly committee work is available in the “Guide for members of Assembly committees” document which is available on the intranet. Chapter 16 of the Companion to the Standing Orders also has detailed procedural information about the roles and functions of committees.

CHAPTER 6 COMMITTEES: SUBJECT MATTER EXPERTS

- Clerk (ext. 50191)
- Director, Committee Support (ext. 50199)
7 HANSARD SERVICES

ROLE OF HANSARD

7.1 Hansard services are one of the functions of the Hansard, Technology and Library (HTL) area\(^3\). The role of Hansard is to prepare the official reports of debates in the Legislative Assembly and transcripts of public hearings of Assembly committees.

7.2 The transcripts are published principally as electronic documents on the Assembly website. Members may also receive a hard copy of each official weekly Hansard, although increasingly members are relying on the electronic version.

7.3 Hansard publishes transcripts to meet tight production schedules. This gives rise to different transcript types to meet client timeliness requirements.

7.4 The internet address for Hansard transcripts is:

7.5 Inquiries can be made by contacting the Hansard, Technology and Library area (ext. 50422).

RECORDING AND TRANSCRIPTION SERVICES

7.6 Legislative Assembly and committee proceedings are recorded and transcribed by an external transcript provider, under a contract with the Office of the Legislative Assembly.

7.7 Uncorrected proof transcripts produced by the external transcript provider are progressively verified and edited by Hansard staff before publication.

HANSARD TRANSCRIPT TYPES

7.8 Hansard publishes transcripts to meet tight production schedules and performance measures which include timeliness and accuracy.

7.9 Information on these transcripts and their associated performance measures is set out below.

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\(^3\) HTL is also responsible for providing IT support and advice and Assembly library services which are dealt with in more detail in chapters 10 and 17.
UNCORRECTED PROOF TRANSCRIPT

7.10 The uncorrected proof transcript of Assembly proceedings is produced by the external transcript provider. It is not available to the public or for general distribution. It is normally emailed only to members of the Assembly, their staff and some staff of the Office of the Legislative Assembly by 10:30pm on the day of sitting. If the Assembly sits after dinner, the transcript of the evening’s proceedings is emailed as early as possible the next day.

7.11 The uncorrected proof transcript is a proof or draft issue that may not attract parliamentary privilege. It is subject to correction by Hansard editors. It should not be used for quotation, publication or reproduction as it may contain inaccuracies that will not be included in the published Hansard. Also, it may not contain material incorporated by leave of the Assembly and motions and amendments that are not read out in the chamber.

7.12 Members do not need to suggest corrections to this version of Hansard (see below). Obvious errors will be corrected by Hansard editors when they produce the edited proof transcript.

EDITED PROOF TRANSCRIPTS

7.13 Hansard publishes two edited proof transcripts that attract parliamentary privilege.

7.14 The edited proof transcript of question time is emailed to members by 6:30pm and published on the Assembly website http://www.parliament.act.gov.au/hansard by 7:00pm on the day of sitting.

7.15 A proof Daily Hansard is also published on the Assembly website within four working days after the day of sitting. Members and staff are notified by email when the proof Daily Hansard is published.

7.16 Members may suggest corrections to either of these edited proof transcripts.

WEBSTREAMING, DAILY ON DEMAND AND COMMITTEES ON DEMAND

7.17 Assembly and committee proceedings are webstreamed. The Daily on Demand and Committees on Demand services also provide an audio visual replay of proceedings which can be downloaded following lunch and dinner breaks and at the end of each day’s proceedings.
7.18 For webstreaming visit http://www.parliament.act.gov.au/functions/streaming/specify-location

7.19 For Daily on Demand visit http://on-demand.parliament.act.gov.au/

7.20 For Committees on Demand visit http://committees.parliament.act.gov.au/

**WEEKLY HANSARD**

7.21 The daily proofs are replaced by the official *Weekly Hansard* after verification by Hansard editors and the receipt of members’ corrections.

7.22 The *Weekly Hansard* is the official report of Assembly debates. It replaces the proof *Daily Hansard* and is published electronically at http://www.parliament.act.gov.au/hansard within 10 working days of the last day of the sitting week and as hard copy within 20 working days after the last day of the sitting week.

7.23 The *Weekly Hansard* also contains a list of members, a table of contents, written answers to questions on notice and documents incorporated in *Hansard* by leave of the Assembly, as well as an index for that week, by subject and by member. Hard copies are distributed only to members, government agencies and some libraries.

**BOUND VOLUMES**

7.24 As soon as possible after the end of each calendar year, bound volumes are produced for each member who requests them, the Clerk and the chamber (for perusal by members in the chamber).

**DIGEST OF PROCEEDINGS**

7.25 A *Digest of Proceedings*, which contains consolidated speech and subject indexes and other information on the Assembly’s sittings, is published with the bound volumes and as a separate electronic document on the Assembly website.

7.26 The following table sets out Hansard publication details by transcript type.
## LEGISLATIVE ASSEMBLY TRANSCRIPTS

<table>
<thead>
<tr>
<th>TRANSCRIPT TYPE</th>
<th>DISTRIBUTION</th>
<th>PUBLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncorrected proof (excluding question time)</td>
<td>Restricted distribution: members, staff and some staff of the Office of the Legislative Assembly</td>
<td>Not for quotation, publication or reproduction. Email distribution by 10:30pm on the day of sitting</td>
</tr>
<tr>
<td>Question time proof</td>
<td>General</td>
<td>Emailed to members by 6:30pm on the day of sitting. Published on the Assembly website by 7:00pm on the day of sitting.</td>
</tr>
<tr>
<td>Proof daily Hansard</td>
<td>General</td>
<td>Published on Assembly website within four days after the last day of sitting.</td>
</tr>
<tr>
<td>Official weekly Hansard</td>
<td>General</td>
<td>Published on Assembly website within 10 working days after the last day of sitting week. Hard copy published within 20 working days after the last day of sitting week.</td>
</tr>
<tr>
<td>Bound volumes</td>
<td>Members, Clerks, some libraries</td>
<td>Hard copy only. Published after the end of calendar year.</td>
</tr>
<tr>
<td>Digest of proceedings</td>
<td>General</td>
<td>Published on the Assembly website after the end of the calendar year. Hard copy to members’ offices</td>
</tr>
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COMMITTEE TRANSCRIPTS

<table>
<thead>
<tr>
<th>TRANSCRIPT TYPE</th>
<th>DISTRIBUTION</th>
<th>PUBLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncorrected proof transcript</td>
<td>Restricted distribution: Committee Support area and committee members.</td>
<td>Not for quotation, publication or reproduction. Reference committee transcripts: within three working days after the day of meeting. Estimates transcripts: the next working day after the day of meeting.</td>
</tr>
<tr>
<td>Proof</td>
<td>General</td>
<td>Published on Assembly website on completion of transcript verification.</td>
</tr>
<tr>
<td>Final</td>
<td>General</td>
<td>Published on Assembly website within 20 working days after day of meeting (subject to clearance by responsible committee secretary).</td>
</tr>
</tbody>
</table>

DATABASES

7.27 Hansard principally publishes electronic transcripts, which are available on the Legislative Assembly website www.hansard.act.gov.au. Transcripts currently available on the internet are:

- edited proof transcript of question time
- proof Daily Hansard
- official Weekly Hansard (replaces proof Daily Hansard)
- committee proof transcripts
- committee final transcripts (replace committee proof transcripts)

7.28 These electronic transcripts can be accessed in two database formats:

- Adobe Acrobat, the format and pagination of which are identical to the hard copy publication; or
- HTML format, which retains all the text content and uses the advanced functionality of search engines such as Google.
Training in the use of the databases is provided on request and may be arranged by calling the Hansard, Technology and Library area (ext. 50422).

TRANSCRIPTS OF COMMITTEE HEARINGS

Hansard also records and transcribes public hearings of Assembly committees.

The external transcript provider produces an uncorrected proof transcript that is made available through the Committee Support area only to committee members. The uncorrected proof transcript is not to be used for quotation, publication or reproduction. It may not attract parliamentary privilege.

Uncorrected proof transcripts of estimates and annual report hearings are provided to the Committee Support area the next working day after the day of hearing.

Uncorrected proof transcripts of general purpose reference hearings are provided within three working days after the day of hearing.

Committee proof transcripts are published electronically on the Legislative Assembly’s website www.hansard.act.gov.au as soon as they are verified by Hansard editors. Committee final transcripts replace the proofs within 20 working days after the day of hearing.

Members and witnesses forward their suggested corrections or changes to the committee secretary, who then liaises with the Hansard Senior Editor on their inclusion or rejection.

CORRECTIONS TO DAILY HANSARD

Members’ corrections to the published daily Hansard should be forwarded to the Director, Hansard, Technology and Library (fax 50025 or to the Hansard, Technology and Library area) as soon as possible but not later than one week after the production of the uncorrected proof transcript.

 Corrections should be confined to mishearings, misspellings of names, incorrect attributions of interjections and other transcription errors. Alterations of the sense, the introduction of new matter and the unnecessary deletion of words are not permissible.

The correction of obvious errors, such as simple misspellings and the incorrect use of double negatives, as well as any grammatical errors or faulty sentence constructions, may be left to the Hansard editors.

Any questions relating to suggested corrections should be directed to the Director, Hansard, Technology and Library (ext. 50126).
BROADCASTING OF PROCEEDINGS

7.40 In 2001, the Legislative Assembly for the ACT passed the *Legislative Assembly (Broadcasting) Act 2001* which provides for all proceedings of the Legislative Assembly or a committee of the Assembly to be broadcast (subject to conditions set by the Assembly).

7.41 Persons wishing to access the recording and transmission facilities should first visit the Daily on Demand or Committees on Demand audio visual replay services on the Assembly website. Further inquiries should be directed to the Director, Hansard, Technology and Library (ext. 50126).

7.42 Television broadcasts of Legislative Assembly proceedings and committee hearings are reticulated throughout the Assembly building. Assembly and committee proceedings may also be viewed live online via the Legislative Assembly website. Assembly proceedings can also be accessed following suspensions for meal breaks throughout a sitting day through the Daily on Demand service on the Assembly’s website.

**CHAPTER 7  HANSARD SERVICES: SUBJECT MATTER EXPERTS**

- Director, Hansard, Technology and Library (ext. 50126)
- Senior Editor (ext. 50107)
8 EDUCATION SERVICES

OPERATION

8.1 Located within the Governance and Communications area, the Assembly’s Education Officer (ext. 53016) and Assistant Education Officer are responsible for delivering the Assembly’s information and education programs. The officers maintain regular contact with schools and colleges, tertiary institutions, community organisations, the public service and the general public to assess the needs of target audiences in developing program materials and curricula.

PROGRAMS

8.2 **Schools** – Visits to and from schools are co-ordinated by the Education Officer and members are often invited to participate in certain aspects of the school visits program. Programs include professional development for teachers, seminars, presentations, and mock elections.

8.3 **General public** – The office provides a range of programs for the general public and community groups and can be arranged on request.

8.4 **Public service seminars** – Four separate seminars take place each year to improve knowledge in the ACT Public Service of the roles and functions of the Assembly.

8.5 **Visiting delegations** – Both visiting parliamentary and government groups are hosted by the Assembly. The Education Officer assists with the delivery of information and training programs and organises resources and gifts.

SPECIAL EVENTS

8.6 **Meet the members** sessions provide an opportunity for school groups, community groups and members of the public to meet with MLAs to find out more about their roles and duties at the Assembly.

8.7 **The constitutional convention** is held annually at the Assembly, Old Parliament House and the Australian National Archives over two days, with Year 11 college students from across the ACT participating. Representatives from the ACT constitutional convention participate in the annual national convention which is also held in the ACT.

8.8 **Interschool parliamentary debates** programs are conducted five times a year. The program encourages secondary school students to debate community issues based on the topical areas of interest.

8.9 **Welcome evenings for new citizens** are hosted several times each year by the Speaker. New citizens are invited to attend an information evening with light refreshments at the Assembly. Members are encouraged to attend.
RESOURCES

8.10 A folder of resources is available for schools, the public and for members’ use. The folder comprises:
- a series of fact sheets
- information about members and their responsibilities
- a general overview of the roles and responsibilities of the Assembly
- postcards of the floral and faunal emblems, flag and coat-of-arms
- information about the Hare-Clark electoral system

8.11 Copies of these publications are available from the Governance and Communications area or by calling the Education Officer (ext. 53016).

8.12 A range of education resources are also provided on the Legislative Assembly’s website.

WORK EXPERIENCE AND INTERNS

8.13 All work experience and internship placements are arranged through the Governance and Communications area.

8.14 The Education Officer maintains links with relevant schools and tertiary institutions and from time to time will seek expressions of interest from members to host a work experience or internship placement (internship programs operate out of both the Australian National University and the University of Canberra).

8.15 Where members are contacted directly by students or educational institutions to arrange placements, members should refer the request to the Education Officer (ext. 53016). The Education Officer is responsible for assessing requests and making necessary arrangements to facilitate a placement whilst ensuring there are formal arrangements in place between schools/CIT/universities and the Assembly to effectively operate the programs.

8.16 Members’ offices should not engage work experience students or interns directly, as implications for insurance coverage can arise.

TOURS

8.17 Tours can be conducted for members of the public, members’ guests, new staff, internship students and work experience students. Tours include information about the physical layout of the building, an historical perspective of self-government, and information about the roles and responsibilities of the Assembly.

8.18 For further information contact the Education Officer (ext. 53016).
EVENTS AND FUNCTIONS

8.19 From time to time the Education Officer is responsible for organising a range of community and public events and functions as part of the education program. Members are often invited to these events.

8.20 Where members are involved in any aspects of the Assembly’s education program it is important that they behave in a non-partisan fashion and do not use the opportunity to make political arguments as part of their interactions with students and other members of the community.

CHAPTER 8 EDUCATION SERVICES: SUBJECT MATTER EXPERTS

- Education Officer (ext. 53016)
- Assistant Education Officer (ext. 53025)
9 ASSEMBLY BUILDING

ACCESS AND SECURITY

9.1 The Legislative Assembly has two entrances which are staffed at the following times on weekdays:
   - Members’ entrance (adjacent to the car park) – 8:00am – 5:30pm
   - Public entrance (adjacent to Civic Square) – 8:30am – 5:00pm

9.2 Members are issued with a proximity pass (in the form of a key ring fob) to allow access to the building and into the non-public areas during business hours. Afterhours access to the building requires a PIN to be keyed in at an entrance after first placing the badge in proximity to an access point (located on the external doors at both the members and public entrances). Proximity passes are for the member’s personal use only and should never be provided to others to use. The security system records the date, time and place on each occasion a pass is used. In addition, CCTV cameras continuously record vision at each of the entrances and at other points within and outside the Assembly building.

9.3 Proximity passes are also used by members to gain access to their offices. To gain access to an office, a member is required to place their fob next to the card reader adjacent to the office’s external door. A single “beep” will be heard and the door will be unlocked momentarily. Push the door handle to enter. Unless the door is closed again (and locked) an alarm will sound within about 30 seconds. If it is desired to keep the door open and unlocked, swipe the fob over the reader three times (making three distinct “beeping” sounds as the pass is registered by the reader). To relock the door upon leaving and prevent unauthorised access to the office suite, a member simply needs to close the door and place their card or fob next to the card reader once until a “beep” can be heard.

9.4 Members can nominate a spouse/partner or other nominee to be issued with an electronic pass, as well as dependent children aged 15 years or older. Access to the building using the pass is restricted to normal business/sitting hours.

9.5 Additionally, members are able to nominate up to five other persons who visit them regularly at the Assembly to be issued with electronic passes.

9.6 Electronic pass holders may use the members’ entrance. All constituents and other guests or visitors must use the public entrance and will be subject to security screening procedures (e.g. X-ray scanning of baggage, walk-through metal detector). If guests enter the non-public areas of the building (which include members’ offices) they must be issued with a temporary pass which must be worn and displayed at all times.
9.7 Where visitors are expected by a member, it is useful if the attendants staffing the public entrance are informed beforehand, preferably by fax (ext. 50277), of the names of visitors and the time they will arrive. This facilitates the smooth issuing of passes and enables visitors to get to the member’s office as soon as possible. Forms for this purpose are available from the Principal Attendant (ext. 50445).

9.8 Members are expected to grant building access only to those persons who are directly visiting their offices and must ensure that those persons directly exit the building at the conclusion of the business. To this end, all visitors to the building must be signed into, and escorted around, the building by the holder of a valid proximity card (either by a member or a member’s staffer).

9.9 Visitors are not to be left unattended to move around the building on their own. By granting building access to a visitor, a member assumes full responsibility for that visitor until they are escorted from the building.

9.10 Outside normal business hours and sitting hours, visitors to members’ offices can contact the relevant office by using the phone on the wall at the members’ entrance. Visitors simply dial in the number indicated for the member they wish to visit and this will connect them to a designated phone within the member’s office. The member or other valid pass holder from the member’s office is then required to go to the members’ entrance to admit the visitor. It will be necessary to swipe a proximity card to open the entrance doors.

9.11 Members’ permanent staff are provided with photographic identification incorporating a proximity card, and have the same access privileges as the member for whom they work, including after-hours access using a PIN.

9.12 Non-permanent staff, volunteers and work experience students are provided with a non-photographic proximity pass which allows limited access to the Assembly building.
AFTER HOURS EMERGENCIES

9.13 In the event of an emergency or any necessary assistance in relation to the building after hours, members and their staff should contact relevant officers from the list below.

<table>
<thead>
<tr>
<th>RELEVANT OFFICER</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>“On-call” officer</td>
<td>6205 2258</td>
</tr>
<tr>
<td>(until 10:00pm weeknights and 5:00pm weekends)</td>
<td></td>
</tr>
<tr>
<td>Director, Business Support</td>
<td>6205 0181 (w)</td>
</tr>
<tr>
<td></td>
<td>0417 663 389 (m)</td>
</tr>
<tr>
<td>Principal Attendant (Security Controller)</td>
<td>6205 0445 (w)</td>
</tr>
<tr>
<td></td>
<td>0408 682 355 (m)</td>
</tr>
<tr>
<td>Attendants – members’ entrance</td>
<td>6205 0439</td>
</tr>
<tr>
<td>Attendants – public entrance</td>
<td>6205 3116</td>
</tr>
<tr>
<td>Facilities Manager</td>
<td>6207 5517 (w)</td>
</tr>
<tr>
<td></td>
<td>0418 622 854 (m)</td>
</tr>
<tr>
<td>Emergencies (fire, police, ambulance)</td>
<td>000</td>
</tr>
<tr>
<td>Police</td>
<td>131 444</td>
</tr>
<tr>
<td>Security patrols (SNP)</td>
<td>1300 303 132</td>
</tr>
</tbody>
</table>

DURESS ALARM

9.14 Duress alarms are located in each member’s office (underneath the member’s desk) and can be used in an emergency. When activated, an alarm is raised in the following locations:

- Principal Attendant’s office and attendants’ offices at the members’ and public entrances; and
- offsite at a security monitoring centre.

9.15 When an alarm is activated, either by accident or intentionally, an attendant or security contractor will respond.

9.16 Further information: Principal Attendant (ext. 50445).
EMERGENCY PROCEDURES

9.17 An emergency management plan and response procedures have been developed to assist in dealing with emergencies that could occur in the Assembly precincts. These are available on the intranet.

9.18 During the year, evacuation drills are conducted in accordance with the procedures outlined.

MEDIA INTERVIEWS

9.19 From time to time members will be involved in conducting media interviews with local radio and television stations. Members are advised to conduct any interviews in the courtyard adjacent to the opposition/crossbench lobby rather than outside the building, as this offers greater physical security protection.

CHAMBER

9.20 The Clerk and Deputy Clerk sit at the table during the Assembly proceedings and are available to advise the Speaker and all members on procedural matters. They are relieved from time to time by other officers.

SEATING FOR MEMBERS

9.21 Each member is allocated a desk in the chamber, which contains limited storage facilities. On each desk there are two buttons marked A and M. The A button is the attendant call button that can be pressed if a member wishes to pass a message to another member or to staff sitting in the gallery. The M button is to mute the member’s microphone so that private conversations are not broadcast throughout the Assembly building.

9.22 On each sitting day the attendants will provide copies of the Daily Program and Notice Paper.

PUBLIC GALLERY AND ADVISERS’ SEATS

9.23 Chamber attendants are located at the entrance to the public gallery to provide service to members, the Speaker and the Clerks and to supervise the attendance of visitors and advisers in the public gallery. They also provide a security presence in the chamber.

9.24 Access to the public gallery is unrestricted, except for special occasions. However, as seating in the chamber is limited, it is advisable to book in advance. This is particularly applicable to schools and other groups. Bookings may be made by telephoning the Principal Attendant (ext. 50445). When visiting the Assembly the public are required to adhere to rules which have been developed to ensure that the public gallery does not interrupt the Assembly’s proceedings.
Seats for members’ staff are located on each side of the front of the public gallery. The two rows at the right of the public gallery as you face the Speaker’s chair are reserved for opposition staff and staff from members of the crossbench, while the two rows at the left are for government members’ staff.

Staff using these seats can gain access either through the public entrance to the building or through the doors to either of the two lobbies. Members’ staff wishing to pass a message or speak to a member should pass a note to the attendant sitting adjacent to the advisers’ seats.

Staff are not permitted on the chamber floor during Assembly proceedings under any circumstances.

**Lobbies**

Lobbies are located on either side of the chamber and are for the use of members. There is a phone in each lobby.

In 1997 the Standing Committee on Administration and Procedure determined that officials and members’ staff may enter the lobbies at the invitation of a member (for discussions or a briefing for example), but members should ensure that they not remain once the discussion or briefing has concluded.

**Committee Rooms**

Two committee rooms located on the ground floor are available for Assembly purposes to those groups identified in the following order of precedence:

- Assembly committees holding public hearings
- Assembly committees holding deliberative meetings
- Speaker’s use for a formal or ceremonial function of the Assembly
- Individual members, including ministers

The Guidelines for the use of Assembly facilities, including the use of committee rooms, are available on the intranet.

Committee room bookings are managed by Committee Support (ext. 50127). Availability of committee rooms can be checked via the room booking system on the intranet.

**Reception and Exhibition Rooms**

The reception room on the ground floor adjacent to the public entrance is available for use by members, as is the exhibition area on the first floor. “Guidelines for the use of Assembly facilities”, including the use of reception and exhibition reception rooms, are available on the intranet.
To ascertain the availability of exhibition and reception rooms, members and their staff can use the room booking system on the intranet.

To arrange a booking for these two areas members and staff should contact the Principal Attendant (ext. 50445) in the first instance.

Final approval for use of the rooms rests with the Speaker.

MEMBERS’ LOUNGE

The members’ lounge is located on the first floor facing Civic Square. The lounge is available to all members and contains a refrigerator and a small amount of crockery.

Former members may also make use of the room should it be available.

To ascertain the availability of the members’ lounge, members and their staff can check the room booking system on the intranet or via the Principal Attendant (ext. 50445).

PARTY ROOMS

Party rooms are available for use by parties in relation to their parliamentary duties. Use of and access to the rooms are controlled by party whips.

SPEAKER’S HOSPITALITY ROOM

The Speaker’s hospitality room is located on the first floor adjacent to the Speaker’s office. It is available for use by members and ministers for parliamentary or government use, with prior approval of the Speaker.

Bookings for the use of the room should be made through the Speaker’s office (ext. 50005).

MEDIA CONFERENCE ROOM

The media conference room is located on the first floor adjacent to the exhibition area. It is available for use by members for any parliamentary purpose and for ministers for parliamentary and government purposes.

The media conference room is in the public area of the building. Under a 1999 resolution of the Standing Committee on Administration and Procedure, members and staff representing parties other than that of the sponsoring member may not be prevented from being in the room. However, such members and/or staff have no automatic right to ask questions.

To ascertain the availability of the media conference room, members and their staff can check the room bookings system on the intranet or via the Principal Attendant (ext. 50445).
CARERS'/REST ROOM

9.46 There is a carers' and rest room located on the first floor corridor opposite the members' lounge, which includes facilities for changing babies and for nursing mothers.

FIRST AID

9.47 Members and staff requiring first aid should contact any of the first aid officers listed on the internal phone list at [http://ladotnet/Contacts/Default.aspx](http://ladotnet/Contacts/Default.aspx)

9.48 All attendants have senior first aid training or higher.

9.49 A defibrillator is located at the public entrance attendants’ station and a wheelchair and Oxyviva are located outside the chamber lounge (between the Committee Support area and the adjacent stairwell).

AIR CONDITIONING, HANGING OF ARTWORKS, FURNITURE, FILING CABINETS AND CLEANING

9.50 The Facilities Manager is available to provide assistance to members and their staff on all matters relating to air conditioning, building repairs, hanging of artworks, furniture and filing cabinets, and cleaning. The Facilities Manager can be contacted on ext. 75517.

9.51 Chapter 18 contains more information in relation to Assembly artworks.

### CHAPTER 9  ASSEMBLY BUILDING: SUBJECT MATTER EXPERTS

- Director, Business Support (ext. 50181)
- Facilities Manager (ext. 75517)
- Security Controller/Principal Attendant (ext. 50445)
- Senior Attendant (ext. 50439)
- Senior Editor (ext. 50107)
10 LIBRARY SERVICES

10.1 The Legislative Assembly Library provides a library and information service to members and their staff as well as to officers of the ACT public service.

10.2 The Library is located on level 2 of the Legislative Assembly building and the opening hours are 8:30am to 5:00pm Monday to Friday. The Library opens until 6:00pm on Monday, Tuesday and Wednesday evenings of a sitting week.
   - Library hotline – ext. 50397
   - Email: LALibrary@parliament.act.gov.au

10.3 The Library’s intranet site, which leads to the online catalogue, available at http://lalibrary.act.gov.au/home

10.4 The Legislative Assembly Library provides members and their staff with a timely, confidential and accurate reference and information service. These services include:
   - a reference and information service;
   - online information retrieval from local and overseas databases;
   - subject searches of magazines and newspapers from the ACT, Australia and overseas;
   - subject based RSS alerts;
   - week day media monitoring of local radio current affairs (2CC and 666 are taped all day, 5:00am to 7:00pm);
   - ACT-related newspaper clipping files indexed by subject and members’ media releases;
   - access to Nexis News database;
   - a reference collection including encyclopaedias and language and biographical dictionaries;
   - access to Australian Standards online;
   - a range of magazines and books for loan and access to inter-library loans and document delivery from Australia; and
   - library familiarisation sessions are available on request.

10.5 A number of Australian newspapers are available daily in the Library’s reading room.
10.6 The copyright exemptions under sections 48A and 104A of the Copyright Act 1968 (Cwlth) allows Library officers to provide library services to Members of the Legislative Assembly for the ACT (MLAs) on the basis that the supply is solely for the purpose of assisting MLAs in the performance of their parliamentary duties.

10.7 The library is able to use the copyright exemptions mentioned above to provide MLAs with access to a media monitoring service – an online newspaper clippings database and TV and radio broadcasts.

10.8 MLAs are required to observe the copyright requirements of the Act. Use of any material supplied by the library, including its further distribution, other than for purposes specified above may be an infringement of copyright, and/or may incur licence fees. This means that materials are not permitted to be used without the permission of the copyright owner. Members are advised that if they wish to use particular information outside the performance of their parliamentary duties it is their responsibility to obtain the permission of the copyright owner of that information.

**CHAPTER 10  LIBRARY SERVICES: SUBJECT MATTER EXPERTS**

- Director, Hansard, Technology and Library (ext. 50126)
- Library Manager (ext. 50395)
- Senior Librarian (ext. 50391)
11 WORKING ENVIRONMENT

WORKPLACE INJURY PREVENTION AND MANAGEMENT

APPLICATION

11.1 The Work Health and Safety Act 2011 (WHS Act) applies to the Assembly workplace.

11.2 Under a determination made by Comcare, staff employed by members under the Legislative Assembly (Members’ Staff) Act 1989 (the LAMS Act) are covered by the Comcare provisions, which include:
   • workers compensation payments; and
   • case management for workplace injuries.

HEALTH AND SAFETY DUTY

11.3 As employers, members have a duty under the WHS Act to exercise due diligence in fulfilling their health and safety obligations.

11.4 A member is required to:
   • acquire and keep up to date knowledge of work health and safety matters;
   • gain an understanding of the operations of the workplace and the hazards and risks involved;
   • ensure appropriate resources and processes are provided to enable hazards to be identified and risks to be eliminated or minimised;
   • ensure information regarding incidents, hazards and risks is received and the information is responded to in a timely way;
   • implement processes for complying with any legal duty or obligation; and
   • ensure processes are verified, monitored and reviewed.

11.5 Further details of Members obligations and duties are outlined in the Interpretive Guideline published by Safe Work Australia.

INJURY PREVENTION AND MANAGEMENT

11.6 The health and wellbeing of members, their staff, OLA staff and other building occupants, including members of the public who visit the Assembly building, are enhanced by the provision and maintenance of a safe and healthy workplace. Failure to provide and maintain such a workplace has the potential to contribute to accident, injury and illness, with their inherent costs, including (but not limited to) absence from work, medical expenses, increased compensation premiums and costly litigation.
The Assembly promotes a workplace that aims, firstly, to prevent workplace injury, and, secondly, to effectively manage cases where they arise. Party Leaders, the Speaker and the Clerk have all committed to a Workplace Injury Prevention Policy Statement that promotes effective leadership in the prevention and management of injuries at the Assembly workplace.

**REPORTING OF HEALTH AND SAFETY ISSUES**

Where members or their staff encounter workplace health and safety (WHS) issues associated with simple building management issues, they are encouraged to contact the Facilities Manager. Any accident or near miss should be reported to the Manager, HR and Workplace Management (ext. 50150). The Assembly also has a Health and Safety Committee comprised of representatives from OLA and members’ offices, which can be a useful forum to report WHS risks and hazards.

**WORKPLACE DISCRIMINATION, HARASSMENT AND BULLYING**

All members and staff of the Assembly have a responsibility to ensure that the working environment is safe and equitable by taking care not to promote or engage in conduct that constitutes discrimination, harassment or bullying of any nature. An Assembly-wide policy on workplace discrimination, harassment and bullying has been endorsed by the consultative committees for staff of the Office of the Legislative Assembly and LAMS Act staff and by the Speaker, the Chief Minister and the Clerk of the Assembly. The policy aims to:

- create and maintain a working environment free from all forms of discrimination, harassment and bullying;
- treat seriously, promptly and fairly all complaints of discrimination, harassment or bullying with due regard to confidentiality and with no victimisation of complainants, those accused and witnesses;
- deal effectively with conflict arising from instances of discrimination, harassment or bullying through both internal and external mechanisms where appropriate;
- educate all members, managers and staff that conduct of a discriminatory or harassing nature will not be tolerated and that appropriate action will be taken against individuals found guilty of such conduct; and
- recognise that every individual has the right to bring complaints to their employing member, manager, supervisor or contact officer or, at any stage, go directly to the Human Rights and Discrimination Commissioner, Human Rights Commission (ext. 52222).

Respect in the Workplace: Policy and procedures for dealing with Workplace Discrimination, Harassment and Bullying, which sets out key responsibilities and obligations in relation to discrimination, harassment and bullying, and has been endorsed by party leaders, the Clerk and the Speaker, is available on the intranet.
11.11 The *Discrimination Act 1991* explicitly identifies MLAs as employers for the purposes of the Act, although section 45 of the Act recognises that it is not unlawful for an MLA to discriminate in the employment of staff on the ground of political conviction.

11.12 Under the Discrimination Act a person who believes they have been discriminated against can make a formal written complaint to the Human Rights Commission. The Human Rights and Discrimination Commissioner will consider the complaint and decide whether that person has grounds for making a complaint under the Act. If so, the commissioner will also decide whether to attempt to resolve the complaint through a conciliation process. If a complaint is declined or cannot be resolved by conciliation, the person who made the complaint can ask the commissioner to refer it to the Discrimination Tribunal for a public hearing. The tribunal can order that compensation be paid or that other action be taken to redress the unlawful conduct.

**RESPECT, EQUITY AND DIVERSITY IN THE ACTPS**

11.13 The ACT Public Service (ACTPS) has established a Respect, Equity and Diversity framework (the RED framework). Though there are practical reasons why the framework might not be applied within members’ offices, it does apply within the OLA workplace and demonstrates the Office’s commitment to creating a positive, respectful, supportive and fair work environment where employee differences are respected, valued and used to create a productive and collaborative workplace.

**FURTHER INFORMATION**

11.14 For general information, referral and support please contact the Respect, Equity and Diversity Contact Officer, Neal Baudinette (ext. 53016)

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

11.15 The Assembly provides an employee assistance program (EAP) to non-executive members’ staff, and the firm Davidson Trahaire has been selected as the preferred provider to deliver services under the program. The aim of the program is to provide employees, at no cost to them, with confidential counselling advice on a range of matters.

11.16 There are three important issues that should be noted about the arrangements:

- staff, together with their immediate families, are covered by the arrangements
- the program is completely confidential - contact is made directly with Davidson Trahaire
- there is no cost to the individual for using the services offered by the program

11.17 It should be noted that the program covers an initial consultation and, if necessary, several follow-up meetings, but is not designed to be a long-term arrangement.

11.18 Davidson Trahaire is located in Deakin and their phone number is 1300 360 364.
WORKPLACE PRIVACY

11.19 Members should be aware of the relevant provisions of the *Workplace Privacy Act 2011* which sets out a number of requirements in relation to notifying workers about the type and purpose of workplace surveillance devices in operation at the workplace.

11.20 For further information about the Workplace Privacy Act and the operation of surveillance devices at the Assembly building, please refer to the *Workplace Surveillance Policy for Workers of Assembly Members* available on the Assembly Intranet.

CHAPTER 11 WORKING ENVIRONMENT: SUBJECT MATTER EXPERTS

- Director, Business Support (ext. 50181)
- Manager, HR and Workplace Management (ext. 50150)
12 **MEMBERS’ REMUNERATION**

**GENERAL**

12.1 The authority for the payment of members’ remuneration and allowances is section 73 of the *Australian Capital Territory (Self-Government) Act 1988* and the *Remuneration Tribunal Act 1995* which make provision for the Remuneration Tribunal to inquire into and determine the remuneration and allowances paid and other entitlements to be granted to ministers and members of the Assembly.

12.2 In broad terms, the determinations provide for:
- rates of salary and any additional salary payable to the occupants of specified offices
- vehicle entitlements (from 1 July 2014, provision of a fully maintained vehicle is being phased out and, as existing leases expire, members will be paid a vehicle allowance)
- travel entitlements
- a communications allowance, which is a new entitlement commencing on 1 July 2014

12.3 The latest determination can be accessed at the [ACT Remuneration Tribunal website](http://www.act.legislation.act.gov.au/). It is the practice to not publish rates of salary and other allowances in this guide to avoid confusion over prevailing rates and any associated conditions.

12.4 For advice on interpreting Remuneration Tribunal determinations or where members are unsure of their entitlements, consult the Director, Business Support, ext. 50181.

**SALARY**

12.5 The tribunal’s approach to members’ salary is to determine a basic salary payable to all members and establish rates of additional salary for members holding the following offices:
- Chief Minister, Deputy Chief Minister and ministers
- Presiding Officer
- Leader of the Opposition
- Deputy Leader of the Opposition
- Deputy presiding officer
- Government Whip
- Opposition Whip
- Presiding member of a committee, which is concerned with public affairs rather than domestic affairs of the Legislative Assembly^4^

12.6 The determination also makes provision for members to participate in salary packaging.

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^4^ At the time of publishing this guide, the Standing Committee on Administration and Procedure (which is chaired by the Speaker) would be regarded as a committee concerned with the domestic affairs of the Legislative Assembly.
PROVISION OF MOTOR VEHICLES

12.7 Members’ vehicle entitlements are set out in the Remuneration Tribunal determination. As mentioned above, the past arrangement where members had the option of being provided with a fully maintained vehicle entitlement have now been discontinued – but existing leases will run their term. For those members who continue to utilise a fully maintained vehicle, the arrangements are administered by the Office of the Legislative Assembly in accordance with guidelines endorsed by the Speaker (refer to chapter 14).

OTHER

12.8 The remaining provisions of the current Remuneration Tribunal determination deal with travel entitlements which are discussed further in chapter 15 of this guide.

12.9 It is also important for members to be aware that the improper use of entitlements is a serious matter which, depending on the circumstances, could amount to a breach of the Members’ Code of Conduct and/or section 14(1)(c) of the Self-Government Act and result in a member vacating office.

CHAPTER 12 MEMBERS’ REMUNERATION: SUBJECT MATTER EXPERTS

- Director, Business Support (ext. 50181)
- Manager, HR and Workplace Management (ext. 50150)
- Remuneration Tribunal Secretariat (ext. 72178)
13 SUPERANNUATION

13.1 The following information is provided by the Treasury Directorate as an explanation of the Legislative Assembly Members’ Defined Benefit Superannuation Scheme and the Legislative Assembly Members’ Choice of Fund Accumulation Scheme.

13.2 For further information refer to the Legislative Assembly (Members’ Superannuation) Act 1991 (the Act).

SUMMARY OF CHOICE OF FUND ACCUMULATION SCHEME

CHOICE FOR NEW MEMBERS

13.3 Choice of fund accumulation scheme applies to new members who are elected at or after the 2008 general election and were not an existing member of the DB scheme prior to the election.

13.4 Members may choose an eligible superannuation fund to which contributions are to be paid for the member’s benefit. The member may change his or her choice. The choice or change of choice must be in writing and given to the Speaker.

13.5 Members will be provided with a Standard Choice Form and if no eligible superannuation fund is nominated by the member then the Territory’s default fund (currently First State Super) will apply as the member’s superannuation fund.

13.6 The employer contribution rate is 14 per cent; however, if a new MLA contributes at least three per cent towards their superannuation (not mandatory), an additional one per cent contribution will be made by the employer, meaning a contribution by the employer of either 14 or 15 per cent.

FEATURES OF A CHOICE OF FUND ACCUMULATION SCHEME

- Choice of superannuation fund available
- Choice of investment strategy, allowing employee superannuation contributions to be invested in a manner determined by the member
- Portability of superannuation
- Access to a full range of insurance cover, including death, total and permanent disablement and income protection
- Ancillary member services such as online access to personal information and ability to manage retirement savings in a manner that suits each individual’s needs and satisfies their objectives
SUMMARY OF DEFINED BENEFIT SCHEME

MEMBERSHIP

13.7 Membership of the defined benefits scheme (DB scheme) closed to new members from 4 September 2008.

13.8 Membership of the DB scheme is for members who were elected before the 2008 general election and have a relevant period of service\(^5\) and no discontinuation\(^6\).

VESTING

13.9 The benefit vests in the member from the day the member becomes a member of the DB scheme. There is no qualifying period.

MEDICAL EXAMINATION

13.10 No medical examination is required.

COMPULSORY CONTRIBUTIONS AND ACCRUED BENEFIT MULTIPLE

13.11 Members are required to make compulsory contributions of 5 per cent of salary to the Territory, and accrue a retirement benefit through an annual defined benefit multiple. This multiple accrues based on years in office and base salary movements. This annual defined benefit multiple can incorporate additional accrual of benefits in line with additional responsibilities held during the course of office (see below).

ENTITLEMENT (BENEFIT) ON DISCONTINUANCE

13.12 The entitlement on ceasing to be a member in all circumstances other than death or invalidity or on electing to transfer to a choice of fund scheme (see below) is calculated in accordance with section 15 of the Act. The benefit for a member who has not received any additional salary is expressed as a lump sum equivalent to 29 per cent of final salary for each completed year of service. Where a member has received additional salary as a result of holding an office, such as a minister, the Speaker, or as a presiding member of a committee, the annual percentage accrual is increased by a factor calculated as the total salary received for each relevant year divided by the basic salary of an ordinary member for that year.

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\(^5\) Section 3C of the Legislative Assembly (Members' Superannuation) Act 1991

\(^6\) Section 3A of the Legislative Assembly (Members' Superannuation) Act 1991
13.13 The percentage benefits calculated for each year of service to the date of discontinuance are then added together and multiplied by the basic salary that applies at the date of discontinuance for an ordinary member.

13.14 For example, a member who serves four years exactly without holding any office would accrue entitlements amounting to 116 per cent of the basic member salary at discontinuance. A member with the same service who has held some office will be entitled to a higher percentage of basic salary.

**Preservation of Benefits**

13.15 Section 18 of the Act provides:

For a person who becomes entitled to a superannuation benefit on discontinuance, if the person—

- is less than 55 years old; or
- is at least 55 years old but remains a member of the workforce.

The benefit is payable—

- if the person is leaving Australia permanently or the entitlement is because of a discontinuance caused by the person’s death or invalidity—immediately to the person;
- or in any other case—
  -- to an eligible choice fund chosen by the person; or
  -- if the person does not choose an eligible choice fund within 3 months after the day the person becomes entitled to the benefit—the default fund.

**Death or Invalidity**

13.16 Section 16 of the Act provides that where: (a) a member’s discontinuance is due to death or invalidity and (b) the member was under 60 years of age on the date of the member’s discontinuance, a further benefit is payable.

13.17 The further benefit is calculated as follows:

*The standard benefit is divided by the number of days as a contributing member of the DB scheme. The result is then multiplied by the number of days between the date of death or invalidity and the date on which the member would have turned 60. The amount payable to the estate is the standard benefit plus the further benefit. Preservation requirements do not apply to a benefit payable on the death or retirement due to invalidity of a member.*
13.18 If a member is over 60 years of age, the death or invalidity benefit is the benefit calculated on discontinuance in accordance with section 15 of the Act for the period of membership.

 STRUCTURE AND RESPONSIBILITIES OF THE BOARD

13.19 The Legislative Assembly Members Superannuation Board comprises four persons: the Speaker, a government member, an opposition member and the Under Treasurer, with provision to elect alternate government and opposition members. The government and opposition members, together with their alternate members, are elected at separate meetings convened by the Speaker.

13.20 The board is responsible for the administration of the DB scheme chapter of the Act. This includes determining entitlements for ex-members as well as applications for retirement on the grounds of invalidity.

 SUPERANNUATION SURCHARGE

13.21 The superannuation surcharge is levied on the surchargeable superannuation contributions of high income earners (refer Australian Taxation Office). The surcharge was abolished on 1 July 2005. Member surcharge debt accounts will incorporate surcharge assessments up to the 2004-05 financial year. Since the DB scheme is unfunded, the accumulated surcharge will be deducted at the date the benefit becomes payable.

13.22 Only members of the DB scheme prior to 1 July 2005 will have a superannuation surcharge balance.

 FEATURES OF THE DEFINED BENEFIT SCHEME

- a. No administration costs
- b. No investment risk
- c. Some certainty about level of benefit as it is defined

 TRANSFER TO CHOICE OF FUNDS SCHEME BY A DEFINED BENEFIT SCHEME MEMBER

13.23 In accordance with section 18A of the Act, members who were elected before the 2008 election and are currently members of the DB scheme may elect at any time to transfer their accrued defined benefit to an accumulation based, choice of fund arrangement.

13.24 An election to move to a choice of fund accumulation scheme must be made in writing by the member to the Legislative Assembly Members Superannuation Board. The benefit will be calculated at a point in time and transferred to an eligible superannuation fund.

13.25 The employer contribution rate will remain at 24 per cent, and employee contributions are no longer mandatory.
IMPORTANT NOTE FOR MEMBERS

13.26 Please note that this is only a summary of the schemes and not a substitute for the Act or any regulations governing the scheme. Members wishing to obtain further information should direct any inquiries to the Treasury Directorate contact officer (ext. 70187) or write to the following:

CHAPTER 13 SUPERANNUATION: SUBJECT MATTER EXPERT

- Director, Investment Branch
  ACT Treasury Directorate
  Level 1, Canberra Nara Centre (ext. 70187)
GUIDELINES FOR NON-EXECUTIVE MEMBERS’ VEHICLES

INTRODUCTION

14.1 The following guidelines were developed to cater for the provision of fully maintained vehicles to members. As mentioned earlier in this guide, the Remuneration Tribunal has discontinued that option, but leases in place as at April 2014 will run their term.

14.2 These guidelines, which are able to be made by the Speaker in accordance with the Tribunal’s determination, will continue to apply for fully maintained leased vehicles that were provided to members as at April 2014 until the lease on those vehicles expires.

14.3 Other than for those arrangements, all members will now receive a vehicle allowance of $21,500 per annum.

14.4 When it provided a fully maintained vehicle option, the Remuneration Tribunal’s relevant determination(s) provided additional detail on the conditions under which those vehicles could be used. Because of the change in entitlement, these details have been removed but the principles in the Tribunal’s earlier determination(s) relating to vehicles have been retained in these guidelines for those vehicles that continue to be leased.

14.5 Key aspects of those principles are:

• a vehicle is provided for use on Assembly and official business and for private purposes

• a member must not, however, use the vehicle for personal gain, or the personal gain of any other person. A member must not permit another person to use the vehicle for the member’s personal gain or the personal gain of another person

• when a vehicle is being used for private purposes, it may only be used by the member or by a person nominated in writing by the member

PRIVATE USE

14.6 The Tribunal’s determination provides that members’ vehicles are for use on Assembly and official business and for private purposes.

14.7 When they are used for private purposes the vehicle is to be driven only by the member to whom the vehicle is provided or by a person nominated in writing by the member to the relevant corporate area.

14.8 Members who wish to nominate another person(s) who may drive the vehicle for private purposes should complete the form available on the intranet and provide it to the Business Support area.

14.9 It is not necessary to complete such a form where a non-executive member’s staff need to use the vehicle to carry out Assembly business on behalf of that member.
RUNNING AND MAINTENANCE COSTS

14.10 Under its vehicle leasing and procurement arrangements, the Territory obtains discounted fuel through its access to the NSW State Government fuel contract. Under that contract, discounted fuel is available through Caltex (including Woolworths) outlets and, accordingly, members are provided with a Caltex fuel card (Star Card). In addition to refuelling, the cards can be used to arrange car washes.

14.11 Some members may seek to be provided with a fuel card from an alternative supplier (for example, Shell or BP where a Caltex/Star Card outlet is not the most convenient). Although Shell and BP will pass on a discount to the Territory through arrangements that exist between the Territory’s lease provider, the discount is not as significant as the discount available through the Caltex/Star Card arrangement. Accordingly, any member who wishes to be provided with a Shell or BP card as an alternative, or additional, fuel card will need to lodge a formal request for the additional card and, in doing so, set out the reasons why a Caltex/Star Card will not be economical.

14.12 Members should also note that, when refuelling, it is a requirement that members (or other authorised drivers – see below) provide the vehicle’s odometer reading.

REQUESTS FOR FUEL COST REIMBURSEMENTS

14.13 From time to time, MLAs seek reimbursement of fuel costs they have incurred when the fuel card allocated for their Assembly vehicle has, for example, failed to work, has not been accepted or has been misplaced.

14.14 In such circumstances, members will be required to fill out a fuel cost reimbursement form located on the intranet.

SERVICING AND REPAIRS

14.15 Arrangements for servicing, mechanical repairs and tyre repair and replacement are to be organised by the member’s office. Members are reminded that issues such as scheduled servicing of vehicles, driving, parking and garaging of vehicles with due care, and maintaining vehicles in a clean and tidy state, are reasonable expectations of the public and must be attended to.

14.16 Procedures for maintenance and servicing are provided in the glove compartment of Assembly provided vehicles. The Business Support area will endeavour to monitor available fleet data and notify members if a scheduled service appears overdue.
VEHICLE OPERATION

DRIVER RESPONSIBILITIES

14.17 Members and others driving members’ vehicles (see above) are required to:

- be appropriately licensed
- obey all traffic laws and parking restrictions
- behave in a courteous way at all times
- ensure the safe and efficient operation of the vehicle and that any cargo is properly secured
- report vehicle accidents and defects
- ensure that due care and security are afforded to the vehicle

ACCIDENT REPORTING

14.18 Details of procedures to follow in the event of an accident are provided in the glove compartment of each vehicle. These include procedures for breakdown, accidents and insurance. Members are encouraged to familiarise themselves with this information.

14.19 Drivers and passengers of ACT fleet vehicles involved in an accident must not admit liability or conduct any negotiation with any person in relation to the incident. They must inform the police as soon as possible and, under the Territory’s fleet management arrangements with SG Fleet, should also inform SG Fleet’s sub-contractor Accident Services.

TRAFFIC INFRINGEMENT NOTICES

14.20 All traffic infringement notices (e.g. parking, speeding, red light camera, and toll road infringements) are the responsibility of the member. If an infringement notice is received it will, in the first instance, be sent to the Business Support area (because the vehicles are leased by the Territory). The Business Support area will provide a statutory declaration to the relevant traffic authority identifying the name and address of the individual member to whom the Office of the Legislative Assembly assigned the vehicle at the time of the infringement. This results in a new infringement notice being issued to the identified member.

14.21 At that point, the member is given the opportunity to pay the infringement penalty or to pursue other options such as identifying another driver of the vehicle at the time of the infringement, disputing the infringement or seeking an extension of time to deal with the matter.
ADDITIONAL INFORMATION

14.22 Members are encouraged to consult the prevailing determination and to seek advice from the Business Support area in the first instance if they are unsure or have any questions about vehicle entitlements.

CHAPTER 14  NON-EXECUTIVE MEMBERS’ VEHICLES: SUBJECT MATTER EXPERTS

- Director, Business Support (ext. 50181)
- Manager, HR and Workplace Management (ext. 50150)
15 GUIDELINES FOR NON-EXECUTIVE MEMBERS’ TRAVEL

15.1 As noted earlier in this guide, the guidelines in this chapter are currently under review and, once available, will be included in the next version of the guide.
**16 GUIDELINES FOR NON-EXECUTIVE MEMBERS’ EMPLOYMENT OF STAFF AND CONSULTANTS/ CONTRACTORS**

**LEGISLATIVE ASSEMBLY (MEMBERS’ STAFF) ACT – THE LAMS ACT**

16.1 Members may employ staff, as well as engage consultants and contractors, only in accordance with the Legislative Assembly (Members’ Staff) Act 1989 (the LAMS Act). Under the LAMS Act, office holders (currently ministers and the Speaker) and members may, on behalf of the Territory, under an agreement in writing, employ a person as a member of their staff or engage a consultant or contractor.

16.2 The exercise of these powers must be in accordance with arrangements approved by the Chief Minister and is subject to conditions determined by the Chief Minister (see below). The arrangements approved by the Chief Minister are disallowable instruments notified on the ACT Legislation Register and generally provide for:

- a salary cap from which all staff and any consultants or contractors must be funded; and
- standard form of agreements for the employment of staff and the engagement of consultants or contractors.

16.3 The employment of staff must be in accordance with the relevant industrial agreement and the LAMS Act.

16.4 Members who propose to engage consultants or contractors should note that any consultant or contractor will be subject to the same procurement and insurance requirements as contractors and consultants engaged by Territory entities.

**EMPLOYING OR ENGAGING FAMILY MEMBERS**

16.5 Under the LAMS Act, it is unlawful for members and office holders to employ family members, or for such individuals to be engaged by members and office holders as consultants or contractors.

16.6 The LAMS Act defines family members as:

- a domestic partner of the person; or
- a parent or step-parent of the person; or
- parent or step-parent of the person’s domestic partner; or
- child or step-child of the person; or
- a child or step-child of the person’s domestic partner; or
- a brother, sister, half-brother or half-sister of the person; or
- a grandparent of the person; or
- an uncle, aunt or cousin of the person.
16.7 To address this provision, non-executive members will be asked to provide certification in respect of each proposed employment agreement (and consultant/contractor agreement) that the agreement would not breach the relevant provisions of the Act. A “Request for a non-executive member’s staff agreement” form is available on the intranet.

16.8 Procedures for employing staff and engaging consultants and contractors are discussed below.

**STAFF SALARY ALLOCATIONS**

16.9 Current arrangements made by the Chief Minister for non-executive members provide members with annual salary allocations to employ staff for their offices. Members are authorised to employ staff and consultants and contractors only within the limits of the allocation in accordance with:

- Legislative Assembly (Members’ Staff) Member’s Salary Cap Determination (in the case of members)
- Legislative Assembly (Members’ Staff) Speaker’s Salary Cap Determination (in the case of the Speaker)

The latest determinations are accessible from the ACT Legislation Register at www.legislation.act.gov.au under disallowable instruments.

16.10 The Business Support area will, on a monthly basis, provide reports to members showing their expenditure on staff salaries to date, any projected expenditure for the remainder of the financial year and the balance available for use.

16.11 Under current arrangements, members are permitted to carry over from one financial year to another up to 10 per cent of their annual allocation if it remains unspent. However, any unspent allocation at the end of an Assembly, or if a member ceases for some other reason to be a member, is not available to the replacement member.

**PRO RATA ALLOCATIONS FOR COMMENCEMENT OF A NEW ASSEMBLY OR A NEW MEMBER**

16.12 In a financial year in which an Assembly election is held, members’ salary allocations will be adjusted on a pro-rata basis:

- from 1 July up to and including the day in which the election is held
- from and including the day in which the poll is declared to 30 June the following year

16.13 The salary allocation of any member elected to a casual vacancy or any member who becomes a non-executive member by virtue of ceasing to be an executive member will also be adjusted on a pro rata basis.
PROCEDURES TO EMPLOY STAFF

16.14 Pursuant to the LAMs Act, the Chief Minister determines the form of agreement that is to be used by members to employ staff. The agreement comprises a standard set of terms and conditions and a schedule that needs to be completed for each agreement setting out the relevant details for that employment agreement.

16.15 These agreements will be compiled on behalf of members by the Business Support area but members and their staff should note the requirement for the Clerk to authorise the agreement before it can be executed by the parties.

16.16 Provided the proposed employment agreement is in order (i.e. can be accommodated within the member’s staff salary allocation), the Business Support area will promptly seek the Clerk’s authorisation. Once authorised, the agreement will be provided to the member’s office for execution.

16.17 Members (or staff authorised to do so on behalf of their employing member) may, at any time, seek advice from the Business Support area on proposed staffing arrangements and the availability of the allocation, or assistance with completing the contracts.

16.18 All staff must be employed in an approved classification, and salary point, from the applicable industrial agreement.

REQUIREMENT FOR ATTENDANCE RECORDS TO BE MAINTAINED AND LODGED

16.19 There is also a requirement for all members’ staff to maintain records of attendance and absence, for the member to certify those as correct, and for those records to be submitted to the Business Support area.

16.20 An electronic time sheet for members’ staff is available on the intranet.

16.21 The Business Support area maintains details of attendance records received (and, as a result, those not received) from members’ staff. It also regularly reconciles details of absences shown on attendance records to leave forms received.

16.22 On the advice of the ACT Auditor-General, the Business Support area will periodically notify members of instances where time sheets or leave forms have not been lodged.

CONDITIONS OF SERVICE – STAFF

GENERAL

16.23 The terms and conditions of staff employed under the LAMS Act are set out in the relevant industrial agreement the latest version of which is available on the Assembly intranet.
16.24 The enterprise agreement sets out a range of employment entitlements and conditions, including:
- classifications and rates of pay
- leave provisions
- recognition of work and life responsibilities
- professional development arrangements
- disciplinary procedures

16.25 Members and staff are encouraged to seek advice from the Business Support area on any matters that are unclear.

TERMINATION

16.26 There are a number of ways in which termination of employment may occur.

A MEMBER OR OFFICE HOLDER CEASING TO BE A MEMBER OR OFFICE HOLDER

16.27 The employment of staff terminates if the employing member ceases to be a member.

16.28 The employment of the staff of office holders (currently the Speaker and ministers) who are employed pursuant to part 2 of the LAMS Act terminates if the office holder ceases to hold office. In this respect it should be noted that, when a Legislative Assembly election is held, the Speaker and all ministers continue to hold office (respectively) as Speaker and minister until immediately prior to the election of a Speaker and a Chief Minister at the first meeting of the Assembly after the election.

16.29 Where a member ceases to be a member on the polling day for an election and the member nominates for re-election, a direction applies under the LAMS Act providing that the staff of the member are deemed to continue in employment until the date of the declaration of the poll or a date that is four weeks after polling day, whichever date is later. Where a member ceases to be a member on the polling day for an election and the member does not nominate for re-election, employment of the staff of that member ends at midnight prior to polling day.

16.30 Where a member ceases to be a member for a reason other than those outlined in the preceding paragraphs or where an office holder ceases to hold office, a direction applies under the LAMS Act providing that the staff of the member/office holder are deemed to continue in employment until the date that is two weeks after the employment would have terminated.
TERMINATION PAYMENT

16.31 In the event of the termination of the employment of a member’s staff, a termination payment may be payable. The provisions governing such a payment are set out in the relevant industrial agreement for LAMs staff (Available on the Assembly intranet).

RESIGNATION BY STAFF

16.32 A staff member may resign at any time by giving notice in writing to their employing member. A copy of the resignation needs to be provided to the Business Support area so that salary can be ceased and final entitlements paid.

16.33 To address the findings and recommendations in the Auditor General’s report No. 5 of 2009, "Administration of employment issues for staff of members of the Legislative Assembly", time sheets and any outstanding leave applications must be provided to the Business Support area before an employee ceases.

TERMINATION BY A MEMBER

16.34 The LAMS Act provides that a member/office holder can terminate a person’s employment at any time by notice in writing given to the employee. However, this power of termination will be subject to the provisions of the Fair Work Act 2009 and section H of the ACT Legislative Assembly Members’ Staff Enterprise Agreement 2011-2013. The Fair Work Act sets out required periods of notice and avenues of relief available where a person claims that the termination was harsh, unjust or unreasonable and/or to have been in breach of the Act.

16.35 Termination of employment might be considered in a range of circumstances, and whether it is the appropriate step should be considered on a case-by-case basis, taking account of the specific circumstances. For instance:

- if a member’s staff salary allocation were to reduce, a member may not be able to retain all staff
- a member may have cause to be concerned about the conduct or work performance of a staff member, or
- the mix of skills and experience available to a member through his/her staff may change over time and the member may seek to adjust the structure or composition of his/her office as a result
16.36 In each case it is important for the staff member to be informed about the possibility, or likelihood, of termination. In cases where the staff member’s performance or actions are a factor in a possible termination, it is vital that the staff member is provided with the opportunity to comment on the issues and/or circumstances that have given rise to the possible termination, including the opportunity to defend himself/herself against any allegations about conduct or work performance and to remedy the cause of the proposed termination. Failure to give appropriate warnings and the opportunity to rectify the situation might be a ground on which a terminated employee might rely to show that termination was harsh, unjust or unreasonable. Section H2 in the *Assembly Members’ Staff Enterprise Agreement 2011-2013* details the process to be followed for managing underperformance.

16.37 Except where the seriousness of the issues makes it impracticable, two weeks might generally be regarded as a reasonable period during which attempts should be made to resolve any differences.

16.38 In the past, the Industrial Relations Commission accepted that termination of employment for irreconcilable differences between employees is permissible.

16.39 Wherever possible:

- a record of any relevant discussions should be made; and
- both (all) parties should sign the record but, if parties cannot agree on the agreed issues and outcomes, each party should be encouraged to place on record his/her views.

16.40 *Section 382 of the Fair Work Act 2009* provides that a person is protected from unfair dismissal.

16.41 Pursuant to s 385 of the *Fair Work Act*, a person has been unfairly dismissed if Fair Work Commission is satisfied that:

- the person has been dismissed; and
- the dismissal was harsh, unjust or unreasonable; and
- the dismissal was not consistent with the Small Business Fair Dismissal Code; and
- the dismissal was not a case of genuine redundancy.

16.42 Confidential advice, either specific or general, can be obtained by contacting the Clerk or the Director, Business Support Members are strongly encouraged to seek this advice if they are contemplating the termination of employment of a staff member.

16.43 Written notice of termination needs to be provided to the relevant Business Support area staff so that severance and related payments can be calculated and paid.
TRAINING AND STAFF DEVELOPMENT

16.44 There will be instances where members’ staff will require or seek training or will wish to participate in professional development opportunities.

16.45 Section G of the *ACT Legislative Assembly Members’ Staff Enterprise Agreement 2011-2013* deals specifically with training and staff development.

16.46 All training for members’ staff requires the approval of the Speaker.

INFORMATION TECHNOLOGY TRAINING

16.47 A common form of training relates to the software and other desktop applications that are available on the Assembly network. The Office of the Legislative Assembly has arrangements in place with training providers who can tailor IT and related training to the requirements of members and their staff. Initially, arrangements should be made through the Business Support area.

OTHER TRAINING AND DEVELOPMENT

16.48 Training and development in areas other than IT is encouraged as a means of providing increased skills, knowledge, awareness and opportunities. Provision is made in the Assembly’s annual budget to enable members and staff to participate in other training and development activities.

16.49 Requests to participate in any such activities should be made to the Speaker by the employing member and should include relevant details, including costs. The Speaker may seek the advice of the Office of the Legislative Assembly before considering the approval of any request.

PROCEDURES TO ENGAGE CONSULTANTS/CONTRACTORS

16.50 Pursuant to the LAMS Act the Chief Minister determines the form of agreement that is to be used by members to engage consultants and contractors. The agreement comprises a standard set of terms and conditions and a schedule that needs to be completed for each agreement setting out the relevant details for that engagement.

16.51 These agreements will be compiled on behalf of members by the Business Support area but members and their staff should note the requirement for the Clerk to authorise the agreement before it can be executed by the parties.

16.52 Unlike the procedure for proposed employment agreements – where a form has been developed to capture the relevant details – members proposing to engage a consultant or contractor should, in the first instance, discuss their proposal with one of the senior Business Support area staff.
16.53 Members should note the following general requirements and limitations:

- Members will need to develop a clear scope of services to be provided, and this will form part of the agreement. It is not appropriate to engage a consultant or contractor to provide services that amount to the duties of members’ staff.

- The engagement will be subject to the procurement thresholds and other requirements set out in the Government Procurement Act 2001 and the associated regulation. These requirements include:
  - members having to demonstrate that they have sought three written quotes for any engagement that will, or is expected to, exceed a total cost of $25,000. The Government Procurement Regulation 2007 provides grounds on which the Clerk of the Assembly may exempt a member from that requirement, and members seeking such an exemption would need to clearly address those grounds;
  - contracts valued at $25,000 or more will need to be publicly notified; and
  - specific provisions governing the grounds on which certain public text of contracts can be treated as confidential.

16.54 Consultants and contractors engaged by members will be subject to the same requirements for insurance cover that apply to consultants and contractors engaged elsewhere in the Territory (these requirements are discussed in more detail below).

16.55 Provided the proposed consultancy/contractor agreement is in order (i.e. insurance and other requirements are satisfied and can be accommodated within the member’s staff salary allocation), the Business Support area will promptly seek the Clerk’s authorisation. Once authorised, the contract will be provided to the member’s office for execution.

**INSURANCE REQUIREMENTS FOR THE ENGAGEMENT OF A CONSULTANT/CONTRACTOR**

16.56 Generally, the following types of insurance have to be considered (although whether they will each be required will depend on the circumstances):

- public liability cover;
- professional indemnity cover; and
- workers compensation insurance.

16.57 If necessary, the Business Support area will seek advice on insurance issues from the ACT Insurance Authority. Importantly, the fact that an individual or entity does not have the type or level of insurance cover deemed appropriate is not regarded as a legitimate reason for waiving an insurance requirement.
PUBLIC LIABILITY INSURANCE

16.58 The requirement for public liability insurance will generally be an essential part of any engagement, reflecting the risks that arise in the transmission of business by a consultant or contractor when engaged by the Territory. In any instance where public liability is not regarded as necessary, MLAs should discuss the circumstances with the Business Support area, who will seek the advice of the ACT Insurance Authority (ACTIA). However, such instances are expected to be rare.

16.59 The engagement of contractors and consultants who do not have adequate cover will result in the Territory being exposed to unacceptable risk.

- Financial Management (Public Liability Insurance) Guidelines 2005 [Disallowable Instrument DI2005-205]; and

PROFESSIONAL INDEMNITY COVER

16.60 The requirement for professional indemnity cover will usually arise where the consultant or contractor is engaged to provide professional advice. In this regard it must be recognised that one of the common reasons why a consultant or contractor will be engaged by a member (or by the Territory) is their special skills, abilities or professional expertise. Generally, a member will seek to obtain that skill or expertise because the member does not possess the skill or expertise and does not have access to that particular skill or expertise from within their general staff. It follows that such consultants or contractors may be providing professional advice that the member intends to rely on and, as such, the Territory’s general policy is that it will be appropriate for the consultant or contractor to hold the appropriate level of professional indemnity insurance.

16.61 The requirement for such cover (and, if cover is deemed appropriate, the amount of such cover), will need to be considered on a case by case basis. To assist with this process, members proposing to engage consultants or contractors should indicate whether the consultant has professional indemnity cover and, if so, the level of cover.

16.62 To enable the Business Support area to discuss the requirements for such cover with ACTIA, members should provide full details of the services that it is proposed will be provided by the consultant or contractor.

WORKERS COMPENSATION INSURANCE

16.63 Any consultant or contractor who employs staff is required, under Territory law, to secure and maintain workers compensation insurance and will be required to show evidence of such insurance before being engaged.

CHAPTER 16 EMPLOYMENT OF STAFF: SUBJECT MATTER EXPERTS

- Director, Business Support (ext. 50181)
- Manager, HR and Workplace Management (ext. 50150)
- Senior Payroll and HR Advisor (ext. 52091)
17 PROCEDURES AND GUIDELINES FOR THE ENGAGEMENT OF VOLUNTEERS BY NON-EXECUTIVE MEMBERS

INTRODUCTION

17.1 These procedures and guidelines have been developed to recognise that, from time to time, non-executive members will seek to engage volunteers in their offices. They set out certain requirements and restrictions and provide guidance on matters that may arise.

17.2 The procedures and guidelines were developed with reference to:

- the 2004 report of the Standing Committee on Administration and Procedure - Status of Volunteers in Members’ Offices; and
- Auditor-General’s report No 5 of 2009 – Administration of employment issues for staff of members of the Legislative Assembly.

17.3 They were approved and promulgated by Speaker Berry in the 6th Assembly.

17.4 The engagement of volunteers is subject to the authorisation of the Clerk (or Director, Business Support) and will take into consideration resource requirements such as workstations and desktop personal computers, and the length of those requirements.

SCOPE

17.5 These guidelines apply to all non-executive members and volunteers engaged by them in the ACT Legislative Assembly.

17.6 A volunteer is a person who undertakes activities:

- without monetary reward
- of their own free will
- of benefit to the community or to the individual, or to gain work experience
- that complement but do not replace the services provided by members’ employees

VOLUNTEER EXPECTATIONS

17.7 A volunteer engaged in a non-executive member’s office is entitled to have the following legitimate expectations:

- to be engaged in a healthy and safe environment
- not to fill a position previously held by a paid worker
- to have a task description and agreed volunteering hours
- to be provided with orientation to the Assembly
- to have their confidential and personal information dealt with in accordance with the principles of the Privacy Act 1988 (Cwlth)
- to be provided with sufficient instruction and/or training to fulfil their engagement
VOLUNTEER OBLIGATIONS AND RESPONSIBILITIES

17.8 While volunteering for a non-executive member of the Legislative Assembly, a volunteer must:

- undertake activities only of a parliamentary or electorate nature as outlined by the member;
- not perform activities related to election campaigning for the member or their party or perform any activities that are of a party-political nature;
- use all Assembly facilities appropriately, including information technology facilities in accordance with the policy on acceptable use of information technology;
- notify the MLA and the Business Support area of any accident or injury sustained during their period of volunteering;
- not divulge any privileged or confidential information concerning members, staff, Assembly or matters relating to the Office of the Legislative Assembly to anyone other than authorised personnel of the ACT Legislative Assembly;
- act with propriety, honesty and integrity;
- act with fidelity and good faith to the member;
- not misuse or misappropriate Territory property;
- not harass any individual in the course of their volunteering activities, whether sexually or otherwise; and
- ensure their own safety and the safety of others within their work area.

MEMBERS’ OBLIGATIONS AND RESPONSIBILITIES

17.9 Members are obliged to:

- provide the volunteer with a task description;
- ensure that a volunteer agreement is developed and properly authorised, which will include a declaration that the volunteer will be engaged only in activities of a parliamentary or electorate nature and not in activities related to election campaigning for the member or their party or any activities that are of a party-political nature;
- identify a volunteering pattern which should be reasonably maintained;
- provide an orientation/induction to the workplace at a mutually convenient time;
- provide a healthy and safe environment that is free from harassment, bullying and discriminatory practices; and
- relay to the Business Support area any report of accident or injury sustained during the volunteer’s period of engagement.
17.10 In cases where the engagement is casual and intermittent, the member must set a start and end date and must ensure that, during that period, the volunteer maintains a record of those hours, and the member should sign that record at least fortnightly and ensure that the record is provided to the Business Support area.

**Requirement for a Volunteer Agreement**

17.11 Any engagement of a volunteer by a non-executive member must be covered by a volunteer agreement that is authorised by the Clerk or the Director, Business Support. A sample agreement is at the end of the “Procedures and guidelines for the engagement of volunteers by non-executive members” document published on the Assembly intranet.

17.12 The purpose of the Clerk’s (or the Director, Business Support) authorisation is to ensure that:

- the nature and purpose of the volunteering agreement is consistent with these guidelines;
- for insurance purposes, appropriate details have been established concerning the duration and pattern of the volunteering agreement; and
- appropriate undertakings have been provided concerning the use of Territory property and resources and concerning the parties’ respective obligations under the agreement.

17.13 Where the Clerk or the Director, Business Support, is concerned about authorising a proposed volunteer agreement, the relevant member, or the member’s office, will be notified promptly to enable any issues to be addressed.

**Volunteers Not to Perform the Work of Paid Staff**

17.14 Volunteers may undertake activities that complement, but do not replace, the services provided by paid staff. Volunteers must not be engaged to perform the work of paid staff or occupy paid staff positions, and members proposing volunteer engagements will be expected to certify that this requirement will be met.

**Duration of Volunteer Agreements**

17.15 Due to the obligation that members have not to engage volunteers to perform the work of paid staff, it is expected that volunteer engagements will be for relatively short and intermittent periods. Members proposing volunteer arrangements that span several months or more may be asked to address how a lengthy engagement meets this underlying obligation.

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7 This document is the basis of chapter 17
USE OF VOLUNTEERS NOT PERMITTED IN THE LEAD-UP TO ASSEMBLY ELECTIONS

17.16 One of the many obligations of members who engage volunteers is to avoid the use of such arrangements for party-political or election campaign purposes.

17.17 In recognition of the difficulty that would exist for a member to avoid that situation, or the perception of such a situation:
   a) members will not be permitted to engage volunteers during a period of three months prior to an election (the pre-election period); and
   b) except as provided below, any volunteer agreements in place will cease three months before an election.

17.18 Members may seek an exemption from paragraph 17.17 b) where the volunteer has been engaged regularly and continuously for at least six months prior to the commencement of the pre-election period and the member can demonstrate that the nature of the tasks being undertaken under the volunteer agreement can be sustained during the pre-election period without offending the requirement for such arrangements to exclude party-political or election campaign purposes.

17.19 On receipt of a proposed volunteer agreement, the Business Support area will assess the proposal against the guidelines and either identify and relay any concerns to the member, or his or her office, or seek the Clerk’s (Director, Business Support’s) authorisation.

17.20 Any authorisation granted will enable the Office to arrange:
   • restricted access to the Assembly IT environment provided the volunteer signs a copy of the policy on acceptable use of information technology;
   • access to the Assembly building, with the level of access depending on the nature of the volunteer agreement;
   • a temporary workstation, where requested by the member;
   • a temporary desktop PC, depending on availability and the nature of the volunteer agreement;
   • for records of volunteer attendance to be forwarded to the Business Support area.

TERMINATION OF AGREEMENT

17.21 Either party may, with reasonable notice, terminate a volunteer agreement by giving written notice to the other party.

CHAPTER 17 VOLUNTEERS: SUBJECT MATTER EXPERTS

- Director, Business Support (ext. 50181)
- Manager, HR and Workplace Management (ext. 50150)
18 OFFICE ACCOMMODATION AND FACILITIES

18.1 MLAs are entitled to use the resources and facilities of the Assembly, including their office support allowance (which is discussed in more detail in chapter 19), to effectively fulfil their duties as elected representatives of the ACT. However, these resources and facilities are not provided to assist members with election campaigning, other party-political activities or private purposes not related to the discharge of their duties as elected representatives. The onus is on members to ensure that they utilise facilities, resources and entitlements in accordance with this principle.

18.2 Members are reminded that section 14(1)(c) of the *Australian Capital Territory (Self-Government) Act 1988* provides:

A member vacates office if the member... takes or agrees to take, directly or indirectly, any remuneration, allowance, honorarium or reward for services rendered in the Assembly, otherwise than under section 73.

18.3 Because the resources and facilities of the Assembly available to MLAs (including discretionary office allocation) could be broadly construed as falling within the purview of section 14, any use of those resources and facilities for purposes beyond the electoral and parliamentary responsibilities of MLAs could lead to a member vacating office.

18.4 It is also the case that such misuse would offend relevant provisions of the Members’ Code of Conduct concerning the use of public resources/property or services.

18.5 Where a member is unsure about the appropriate use of any resources, facilities or entitlements, they should seek advice from the Business Support area (ext. 50181) or the Clerk (ext. 50191) or the Assembly’s Ethics and Integrity Adviser.

OFFICE FACILITIES

18.6 Each non-executive member is provided with a suite consisting of a member’s office, reception area, staff office and a small kitchenette.

18.7 The allocation of offices is the responsibility of the Speaker, who usually consults with the party whips and the members of the crossbench.

18.8 Members’ personal offices are furnished with an executive desk and chair, a TV, hard disk recorder, TransACT set-top box and cabinet, a wall unit and either a meeting table and visitors chairs or a lounge suite and coffee table. Members’ outer offices are provided with desks for regular staff, filing cabinets and other storage as necessary, a TV and either a lounge or other visitors chairs. The small kitchenette contains a microwave oven, a fridge, a kettle and a basic supply of crockery and cutlery for coffee and tea making etc.

18.9 In furnishing members’ offices members and staff need to be aware that members and their staff must comply with occupational health and safety standards.
18.10 Proximity access cards are issued to members and staff for each office.

18.11 Further inquiries can be directed to:
- Access cards: Principal Attendant (ext. 50445)
- Furniture: Facilities Manager (ext. 75517)

OFFICE EQUIPMENT

18.12 Each member’s office is supplied with the equipment outlined below.

TELEPHONES

18.13 All telephones in the Assembly building are part of the ACT government telephone network. All telephones on that network are given a five digit extension number. When calling that extension from outside the ACT government network, the caller will need to add the prefix 620. To call numbers outside the network the caller will need to key in ‘0’ for an outside line.

18.14 The member’s personal office and one phone in the outer office will be equipped with an “advanced feature” phone to enable, amongst other things:
- the answering of multiple incoming calls
- hands free operation
- a member’s private line
- visual display
- one-touch dialling

18.15 Additional staff will each be provided with an extension and basic handset.

18.16 If members need to book an overseas call for official purposes they should first contact the Clerk (ext. 50191).

TELEVISION AND RADIO

18.17 Members are provided with television sets that are also programmed for AM/FM radio broadcasts. Televisions can also be used to listen to proceedings in the chamber or committee rooms. Each office also has a standard TransACT service installed.
### Channel Allocation Chart for Assembly Television Sets

<table>
<thead>
<tr>
<th>Channel No.</th>
<th>Channel Name</th>
<th>Channel No.</th>
<th>Channel Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>ABC 1</td>
<td>60</td>
<td>PRIME7 Canberra</td>
</tr>
<tr>
<td>3</td>
<td>SBS ONE</td>
<td>61</td>
<td>PRIME7 Canberra</td>
</tr>
<tr>
<td>5</td>
<td>SC 10 Canberra</td>
<td>62</td>
<td>7TWO Canberra</td>
</tr>
<tr>
<td>6</td>
<td>PRIME7 Canberra</td>
<td>63</td>
<td>7mate Canberra</td>
</tr>
<tr>
<td>8</td>
<td>WIN Canberra</td>
<td>64</td>
<td>Television 4</td>
</tr>
<tr>
<td>21</td>
<td>ABC1</td>
<td>80</td>
<td>GEM Canberra</td>
</tr>
<tr>
<td>22</td>
<td>ABC2/ABC4</td>
<td>88</td>
<td>GO! Canberra</td>
</tr>
<tr>
<td>23</td>
<td>ABC3</td>
<td>200</td>
<td>ABC Dig Music</td>
</tr>
<tr>
<td>24</td>
<td>ABC News</td>
<td>24</td>
<td>201 ABC Jazz</td>
</tr>
<tr>
<td>30</td>
<td>SBS HD</td>
<td>350</td>
<td>AM RADIO 2CC</td>
</tr>
<tr>
<td>32</td>
<td>SBS TWO</td>
<td>351</td>
<td>AM RADIO 2PB</td>
</tr>
<tr>
<td>33</td>
<td>SBS 3</td>
<td>352</td>
<td>FM RADIO 2XX</td>
</tr>
<tr>
<td>34</td>
<td>SBS 4</td>
<td>353</td>
<td>AM RADIO 2CA</td>
</tr>
<tr>
<td>38</td>
<td>SBS Radio 1</td>
<td>354</td>
<td>FM RADIO 104.7</td>
</tr>
<tr>
<td>39</td>
<td>SBS Radio 2</td>
<td>355</td>
<td>FM RADIO 106.3</td>
</tr>
<tr>
<td>50</td>
<td>ONE Canberra</td>
<td>356</td>
<td>FM RADIO 2SBSFM</td>
</tr>
<tr>
<td>55</td>
<td>ELEVEN</td>
<td>357</td>
<td>FM RADIO 2SSS</td>
</tr>
<tr>
<td>358</td>
<td>FM RADIO 2JJJ</td>
<td>362</td>
<td>AM RADIO 666</td>
</tr>
<tr>
<td>359</td>
<td>FM RADIO ABC</td>
<td>363</td>
<td>AM RADIO 2CY</td>
</tr>
<tr>
<td>360</td>
<td>FM RADIO 1WAY</td>
<td>364</td>
<td>RETICULATION 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Assembly chamber</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>or committee)</td>
</tr>
<tr>
<td>361</td>
<td>FM RADIO 1ART</td>
<td>365</td>
<td>RETICULATION 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Assembly chamber</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>or committee)</td>
</tr>
</tbody>
</table>
Below is the channel allocation chart for the TransACT service.

<table>
<thead>
<tr>
<th>No</th>
<th>Channel</th>
<th>Description details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TransACT Information</td>
<td>TransACT Information</td>
</tr>
<tr>
<td>2</td>
<td>ABC 1</td>
<td>Leading Australian drama, documentary, entertainment, arts &amp; comedy programs &amp; the home of independent news &amp; current affairs coverage.</td>
</tr>
<tr>
<td>3</td>
<td>SBS 1</td>
<td>SBS ONE is a unique mix of local and global programs drawn from over 400 national and international sources.</td>
</tr>
<tr>
<td>5</td>
<td>Southern Cross Ten</td>
<td>Southern Cross Ten is your one-stop resource for Australian news and information, national news, local sports news, local TV Guide, weather forecast, lifestyle and entertainment.</td>
</tr>
<tr>
<td>6</td>
<td>Prime Canberra</td>
<td>PRIME7 is your one-stop resource news and information, national news, local sports news, local TV guide, weather forecasts, lifestyle and entertainment.</td>
</tr>
<tr>
<td>8</td>
<td>WIN Canberra</td>
<td>WIN Television provides what is well recognised as the most comprehensive news service in Australia. WIN Television produces 21 individual 30-minute local WIN News bulletins every weekday and one 60-minute bulletin seven days a week from 28 newsrooms and bureaus across the country.</td>
</tr>
<tr>
<td>22</td>
<td>ABC 2</td>
<td>Features a broad range of new and time-shifted ABC programming.</td>
</tr>
<tr>
<td>23</td>
<td>ABC 3</td>
<td>It's TV that speaks to kids and it's all about having fun.</td>
</tr>
</tbody>
</table>

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8 Taken directly from the Transact TV listing
<table>
<thead>
<tr>
<th>No</th>
<th>Channel</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>ABC News</td>
<td>24 hour news channel. Access to the nation's most trusted news service, with live rolling news and analysis, delivering in-depth coverage of news events as they happen across Australia and around the world.</td>
</tr>
<tr>
<td>32</td>
<td>SBS 2</td>
<td>SBS TWO brings you more of the stories you love – more international news and sport, documentaries and the best in independent film from all over the world.</td>
</tr>
<tr>
<td>55</td>
<td>Eleven</td>
<td>Offers a bold, fresh line up of programs for a distinctly youthful audience.</td>
</tr>
<tr>
<td>62</td>
<td>7TWO on Prime</td>
<td>7TWO is a broad entertainment channel offering greater choice, with something for everyone.</td>
</tr>
<tr>
<td>63</td>
<td>7Mate</td>
<td>7mate is a new digital channel offering sport, comedy and big movies for blokes.</td>
</tr>
<tr>
<td>64</td>
<td>Television 4</td>
<td>Television 4, is marketed as 4me, covering categories of shopping, education, finance and lifestyles.</td>
</tr>
<tr>
<td>80</td>
<td>GEM</td>
<td>Gem is a mix of new content, classic comedies, cherished drama series, all-time favourite movies, and all of Nine’s sport coverage in high definition.</td>
</tr>
<tr>
<td>88</td>
<td>Go!</td>
<td>Offering more choice and entertainment to everyone who’s young or young at heart.</td>
</tr>
<tr>
<td>203</td>
<td>Cartoon Network</td>
<td>Animation fun with great cartoons.</td>
</tr>
<tr>
<td>254</td>
<td>Fashion TV</td>
<td>Fashion</td>
</tr>
<tr>
<td>417</td>
<td>Turner Classic Movies</td>
<td>Classic films</td>
</tr>
<tr>
<td>451</td>
<td>CNN</td>
<td>Breaking news from around the world.</td>
</tr>
<tr>
<td>No</td>
<td>Channel</td>
<td>Description</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>452</td>
<td>BBC World News</td>
<td>BBC’s 24 hour international news channel.</td>
</tr>
<tr>
<td>454</td>
<td>Bloomberg</td>
<td>Live updates from around the world with the latest financial news.</td>
</tr>
<tr>
<td>455</td>
<td>Channel News Asia</td>
<td>News and information on global developments from Asian perspectives.</td>
</tr>
<tr>
<td>459</td>
<td>CCTV9</td>
<td>The English-language 24-hour news channel of China Central Television, China’s largest national TV network.</td>
</tr>
<tr>
<td>460</td>
<td>Al Jazeera International</td>
<td>Al Jazeera is the world’s first global English language news channel to be headquartered in the Middle East.</td>
</tr>
<tr>
<td>501</td>
<td>ChannelVision</td>
<td>ChannelVision provides a platform for the promotion of Canberra businesses and community endeavours.</td>
</tr>
<tr>
<td>510</td>
<td>House of Representatives</td>
<td>Continuous coverage of the House of Representatives when Parliament is in session.</td>
</tr>
<tr>
<td>511</td>
<td>Senate</td>
<td>Continuous coverage of the Senate when Parliament is in session.</td>
</tr>
<tr>
<td>512</td>
<td>Australian parliamentary committees</td>
<td>Selected committee public hearings from the Australian Parliament.</td>
</tr>
<tr>
<td>551</td>
<td>EWTN</td>
<td>Global Catholic Network</td>
</tr>
<tr>
<td>552</td>
<td>ACC TV</td>
<td>Christian faith programming with movies, documentaries, game shows and more.</td>
</tr>
<tr>
<td>603</td>
<td>TV5</td>
<td>Great programs from France including news, fashion and cooking.</td>
</tr>
<tr>
<td>604</td>
<td>Deutsche Welle</td>
<td>TV News and documentaries about the world of politics, the economy and culture of Germany.</td>
</tr>
</tbody>
</table>
IT EQUIPMENT AND FACILITIES

18.20 Access to Assembly IT equipment and electronic information resources is subject to staff reading the “Legislative Assembly Information Technology Security Policy and Framework” (available on the intranet) and printing and signing the acceptable use declaration.

18.21 Non-executive members should note that the Standing Committee on Administration and Procedure has agreed that members have a responsibility to ensure that their staff adhere to the terms of this policy and framework.

18.22 All members and their regular staff are provided with a desktop computer that is connected to the IT network and installed with the following software applications:

- Microsoft Office 2007 suite (Word, Excel, PowerPoint, Publisher);
- Microsoft Internet Explorer (web browser);
- Microsoft Outlook 2007 (email, calendar and contacts);
- Microsoft Media Player;
- Adobe Acrobat Reader and XPS Viewer (PDF creator);
- Native CD Writer; and
- Sophos antivirus software.

18.23 To protect the availability, confidentiality and integrity of the information stored on the ACT government and Assembly IT environment, some computer settings will be disabled and users will not be able to install software without the approval of the Assembly IT Manager, in consultation with Shared Services ICT (the Assembly IT service provider).

18.24 Each member’s office is provided with a monochrome multifunction device for photocopying, printing, scanning and faxing. For large printing volumes and for colour printing, shared multifunction devices are located in the print rooms in the east and west wings on level 1.

18.25 Members and authorised staff are provided with a login account, including an office-based email account (private mailbox) and an associated internet email address (firstname.lastname@parliament.act.gov.au). Members are provided with a second email account (public mailbox) and associated internet email address (surname@parliament.act.gov.au).
18.26 Files can be stored on the IT network in:

- a personal drive (H:drive), which can only be accessed by that user; or
- a shared drive (G:drive), which is further divided into:
  - each respective party and their staff; and
  - an office directory, accessible only to the member and staff of each respective office; or
- a common directory (P:drive accessible by all users).

**IT SUPPORT**

18.27 IT support for non-executive members and staff is provided by a dedicated on-site support officer during normal business hours (9:00am – 5:00pm). For IT assistance, members and staff should contact the Assembly IT Support Officer on ext. 50249. Non-urgent requests, can be emailed to the Assembly IT mailbox (AssemblyITSupport@parliament.act.gov.au). Emails received in this mailbox will automatically generate a work order.

18.28 In the Assembly IT Support Officer’s absence, members and staff can contact the Shared Services ICT service desk for IT assistance. It operates between 7:30am and 6:00pm Monday to Friday (ext. 75555).

18.29 The Assembly IT Manager is responsible for onsite IT support services and user account administration. Shared Services ICT is responsible for the management of the ACT government-wide area network infrastructure and the standard operating environment to which the Assembly is connected.

**IT TRAINING**

18.30 Training in the use of software products installed on Assembly computers is available to all members and their staff as follows:

- Assembly IT staff can provide basic training on general computer skills and software features
- online tutorials on Microsoft Office products are available through the Shared Services ICT website
- external IT training providers can provide specialised training on most software products and course information is available on the internet

18.31 Initially, arrangements should be made through the Business Support area. The cost of reasonable and necessary IT training will be met from the Assembly budget.
MAIL SERVICES

18.32 Delivery of incoming mail occurs in the morning (approximately 9:30 to 10:00am) Monday to Friday, except public holidays. Outgoing mail is collected from members’ offices around 3:00pm and dispatched at 4:00pm. A courier service operates between the Assembly and government agencies.

NEWSPAPERS

18.33 The Canberra Times, or another daily newspaper of their choice, will be delivered to members’ offices on request. This includes weekend papers, which are delivered the following Monday. Members who have newspapers delivered to their home may claim such costs from their discretionary office allocation (the discretionary office allocation is discussed in more detail in chapter 19).

BUSINESS CARDS

18.34 Pursuant to the agreement of the Standing Committee on Administration and Procedure on 9 April 2003, business cards are available to MLAs and for one member of their regular staff over the life of the Assembly. These can be ordered through the Senior Attendant (ext. 50439). A standard format for business cards was also agreed to in the Fifth Assembly and the cost of a reasonable supply of these will be met from the Assembly budget.

18.35 Members wishing to obtain business cards in other formats or for additional staff must meet the cost themselves.

PRINTING

18.36 Each non-executive member’s office is provided with a monochrome multifunction device that can photocopy, print, and send/receive facsimiles. These devices also scan in colour.

18.37 Non-executive members have access to two high speed colour multifunction devices that can photocopy, print and scan. They are located in shared print rooms in the east and west wings on the first floor, and controlled by unique security PIN codes that are allocated to each office.

18.38 Service, support and supply of paper for these devices are arranged by the Office of the Legislative Assembly.

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9 The Leader of the Opposition is entitled to the provision of cards for two members of staff over the life of the Assembly.
18.39 Members are provided with an Office Support Allocation (OSA) (see chapter 19) which includes a component to cover the cost associated with an average typical level of copying and printing. Each month, Business Support staff extract copy/print readings for each member’s office and calculate charges on a per copy basis and split between monochrome and colour printing.

18.40 Members and their staff are reminded that access to copying/printing is provided to enable members to carry out their parliamentary and electoral duties. It is not acceptable for such facilities to be used for party-political, campaign or private purposes and to do so could breach the members’ code of conduct.

18.41 Photocopiers that require additional toner, paper or maintenance should be reported, in the first instance, to the Principal Attendant (ext. 50445).

SUPPLY OF OFFICE STATIONERY

18.42 Members are provided with an Office Support Allocation (OSA) (see chapter 19) which includes a component to cover the cost associated with an average typical level of office stationery required to assist members in their parliamentary and electoral duties.

18.43 Members will have access to an account with the Territory’s contracted office stationery supplier (currently OfficeMax). Under this arrangement, orders are placed via a web-based portal and are generally delivered to the office the following day.

18.44 Members and their staff are reminded that office stationery is provided to enable members to carry out their parliamentary and electoral duties. It is not acceptable for such items to be used for party-political, campaign or private purposes and to do so could breach the members’ code of conduct.

18.45 Newly elected members will be provided with a starter kit of office stationery to avoid an initial drain on DOA entitlements.

MEDIA MONITORING

18.46 The Office of the Legislative Assembly pays a monthly fee to provide non-executive members’ offices with access to a facility operated under a whole-of-government contract between the Chief Minister’s Department and a media monitoring firm. Under this facility, all local television and radio news bulletins are monitored and news items of relevance to the Assembly and the administration of the Territory are, in the first instance, notified to all MLAs by way of an email news alert.

18.47 In addition, the Assembly Library records the following programs:

- ABC 666 and 2CC radio from 5:00am to 7:00pm on weekdays. Members and their staff can request audio files which will be emailed to them (the audio files are archived for one month).
- Selected TV news and current affairs programs – WIN News, ABC news, 7.30 program
and Stateline. Members and their staff are able to view these programs on the Library intranet. Please contact the library help desk at ACTLALibrary@parliament.act.gov.au or call ext. 50395 for help to access these programs.

- Local and interstate press clippings on ACT related material are available electronically from the Library Intranet.

18.48 Inquiries regarding the Assembly Library services can be directed to the Assembly Librarian (ext. 50395).

PARKING

18.49 Members are allocated a parking bay in the Assembly car park adjacent to the members’ entrance. Only authorised vehicles are permitted to park in the Assembly car park. To avoid being issued with a parking infringement notice, members’ vehicles will be assigned an approved category L sticker which must be displayed at all times. Inquiries regarding these stickers should be directed to the Principal Attendant (ext. 50445).

18.50 Each member’s office is allocated one additional parking bay in the Assembly car park for use by the staff in that office. It is the responsibility of each member’s office to determine the allocation of that parking bay to staff within the office. Staffers’ vehicles displaying an approved category L sticker can use the parking bay and, to facilitate this, staff may apply to be issued with such stickers.

18.51 Members and staff are expected to park only in the parking bay assigned to them.

18.52 A limited number of visitors parking bays are available and the use of these is at the discretion of the Principal Attendant (ext. 50445).

18.53 Visitors parking bays must not be used by staff members.

18.54 In addition to the category L sticker, members will be issued with a government parking permit. These permits, which are valid for a period of 12 months, are assigned to the member’s vehicle registration and allow short stay parking only in designated government parking bays. It should be noted that these permits are not to be used for long stay or permanent parking. Inquiries regarding these permits should be directed to the Business Support area (ext. 50444).

ASSEMBLY ART COLLECTION
18.55 The Assembly has an official art collection which is administered by the Legislative Assembly Art Advisory Committee, headed by the Speaker. The committee comprises a government representative, a representative from the opposition, a crossbench representative, a representative of the Office of the Legislative Assembly and three members of the ACT arts community. While the Speaker retains ultimate decision making with respect to the art collection, the committee provides an opportunity for a broad range of input and advice to the Speaker.

18.56 Artworks have been selected by the committee over the years in an attempt to reflect the cultural, political and social uniqueness of the ACT and surrounding region. Many of the works have been produced by artists from the ACT and region or are concerned with themes and subject matter that are directly relevant to the people of the ACT.

18.57 Artworks are deployed across many public spaces in the Assembly building, and members’ offices are also able to access the collection. The Assembly’s Education Officer, supported by the Assembly’s Curatorial Adviser, is responsible for making arrangements in relation to the acquisition, allocation, maintenance and display of official Assembly artworks.

18.58 The normal process for allocating artworks involves the Curatorial Adviser consulting with members or their nominated staff to discuss their preferences and to select one artwork from the collection for display in their offices. In the past, there has been an order of precedence for allocating artworks. That order is as follows:

- the Speaker (who is entitled to more than one artwork)
- the Chief Minister
- the Leader of the Opposition
- the Deputy Chief Minister
- ministers in order of the length of time served
- other MLAs in order of length of time served

18.59 In allocating artworks, the Curatorial Adviser and the Education Officer will endeavour to meet the preferences of as many members as possible but, given the limited number of artworks available, it is not always possible to cater to the preferences of every member (the collection is relatively small). Periodically, artworks are rotated to allow less durable pieces an opportunity to ‘rest’ (i.e. artworks in storage are swapped with artworks that have been on display). As part of this process the opportunity has been afforded to members to change their selection and choose a different work for their office space – in the past this has been done on a first come, first served basis. The Assembly art program – policies and procedures document is available on the intranet.
18.60 It is important to note that members are not prevented from hanging their own artworks within their office spaces. However, members are encouraged to contact the Building and Facilities Manager (ext. 75517) to assist with the hanging of works to ensure that works are properly affixed to walls and that relevant work safety requirements have been met. For asset management purposes, no works in the Assembly collection are to be moved without the advice and approval of the Education Officer.

18.61 For more information on the Assembly’s art collection contact the Education Officer (ext. 53016).

PRESENTATION OF GIFTS

18.62 There will be times in the course of a member’s official duties when the Speaker agrees that it is appropriate to give a gift. The Governance and Communications area maintains a small collection of gifts and will advise the Speaker on those occasions where it is proposed that a gift be provided.

18.63 A full list of available gifts can be accessed via the Assembly intranet.

18.64 Gifts will be provided by the Governance and Communications area only after staff in that area have received a completed gift request form approved by the Speaker. For information on the gift collection contact the Assistant Education Officer (ext. 53025).

GIFT PRESENTATION GUIDELINES

18.65 Members and committees travelling on official purposes or who are hosting visiting delegations are entitled to present gifts under the guidelines outlined below.

18.66 Gifts may be provided to:

• persons who assist a committee while it is travelling interstate on Assembly business or on Commonwealth Parliamentary Association (CPA) travel;

• visiting delegations of parliamentarians – a substantial gift is given to the delegation leader, while smaller gifts are given to other members of the delegation and the accompanying officials (these would normally be given by the Speaker or committee chair);

• visiting Speakers, high-ranking CPA office holders or other visitors – a reasonably substantial gift would be appropriate in this circumstance, and, again, these would normally be given by the Speaker or his or her delegated representative;

• host or hosts of a conference that the Speaker or member may be attending on behalf of the Assembly – it is common to present to the hosts of the conference a gift of a reasonably substantial nature; and

• fellow delegates at a conference – it is common to exchange very small gifts (e.g. small badges).
18.67 It should be noted that gifts are not intended to be given to constituents, with the exception of small pins, which may be purchased by members.

18.68 Where members make a purchase from the gift store for non-official purposes GST is payable.

18.69 For more information on the presentation of gifts contact the Assembly’s Assistant Education Officer (ext. 53025).

**CHAPTER 18  ACCOMMODATION AND FACILITIES: SUBJECT MATTER EXPERTS**

- Facilities Manager – office furniture and fittings (ext. 75517)
- Principal Attendant – printing, business cards, parking (ext. 50445)
- Facilities Manager (ext. 75517)
- IT Manager – Network, IT devices, telephones (ext. 75919)
- Technical Officer – TV and radio (ext. 53019)
- Education Officer – Assembly art (ext. 53016)
- Library Manager – media monitoring (ext. 50395)
- Assistant Education Officer – Gifts (ext. 52025)
19 GUIDELINES ON USE OF COMMUNICATIONS ALLOWANCE AND OFFICE SUPPORT ALLOWANCE BY NON-EXECUTIVE MEMBERS

COMMUNICATIONS ALLOWANCE

GENERAL

19.1 The Remuneration Tribunal has determined that, from 1 July 2014, a communications allowance will be introduced for all Assembly members. The allowance has been set at the rate of $15,000 per annum and is paid in fortnightly instalments as part of a member’s fortnightly salary.

19.2 The relevant determination specifies that “The Presiding Officer may provide guidelines about the administration of this entitlement for non-Executive Members” (and the Chief Minister may do likewise in respect of executive members). The following guidelines have been endorsed by the Speaker for this purpose.

19.3 The Tribunal’s determination provides that the items that can be purchased through the communications allowance include:

- Mobile telephone
- Computer tablet
- Laptop computer
- Printing of non political material
- Postage for non political material
- Information technology services of a non political nature, for example, website development, maintenance, surveys

TAXATION ISSUES


19.5 Members should seek their own taxation advice and note, in particular, that officials from OLA are not permitted to give any such advice.
**USE OF STAFF IN PREPARING PUBLICATIONS**

19.7 While the Tribunal’s determination shifts the public expense associated with members’ communication from the Assembly to the individual member, there is an acknowledgement that communicating with constituents is an inherent element of the work of members’ staff. Accordingly, members may continue to have their staff engaged on tasks that assist with the preparation of newsletters, flyers and other communication media such as websites and social media.

19.8 However, there remains a strict prohibition on members’ staff engaging in activity that is either party political in nature or associated with election campaigns.

**NON-CONSUMABLE ITEMS ACQUIRED PRIOR TO 1 JULY 2014**

19.9 Under the former Discretionary Office Allocation arrangements, members were permitted to purchase items such as digital cameras, tablets, folding machines and portable “meet the member” stands. While any new acquisitions of such items will clearly be an expense that members will need to meet from their Communications Allowance, members who have acquired such items under the previous DOA arrangements will be able to continue using those items. This is based on the general principle that there are no ongoing costs associated with members continuing to use those items. If, in any case, there is an ongoing costs that arises, the member will be required to meet that cost personally and OLA’s Director of Business Support will review the arrangement in conjunction with the relevant member.

**OFFICE SUPPORT ALLOWANCE (OSA)**

**INTRODUCTION**

19.10 From 1 July 2014, non-executive members will have access to an OSA – an entitlement that arises following the introduction by the Remuneration Tribunal of a communications allowance and the associated dismantling of a previous arrangement known as the Discretionary Office Allocation (DOA).
19.11 As part of its 2013-14 review into members’ salaries, allowances and other entitlements, the Tribunal introduced a communications allowance payable to members to enable them to meet personally a range of expenses previously able to be met (for non-executive members) under the DOA arrangement. One of the provisos of the new allowance being introduced was that the DOA arrangements for non-executive member must be dismantled.

19.12 However, the Tribunal did acknowledge in its final report of its review that “The provision of such an allowance does not exclude central funding provided for office costs, for example, desks and other furniture, letterhead, basic printing and copying, computers for Members and staff, etc”.

19.13 Consistent with this statement, and following discussions between OLA and the Tribunal, from 1 July 2014, DOA was dismantled but, instead, non-executive members have access to a reduced allocation known as an Office Support Allocation (OSA).

**PURPOSE**

19.14 The OSA covers:

- the cost of reasonable and necessary office stationery
- the notional cost of copying and printing undertaken within the members’ office
- the cost of certain non-standard ICT hardware/software/services for the member’s Assembly office that is owned or leased by, or licensed to, the Territory (see below)

19.15 The amount of OSA available to members is as follows:

<table>
<thead>
<tr>
<th>Role</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>$3,000 per annum</td>
</tr>
<tr>
<td>Speaker/ Crossbench member</td>
<td>$2,500 per annum</td>
</tr>
<tr>
<td>Other non-executive member</td>
<td>$2,000 per annum</td>
</tr>
</tbody>
</table>

19.16 The amount is indexed annually, using the same rate used by Treasury to index agency Supplies and Services budget allocations. The adjusted amount is rounded to the nearest $100.

19.17 Non-executive members are not permitted to use OSA funds to meet expenses that should be met from the members’ Communications Allowance

19.18 Given the nature of the expenses being met from the OSA, there is no provision to:

- roll over any OSA that remains unspent at the end of each financial year; or
- pledge or pool OSA amounts between members.
19.19 Newly elected members, including members elected to casual vacancies, are provided with a reasonable supply of office stationery on commencement of their terms.

19.20 In election years, and at other times when a non-executive member serves only part of a year (e.g., due to ministerial changes or a resignation) OSA amounts are pro-rated.

**NON-STANDARD ICT HARDWARE/ SOFTWARE/ SERVICES**

19.21 The inclusion of a provision in the OSA for non-standard ICT hardware/software/services recognises that members often utilise, within their office:

- hardware such as a laptop computer that is owned/leased by the Territory, and which forms part of the ICT infrastructure within their Assembly Office
- software, which is licensed to the Territory, and which forms part of the ICT configuration for their office
- services, such as a subscription to a remote access service that is provided and supported by the Territory, that enables secure access to office based electronic information

19.22 OSA can be used for these purposes because such arrangements are linked to the operation of members’ Assembly offices, and individual members are not in a position to own, lease or license the items.

19.23 Hardware/software/services that can be owned or leased by, or licensed to, individual members – and particularly items that are portable and that members do not require as part of their office ICT infrastructure/configuration, will not generally be eligible for funding from OSA.

19.24 OLA’s Director, Business Support, in consultation with the ICT Manager, will aim to resolve any issues that are unclear, based on an application of the above principles.

19.25 This element of OSA will be kept under review because of the regularly changing nature of ICT.

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**CHAPTER 19 GUIDELINES ON THE USE OF COMMUNICATIONS ALLOWANCE AND OFFICE SUPPORT ALLOWANCE BY NON-EXECUTIVE MEMBERS: SUBJECT MATTER EXPERT**

- Director, Business Support (ext. 50181)
20 GUIDELINES FOR THE PROVISION OF ASSISTANCE TO ACT MINISTERS AND MEMBERS IN RELATION TO LEGAL PROCEEDINGS

INTRODUCTION

20.1 In these guidelines:

- “costs” includes expenses;
- “damages” includes compensation;
- “legal proceedings” includes proceedings (whether final or interlocutory) in a court, tribunal, royal commission or board of inquiry or a mediation or dispute resolution process;
- “member” means a member of the Legislative Assembly; and
- “minister” means a person who holds office or has held office as a Minister for the Territory.

20.2 Where a minister or member is involved in an incident in the course of his or her duties (including an incident involving a Territory vehicle) which is likely to result or results in legal proceedings, and the minister or member wishes to be provided with assistance in his/her defence or representation, the minister or member is to submit a detailed report of the incident to the Attorney-General without delay fully disclosing his or her involvement in the incident and advising any time by which any procedural step is required to be taken in any legal proceedings. All documents and other material relevant to the request should be provided.

20.3 Liability for an incident must not be admitted by a minister or member. Any admission of liability by a minister for member may result in refusal of a request for legal assistance.

20.4 The Attorney-General shall decide whether to provide assistance in accordance with these guidelines in consultation with the Chief Minister and the Treasurer.

20.5 An application for assistance may be approved wholly or in part and be subject to any conditions deemed appropriate.
21 PRE-ELECTION ADVICE FOR MEMBERS AND STAFF

INTRODUCTION

21.1 The below advice relates to the arrangements that apply to members and their staff in the lead up to an election.

21.2 It summarises reflects legal advice issued over a number of years, issues raised by the Auditor-General in relevant reports and the views of the public accounts committee.

21.3 All members and their staff are urged to familiarise themselves with this advice and to seek further explanation if necessary. The questions facing members and staff can vary according to differing circumstances and individual members and staff are therefore encouraged to seek further advice on particular matters that may be unclear or have not been addressed.

SUMMARY

- Each member’s term of office ceases on polling day. Those members who re-nominate and are re-elected are entitled to payment of their remuneration and allowances as members from polling day to the day the election is declared.
- The Speaker and ministers continue to hold their respective offices as Speaker and ministers beyond polling day.
- Those members who re-nominate will continue to have access to office facilities and equipment after polling day under the conditions set out in paragraphs 21.11 to 21.13.
- The employment of all staff of members employed pursuant to Part 3 of the Legislative Assembly (Members’ Staff) Act 1989 (LAMS Act) terminates when the employing member ceases to be a member (i.e., effectively, at the conclusion of the Friday immediately preceding polling day).
- However, the employment of those staff engaged under Part 3 whose employing member is seeking re-election is, pursuant to a direction made under the LAMS Act, deemed to continue until the date of the declaration of the poll or the date that is four weeks after polling day, whichever date is later.
- The employment of those staff engaged under Part 3 whose employing member is not seeking re-election is not deemed to continue.
- The employment of staff of office holders (i.e., ministers and the Speaker) engaged pursuant to Part 2 of the LAMS Act does not terminate until the office holder ceases to hold office (which will be the first sitting day after the general election) and there are also provisions whereby employment is deemed to continue for a further two weeks from that date.
- There are provisions for staff whose employment is terminated to receive a termination payment, subject to certain conditions.
MEMBERS

SALARY AND ALLOWANCES

21.4 The term of office of all members ends on polling day and all members cease to be members on that day (Self-Government Act, section 10). Members will receive payment of salary and any additional salary up to and including the Friday immediately preceding polling day.

21.5 Members who do not renominate or who renominate and are not elected will have no further entitlements from polling day, but will be eligible for a Resettlement Allowance equal to two weeks base salary for each year of service as a member, up to a maximum of 12 weeks salary.

21.6 The term of office of each member elected at the general election begins at the end of the day on which the election of the member is declared. Members are paid from the day on which their term of office begins but members of the current Assembly who renominate and are re-elected are, for the purpose of section 73 of the ACT Self-Government Act, taken to have continued to be members between polling day and the day on which the election of that member is declared, and are entitled to payment of their remuneration and allowances as members until the day on which the election is declared. For these members, those entitlements will be back paid on the first available pay day after the declaration of the poll.

21.7 Even if not re-elected, the Speaker and ministers continue to hold office as Speaker and ministers (respectively) until immediately before a Speaker and Chief Minister are elected at the first meeting of the Assembly after the general election. Accordingly, even though they will not be paid basic salary, the Speaker and ministers will continue to be paid the additional salary payable while they continue to hold their respective offices.

21.8 Members other than ministers and the Speaker who receive additional salary (e.g. Leader of the Opposition, Deputy Leader, Deputy Speaker, Whips and Committee Chairs) and who are re-elected will not be entitled to back payment of additional salary from polling day as, pursuant to the terms of the Self-Government Act, they are taken to continue to have served only in the office of member for the purposes of remuneration and allowances over the period.
PROVISION OF OFFICE FACILITIES AND SERVICES

21.9 Members are reminded that they are provided with **office facilities and use of equipment and services** to assist them in performing their duties as members.

21.10 Members must ensure that facilities are not used for party political or campaigning purposes – i.e. these publicly funded facilities must only be used to but restricted to purposes that form part of a member’s electorate duties. Members and their staff should note that Clause 10 of the members’ Code of Conduct specifically addresses expectations and obligations relating to the use of publicly funded resources. The obligations contained in the staff employment agreement would also be breached if staff were involved in any misuse of office facilities. No further specific guidance has been developed within the various Assembly guides but, for reference purposes, the table at the end of this chapter details an example of a determination made by the New South Wales Remuneration Tribunal in recent years that has been adopted for the NSW Parliament for this purpose.

21.11 Those members who re-nominate will be allowed continued use of office facilities after polling day for the duties they would have performed as a member. If it becomes clear that they will not be re-elected, these facilities will be withdrawn at a date specified by the Speaker in consultation with the outgoing member.

OFFICE SUPPORT ALLOWANCE (OSA)

21.12 Non-executive members’ use of their OSA is governed by a set of guidelines that outlines what the allowance may be used for (see chapter 19).

21.13 Members are reminded that non-consumable items (eg, equipment) that have been purchased by OLA using members’ OSA, or the previous Discretionary Office Allocation, funds are items that remain the property of OLA. Members who are re-elected will generally retain those items after their re-election but it is particularly important that members who do not seek re-election, or members who are not re-elected, make arrangements to return those items to OLA, including any peripheral or related items. In such circumstances, members may express an interest in purchasing such items at fair value. This also includes copies of *House of Representatives Practice* that are issues to members.

21.14 Non-executive members should note that there is no scope for carrying forward any OSA that is unspent or not utilised. Separate advice will be provided to all non-executive members in any new Assembly how entitlements are pro-rated.
MEMBERS’ STAFF

SALARY AND ALLOWANCES

21.15 The employment of staff of members employed pursuant to Part 3 of the LAMS Act (ie, staff of members other than ministers or the Speaker) terminates when the member by whom the person was employed ceases to be a member of the Assembly. Because members cease to be members on polling day, the employment of staff employed under part 3 of the LAMS Act effectively terminates at the expiration of the Friday immediately preceding polling day.

21.16 However, under a direction made pursuant to the LAMS Act:
   a) where the member has nominated for re-election at the general election, the employment of staff employed under part 3 of the LAMS Act is deemed to continue until the date of the declaration of the poll or the date that is four weeks after polling day, whichever is the later; or
   c) where the member has not nominated for re-election, the employment of staff employed under part 3 of the LAMS Act is not deemed to continue.

21.17 The employment of staff of office holders employed pursuant to Part 2 of the LAMS Act (ie, staff of ministers and the Speaker) terminates when the office holder ceases to hold office (generally this will be the first sitting day after declaration of the poll). However, pursuant to a direction made under section 8(6) of the LAMS Act in December 2005, such employment is deemed to continue for a further two weeks after polling day.

TERMINATION PAYMENTS TO STAFF

21.18 Relevant enterprise agreements for members’ staff provide for termination benefits of staff and provides as follows:

   B8 Termination Payment

   B8.1 Subject to this clause and clause B8.2, an employee whose employment is terminated by the operation of sections 8(1), 8(2), 8(4), 13(1) and 13(3) of the LAMS Act is entitled to be paid:

   (a) a sum equal to four weeks salary irrespective of length of service; plus;

   (b) a sum equal to two weeks salary for each completed year of continuous service, plus a pro-rata payment for additional completed months of service, up to a maximum of forty-eight weeks salary.

   B8.2 The following employees are not entitled to a termination payment under clause B8.1:
(a) An employee whose employment is terminated by resignation or dismissal for misconduct;

(b) An employee who has a right of return to secure employment in the public sector;

(c) An employee who is engaged for a fixed period, to fill a vacancy caused by a staff member being absent on leave;

(d) An employee who is engaged to undertake a specified project, where the project has been completed;

(e) A probationary employee; or

(f) A casual employee.

B8.3 Where an employee is entitled to be paid redundancy pay under clause 119 of the Fair Work Act, any termination payment made under subclause 8.1 will be reduced by an amount equal to that redundancy payment.

B8.4 An employee who is in receipt of a termination payment under subclause B8.1 and who is subsequently re-employed under the LAMS Act, will repay the termination payment received to the extent that the person’s re-employment covers the same period of time as the termination payment.

21.19 In accordance with the above provisions, most staff whose employment is terminated by virtue of the election and who are not re-employed will be entitled to a termination payment.

21.20 Termination payments made to staff whose employment is terminated by virtue of not being employed after the election are not genuine redundancy payments but may be subject to concessional taxation as an Eligible Termination Payment. Affected staff members should seek their own financial and taxation advice.

21.21 Also, conditions may vary for those staff who are employees of the ACT public sector or the Australian Public Service and those staff are advised to seek advice specific to their particular circumstances in these matters by contacting, in the first instance, Business Support, who may liaise with the relevant ACT directorate that administers the LAMS Act.

REPAYMENT OF TERMINATION PAYMENT IF RE-EMPLOYED

21.22 Clause B7 of the ACT Legislative Assembly Members’ Staff Enterprise Agreement 2011-2013 includes the following provision which requires repayment of the termination payment where staff are subsequently re-employed under the Act:
An employee who is in receipt of a termination payment under clause B8.1 and who is subsequently re-employed under the LAMS Act, will repay the termination payment received to the extent that the person’s re-employment covers the same period of time as the termination payment.

NEW STAFF CONTRACTS IN A NEW ASSEMBLY

21.23 Because the employment of members’ staff terminates when the member ceases to be a member (even though it is deemed to be extended for a period of time after the member ceases to be a member) any new employment agreements may only be executed after the declaration of the poll.

MEMBERS’ STAFF WHO CONTEST THE ELECTION (OR ASSIST WITH THE CAMPAIGNS OF OTHERS)

21.24 Under the terms of the Electoral Act 1992, a person is not eligible to be a member of the Assembly (though they are not prohibited from nominating for election) if, inter alia, the person is employed by the Territory, the Commonwealth, a State or another Territory.

21.25 To be declared elected, staff employed pursuant to the LAMS Act will need to resign their office. Employed staff will not be eligible to be elected if they are employed by the Territory or hold an office or appointment under a law of the Territory and are entitled to any remuneration or allowance in respect of that office, appointment or employment (Electoral Act, paragraph 103(2)(b).

21.26 It should be noted that in Report No. 6 of 1992 the Auditor-General, in reviewing the arrangements that applied at the time of the 1992 election, expressed the view that the making of a severance payment to a person who had a clear expectation of becoming a member of the Assembly “seemed inappropriate as it is considered that the spirit of severance money is that they are paid to recompense persons for losing their employment through no fault of their own”.

21.27 Queries have previously been raised, and legal advice obtained, concerning the day-to-day duties of staff who propose to nominate for election to the Assembly. Unlike a federal election, there is no requirement for a staff member to resign but the advice concluded that staff members should not remain on duty while campaigning for their own election, it being essentially up to each staff member whether to resign or take leave and, if so, what kind of leave. The advice identified that:

a) staff cannot be required to resign. They can be dismissed at any time by their employing Member, but this power is subject to the Fair Work Act 2009 (C'wlth), which prohibits unfair dismissal and adverse action.

b) staff standing for election, who do not wish to resign, should take some form of leave. For them to remain at work would create an apparent (if not an actual) conflict of interest.
c) this conflict of interest is avoided once staff are off duty and do not have public duties or access to publicly funded Territory facilities. From this point of view, it does not matter whether the leave is paid or unpaid and there does not seem to be any compelling reason why staff should take one kind of leave and not another.

d) staff can elect to take any kind of leave which is available to them.

21.28 The enterprise agreement that covers members' staff makes provision for Members to grant up to three months campaign leave. It provides:

A Member may grant leave without pay to enable an employee to campaign for the employee’s election to:

- the Legislative Assembly of the Australian Capital Territory;
- Commonwealth or State House of the Parliament; or
- a legislative or advisory body that has been approved by the Commissioner.

The maximum period of leave that may be granted for this purpose is three months.

21.29 The provisions of paragraph 19.30 would apply equally where an individual employed by a member was engaged as an candidate’s campaign manager or a similar role, or the individual was assigned to assist in a political party’s campaign effort, rather than to assist the member in his or her duties as a member. In such cases, there could be an apparent conflict of interest at least and it could be seen as an inappropriate course to follow.

21.30 Failure to adopt an approach that addresses the issue of conflict of interest could potentially result in the staff member concerned, and the employing member, being held to be in breach of the respective codes of conduct that apply to the respective individuals.

ELECTION ADVERTISING

21.31 Posters, banners or other election materials must not be displayed on windows or any other place where they are visible from the outside of the Legislative Assembly building.

USE OF VOLUNTEERS NOT PERMITTED IN THE LEAD UP TO ASSEMBLY ELECTIONS

21.32 One of the many obligations of members who engage volunteers is to avoid the use of such arrangements for party political or election campaign purposes. In recognition of the difficulty that would exist for a member to avoid that situation, or the perception of such a situation:

- Members will not be permitted to engage volunteers during a period of three months prior to an election (the pre-election period); and
- except as provided below, any volunteer agreements in place will cease three months before an election.
21.33 Members may seek an exemption from proviso (b) above if:

- the volunteer has been engaged regularly and continuously for at least six months prior to the commencement of the pre-election period; and
- the member can demonstrate that the nature of the tasks being undertaken under the volunteer agreement can be sustained during the pre-election period without offending the requirement for such arrangements to exclude party political or election campaign purposes.

CHAPTER 21  PRE-ELECTION ADVICE FOR MEMBERS AND STAFF

- Director, Business Support (ext. 50181)
22 INTERPARLIAMENTARY RELATIONS

COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA)

WHAT IS THE COMMONWEALTH PARLIAMENTARY ASSOCIATION?

22.1 The CPA was founded in 1911, as the Empire Parliamentary Association, with Australia as one of the original member branches. As the Commonwealth has evolved, so too has the association, including changing its name to the Commonwealth Parliamentary Association. It has also changed its rules to enable all member branches to participate in the management of the association.

22.2 The association is composed of branches formed in legislatures in Commonwealth countries which subscribe to parliamentary democracy. National, state and territorial parliaments may be members so long as they are legislative bodies.

22.3 Every branch is autonomous, and its affairs are generally managed by its own executive committee. Branches are grouped geographically into eight regions of the Commonwealth for purposes of representation on the Executive Committee of the association.

22.4 The Executive Committee is vested with the control and management of the activities and business of the association by its constitution. The committee consists of approximately 34 members, including officers of the association and elected members from each region. The eight regions are:

- Africa
- Asia
- Australia
- British Islands and the Mediterranean
- Canada
- the Caribbean, the Americas and the Atlantic
- the Pacific
- South-East Asia

22.5 The member branches of the Australian region comprise branches in each of the state parliaments, the Northern Territory, the ACT and Norfolk Island.

22.6 Members of the Assembly resolved on 1 September 1989 to form a branch of the CPA and applied for formal membership of the association. On 20 December 1989, the Secretary-General advised that the General Assembly, at its conference in Barbados, had approved the admission of the Australian Capital Territory as a member of the association as from 1 January 1990.
WHAT DOES THE CPA DO?

22.7 The aim of the CPA is to “promote knowledge and education about the constitutional, legislative, economic, social and cultural systems within a parliamentary democratic framework with particular reference to the countries of the Commonwealth of Nations and to countries having close historical and parliamentary associations with it”. This aim translates to the CPA’s efforts to foster regular consultation amongst members of Commonwealth legislatures which will build understanding and co-operation between them and promote the study and respect of Parliament.

22.8 The CPA pursues these objectives by annual Commonwealth parliamentary conferences (i.e. on an international level), regional conferences and seminars (which the Australian region holds jointly with the Pacific region), the interchange of delegations and publications (The Parliamentarian, CPA News and Parliamentary Update).

22.9 The General Assembly is the supreme authority of the association and the Executive Committee reports to it. It meets during the annual conference. The General Assembly is made up of all delegates attending the annual conference. The annual conference is also usually held in conjunction with a conference for small countries to which the ACT branch is invited.

22.10 Regional conferences are held annually in the Australian and Pacific regions. The agenda for these conferences focus on matters of regional interest.

22.11 The Australian region also administers (with each member branch contributing) a parliamentary education trust fund. The purpose of the fund is to:

- provide assistance to parliaments of developing Commonwealth nations, with specific emphasis to countries in the South Pacific region
- assist in protecting and encouraging parliamentary democracy in developing Commonwealth countries
- address the demonstrated need for training assistance

22.12 The CPA has become increasingly concerned over the lack of representation of women in the parliamentary sphere. In an effort to address this issue the CPA has established the Commonwealth Women Parliamentarians Group.

COMMONWEALTH WOMEN PARLIAMENTARIANS (CWP)

22.13 The CWP was founded by women delegates at the 1989 plenary conference so women at future conferences could discuss ways to increase female representation in parliament and work towards mainstreaming of gender considerations in all CPA activities and programs.

22.14 In 2004 the group was formally recognised in the CPA constitution and its elected chairperson added to the CPA Executive Committee.
22.15 In addition to CWP international, there are regional chapters of the CWP with their own steering committees and programs of activities. Further details are available at www.wcomm.org

22.16 Ms Mary Porter AM MLA is the ACT Branch representative on the Australian Region CWP.

TWINNING ARRANGEMENT WITH PARLIAMENT OF KIRIBATI

22.17 In July 2007 at a conference of Presiding Officers and Clerks it was decided that Pacific parliaments be “twinned” with Australian parliaments in order to nurture closer ties. The ACT Legislative Assembly was twinned with the Kiribati Parliament. The arrangement enables the ACT Legislative Assembly to provide a variety of assistance measures to the Kiribati Parliament, including exchange visits and training attachments for members and staff of both legislatures.

WHY IS IT IMPORTANT TO BE A MEMBER?

22.18 Membership of the CPA brings the opportunity to participate with other parliamentarians in conferences and seminars, at both regional and international levels. This provides an opportunity to discuss issues and exchange ideas with others involved in the parliamentary process in both formal and informal contexts.

22.19 It is a very educative process that members can use to enhance their performance. It also provides a forum for members to become acquainted with members of other parliaments on a non-political level. This aspect can be of particular importance in establishing relationships with other parliaments in our region.

22.20 For members of the Australian region, there is also an important function to be performed in meeting with members of other parliaments for informal discussions, assisting with the training of officers from developing Commonwealth nations, and at the same time encouraging the protection of fledgling parliamentary democracy. Finally, membership and active participation means that the association will continue to evolve to encompass the changing needs of the members of the association (e.g. the Commonwealth Women Parliamentarians).

22.21 Subscription rates are $80 for the life of the Assembly.

PRIVILEGES OF MEMBERSHIP

22.22 Similar to professional development courses in other fields, parliamentarians enhance the quality of democratic representation through CPA initiatives.
CONFERENCES AND SEMINARS

22.23 Membership provides the opportunity for participation in plenary and regional conferences, seminars, visits and exchanges of delegations.

22.24 Special seminars are arranged on request for parliaments, especially those which have just been elected after periods of military government or after significant constitutional changes.

PUBLICATIONS

22.25 All branch members are entitled to receive, free of charge, The Parliamentarian quarterly and the newsletters CPA News and Parliamentary Update every second month, as well as, subject to the directives of the Executive Committee, other printed and electronic publications produced periodically.

INFORMATION

22.26 The Secretariat, especially the Parliamentary Information and Reference Centre, provides information to members on parliamentary, constitutional and Commonwealth matters.

INTRODUCTIONS

22.27 Branches readily assist in arranging introductions and hospitality for members visiting other jurisdictions. A letter from the visiting member’s branch secretary is usually helpful in this and other contexts.

PARLIAMENTARY FACILITIES

22.28 Members visiting other Commonwealth countries are normally accorded parliamentary courtesies, especially access to debates and local members.

FURTHER INFORMATION

22.29 A “Membership application/renewal form” and the “Rules of the ACT branch of the CPA” are available on the intranet.

22.30 For more information on the Commonwealth Parliamentary Association, contact the Clerk (ext. 50191) or the Clerk Assistant (ext. 50557), or you can visit the association’s webpage at www.cpahq.org.
AUTRALASIAN STUDY OF PARLIAMENT GROUP (ASPG) – ACT CHAPTER

BACKGROUND

22.31 The Australasian Study of Parliament Group (ASPG) was formed in 1978 for the purpose of stimulating research, writing and teaching about parliamentary institutions in Australasia and the South Pacific. There are chapters in every State and Territory in Australia and in New Zealand. The ASPG website is www.aspg.org.au/

OPERATION

22.32 The ASPG holds an annual conference in Australasia choosing a theme relevant to the study of parliament. For example, the theme for the 2013 conference, which was held in Perth, was “Oversight—Parliamentary committees, corruption commissions and parliamentary statutory office holders”.

MEMBERSHIP

22.33 Members, staff and other interested persons can join the ASPG. Membership includes a subscription to Australasian Parliamentary Review (the journal of the ASPG, which is published twice a year). Inquiries can be made by contacting the Clerk (ext. 50191). Membership is $40 a year.

CHAPTER 21  INTERPARLIAMENTARY RELATIONS: SUBJECT MATTER EXPERT

- Clerk (ext. 50191)
- Deputy Clerk (ext. 50171)
- Clerk Assistant (ext. 50557)