

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**REVIEW OF
AUDITOR-GENERAL'S REPORT
NO 11, 1998**

Overtime Payment to a Former Legislative Assembly Member's Staffer

**STANDING COMMITTEE FOR THE CHIEF MINISTER'S PORTFOLIO
(INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE)**

Public Accounts Committee Report Number 18

May 1999

RESOLUTION OF APPOINTMENT

The Standing Committee for the Chief Minister's Portfolio was appointed by the Legislative Assembly on 28 April 1998 to examine any matter under the responsibility of the Chief Minister's portfolio. The Assembly also resolved that the committee perform the duties of a public accounts committee, specifically:

- (a) to examine:
 - (i) the accounts of the receipts and expenditure of the Australian Capital Territory;
 - (ii) the financial affairs of authorities of the Australian Capital Territory; and
 - (iii) all reports of the Auditor-General which have been laid before the Assembly;
- (b) to report to the Assembly, with such comments as it thinks fit, on any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed; and
- (c) to inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question.

MEMBERSHIP OF THE COMMITTEE

Mr Ted Quinlan MLA Committee Chair

Mr Trevor Kaine MLA Deputy Committee Chair

Mr Greg Cornwell MLA

Secretary: Bill Symington

1. BACKGROUND

1.1. Auditor-General's Report No 11, 1998 was presented to the Assembly on 10 December 1998.

1.2. This audit dealt with a matter covered by an audit report to the Speaker of the Assembly dated 17 October 1997 which was released publicly. That report concerned a termination payment to a person employed under the *Legislative Assembly (Members' Staff) Act 1998* (LAMS Act), the payment included overtime of more than \$19,000.

1.3. Because of the amount of the overtime payment, the Auditor-General decided that this audit should be performed and the resulting report is similar to the earlier report presented to the Speaker.

1.4. Procedures in place at October 1998 were reviewed and improvements have been suggested.¹

2. AUDIT FINDINGS AND PROPOSALS ARISING

2.1. The audit reiterated the earlier finding that the employee was entitled to claim overtime and that the employee was not overpaid.²

2.2. The audit review of current procedures revealed that although some procedural changes had been implemented there were still aspects which could be improved and, in summary, the audit proposed that:

- (i) employment contracts for Members' staff include clear explanations of arrangements for compensating for excess hours worked (viz, time off etc)³
- (ii) Members arrange for records of attendance by staff to be a reliable record of all hours worked, including excess hours⁴
- (iii) Time Sheets should be signed by Members' staff and be subject to review by an appropriate officer⁵
- (iv) there be a general requirement that Member's staff submit claims for overtime within a reasonable time of the work being performed⁶
- (v) the Assembly Secretariat inform Members on a monthly basis of the extent to which their salary allocations have been spent⁷

¹ Audit Report, p1

² Audit report p3

³ *ibid*, p9

⁴ *ibid*, p10

⁵ *ibid*, p14

⁶ *ibid*, p17

⁷ *ibid*, p19

- (vi) the Assembly Secretariat ensure that appropriate internal controls are in place to ensure that all Members' staff overtime payments are correct.⁸

3. COMMENT

3.1. The committee notes that the issue which gave rise to the audit was resolved, that this audit report is effectively a re-statement of the situation at the time and that the audit focus is on measures to minimise the possibilities of any misunderstandings which could arise in the remuneration of Member's staff.

3.2. The committee supports the audit suggestions and supports their adoption by Members and by the Assembly Secretariat as appropriate.

Ted Quinlan MLA
Chair

⁸ *ibid*, p24