



Ms Sandra Lambert AM
Chair
Australian Capital Territory Remuneration Tribunal
PO Box 964
CIVIC SQUARE ACT 2608

Dear Ms Lambert

Sandra

ACT Remuneration Tribunal 2026 Autumn Review

I am writing in response to your letter concerning the Tribunal's annual review into the remuneration and allowances to be paid, and other entitlements to be granted, to Members of the Legislative Assembly and in particular the position of Speaker. Detailed below is some information that may assist the Tribunal in making its determination.

In summary it notes that the role of the Speaker of the Legislative Assembly is expanding by virtue of decisions taken by the Assembly in recent years, and that the ACT Speaker additional salary is significantly less compared to Speakers of other small or unicameral parliaments (i.e., South Australia, Northern Territory and Queensland) despite the roles and responsibilities being comparable.

Actual work of the role or entity and its impact on the ACT community

In the system of responsible government operating in the Territory the Speaker plays a pivotal role in heading the legislative arm of government, namely the Legislative Assembly for the Australian Capital Territory. As stated in the *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*, the office of the Speaker is among the oldest and most important in the Westminster system of government¹.

The Companion goes on to say:

5.2. Under the Australian Capital Territory (Self Government) (Cwlth) ACT Table of Precedence, the Speaker ranks fifth behind the Governor-General, the Chief Minister, the Prime Minister and State premiers (according to the population of their respective states) and then the Chief Minister of the Northern Territory). The election of the Speaker is the first item of business that the Assembly must conduct, following a general election (see under the heading 'Election' below).

5.3. The Speaker speaks for and represents the Assembly in dealings with outside bodies and persons. In the chamber, the Speaker presides over the Assembly's proceedings, interprets and rules on the application of the standing orders, and is responsible for maintaining order. The Speaker is in many ways a custodian of the institution of parliament

¹ David Skinner and Tom Duncan (Ed.), *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*, 2nd edn, 2022, p 143.

and plays an important role in defending, strengthening and promoting its legislative, representative, and accountability related functions. The Speaker also has a number of significant administrative responsibilities.

5.4. The Speaker's powers, functions and duties are derived from provisions of the Self-Government Act, ACT statutes and subordinate laws. They are also derived from parliamentary law embodied in the standing orders, continuing resolutions, the practices and conventions of the Assembly, and the Westminster-derived tradition more generally.

5.5. House of Representatives Practice observes that the Speaker is less a master of the parliamentary chamber than a servant, reflecting only the will of the plenum and acting only as the chamber might direct. As the principal officer of the Assembly and standard-bearer of the institution of parliament, the Speaker upholds the highest standards of integrity, independence and ethical conduct. The Speaker defends the Assembly from undue interference, particularly from the executive. The Speaker has a role in ensuring that public resources provided to members, by virtue of their status as MLAs, are used only for legitimate parliamentary purposes and not for personal, party-political or campaign related purposes.

5.6. It is critically important for the Speaker to be—and be seen to be—independent of the day-to-day politics conducted within and outside the Assembly chamber. A successful Speaker is able to advance the institutional interests of the parliament and the functions that it performs, placing them above the specific interests of the government, opposition or crossbench of the day.²

The Speaker oversees the Office of the Legislative Assembly as well as Officers of the Legislative Assembly. The Office's main objective is to support the Assembly as a democratic institution, to facilitate and strengthen the Assembly and its committees, legislative, accountability and representative functions, including enhancing understanding and awareness of the work of the Assembly and promoting opportunities to become involved. At a time when fewer than 41 percent of Australian citizens are satisfied with the way that democracy works in Australia (down from 86 percent in 2007)³ it is vital that the Speaker and the Office continues its important work and that the ACT community can have faith and confidence in the democratic institution it has to serve the Territory.

The role or entity's scope of work, the extent of its advisory or decision-making powers and, where known, its budget

The salary of the Speaker has been set by the Remuneration Tribunal since the tribunal has started. In looking at the first determination on the Tribunal's website (2002) it appears that the Tribunal has set a 55% ratio of additional salary for the position of Speaker, with the Chief Minister being 110%, Deputy Chief Minister 80%, Leader of the Opposition 70% and Ministers 70%. It is not known how the ratio was determined, but it has remained unchanged for over 25 years.

In its 2002 determination the Tribunal noted in relation to additional salaries for office holders that:

The rate of additional salary for Offices previously determined will remain at the same proportion of Base Rate of Salary as previously determined by the Tribunal.

² Skinner and Duncan, *op. cit.* pp.143-4

³ The Conversation, *Australians' trust in politicians and democracy hits an all-time low: new research*, Mark Evans, Gerry Stoker and Max Halupka, 5 December 2018.

This form of words is repeated or the ratio of 55% is shown for all determinations made by the Tribunal from 2003 until the present.

In 2014 the Tribunal conducted a major review of the entitlements of members and presented a substantial report in April 2014. In terms of the loadings for Members it stated that:

The Tribunal considered loadings for all Members and compared practices across other States and Territories. Loadings for Members will not vary other than for the Deputy Leader of the Opposition.

Thus, the loading of 55% for the Speaker has applied to the present day. It should be noted that since the major review, the Assembly has expanded to 25 Members, and the Speaker now presides over a larger Assembly.

I am aware that the Remuneration Tribunal has given significant weight in its determinations to making the remuneration of ACT MLAs comparable to similar office holders in other jurisdictions. The Tribunal has commented in the past that:

The Tribunal was mindful of its work over the past few years to ensure that the level of remuneration for Members of the Legislative Assembly sufficiently reflects the function and importance of the office, and to ensure appropriate relativity with the remuneration paid to parliamentarians in other jurisdictions. (*Statement No 171, dated April 2005*)

...[T]he Tribunal has consistently stated its long-term objective of bringing the level of remuneration to ACT parliamentarians to one which is comparable with similar office holders in other jurisdictions. (*Statement No 62, dated July 2000*)

This places ACT Members of the Legislative Assembly at a comparable level to Members of the Tasmanian Parliament, but still behind all other State and Territory colleagues. (*Statement No 30, dated June 1998*)

It appears that this loading for the Speaker is less than the counterpart positions in other jurisdictions as can be seen from the Table below (which has been taken from a Tasmanian Remuneration Tribunal determination)⁴:

Table 13 Comparison by Parliamentary Jurisdiction of Additional Salary Entitlements (expressed as a percentage of basic salary) for Selected Offices

Office	Cmwith ⁴⁸	ACT ⁴¹	NSW ⁴²		NT ⁴³	Qld ⁴⁴	SA ⁴⁵	Tas ⁴⁶		Victoria ⁴⁷		WA ⁴⁸
	additional salary	additional salary	additional salary	expenses of office	additional salary	additional salary	additional salary	additional salary	expenses of office ⁴⁹	additional salary	expenses of office	additional salary
First Minister ⁵⁰	160	110	95	45 ⁵¹	100	151.4	100	115	12	111.6	30.4	126.4
Dep First Minister	105	80	76	27	80	121.1	85	82		94.4	11.6	92.9
Ministers	72.5 57.5	70	67 57	26	65	110.0	75 41	70		84.1	8.9	76.6
President	75		57	26			75	35	6	73.4	3.6	63.2
Speaker	75	55	57	26	65	90.8	75	35	6	73.4	3.6	63.2
Leader of Opposition	85	70	57	26	65	110.0	75	70		84.1	8.9	76.6
Most Senior Govt Whip	26	10	13	7	15	53.0	18	6		18		17.2
Most Senior Opp Whip	23	10	13	7	15	22.7	18	6		11		17.2

⁴ Inquiry into Parliamentary Salaries and allowances by the Full Bench of the Tasmanian Industrial Commission, *Report and Determination*, May 2025, p 24.

In addition to the roles outlined above, the Speaker of the Assembly has had some additional tasks added to its remit in the last several years. In 2013 the Assembly passed the *Office of the Legislative Assembly Act 2012* which transferred the responsibility for appointing, suspending and removing the Clerk of the Legislative Assembly from the Chief Minister to the Speaker. In later years, these responsibilities were also transferred to the Speaker by other legislation for the Auditor-General, Electoral Commissioner and the Integrity Commissioner.

For example, the Auditor-General Act has the following provision:

8 Appointment

- (1) The Speaker must, on behalf of the Territory, appoint a person as auditor general.
- (2) The appointment must be made—
 - (a) in consultation with the Chief Minister; and
 - (b) in consultation with the Leader of the Opposition; and
 - (c) in consultation with the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party; and
 - (d) in accordance with an open and accountable selection process.
- (3) The Speaker must not appoint a person as auditor-general unless—
 - (a) the Speaker is satisfied that the person has extensive knowledge of, and experience in—
 - (i) governance and risk management; or
 - (ii) public administration; and
 - (b) the relevant Assembly committee agrees to the person's appointment.

In addition to appointing these officers, the Speaker must also decide whether to suspend or remove those officers. This function was previously undertaken by the Executive. Another function that now falls to the Speaker is that they must also appoint a strategic reviewer of the Auditor General periodically.⁵

Where issues arise in relation to Officers of the Assembly, it is often the Speaker that is tasked with additional responsibilities to resolve the issue. For example, just last month an Assembly committee recommended that where there are tensions between the Integrity Commissioner and the Inspector of the Integrity Commission, the Speaker is expected to provide advice to resolve the issue:

The Committee articulates the following principles for an effective working relationship between these two entities:

- a) Both positions are essential in maintaining public trust and confidence in the ACT Public Sector integrity framework;
- b) Both roles must seek a balance in their goals of the effective and good operation of the ACT Integrity Commission and maintaining the trust and confidence of the ACT community;
- c) Effective communication and professional respect between these two roles are essential;
- d) Recommendations from the Inspector shall consider any impacts that will arise on the operation of the Integrity Commission;

⁵ See *Auditor General Act 1996*, s 25.

- e) The Integrity Commissioner shall consider the impact on public confidence in the ACT Public Sector integrity framework before deciding to not implement an Inspector's recommendation;
- f) It is to be expected that at times these roles may come into tension with each other on a particular issue and that this is not necessarily a bad outcome. We expect cooperation, not capture; and
- g) Where the two positions have irreconcilable views the Committee expects the officers to consult the ACT Legislative Assembly (either the Speaker or the relevant Assembly committee, as appropriate) for advice so as to maximise public trust and confidence in the ACT Public Sector integrity framework.

There are other additional roles for the Speaker that have been added in recent years related to the Officers and the Office of the Legislative Assembly. In 2014 the then Chief Minister and Speaker signed a set of Budget Protocols which gave an additional task to the position. The Speaker is now required to present budget proposals for the Office of the Legislative Assembly and Officers of the Legislative Assembly to the Executive and appear before Budget Cabinet on their behalf. The relevant extract from the protocols explains that:

Under s 20AB(a) of the FMA, before the end of a financial year, the Speaker is required to advise the Treasurer of the appropriation that the Speaker considers should be made for the relevant officer (i.e. the 'recommended appropriation') after consulting with the relevant officer and the appropriate committee of the Legislative Assembly. Under s 20AB(b), the Speaker is also required, before the end of a financial year, to present the recommended appropriation to the Assembly and, under s 20AB(c) to give the Treasurer a draft budget for the relevant officer for the financial year.

With the consideration of the Integrity Commission Bill 2018 in November 2018, the Select Committee on an Independent Integrity Commission 2018 made the following comment:

The Committee notes the increased workload on the Speaker caused by the creation of Officers of the Assembly and believes that further thinking on ensuring the Speaker has adequate support is required.

The Committee's recommendations were as follows:

Recommendation 1

The Committee recommends that the legislation authorise the Speaker to seek administrative support and advice in discharging the Speaker's statutory role under the legislation, in a similar way as s37B of the Auditor-General's Act 1996 and s37A of the Ombudsman Act 1989.

Recommendation 2

The Committee recommends that the Standing Committee on Administration and Procedure examine the level and manner of support to the Speaker in performing her statutory roles under Officer of the Assembly legislation.

Subsequently legislation was passed enabling the Speaker to get additional advice from the Office of the Legislative Assembly and another entity. The second recommendation was not acted upon.

It should also be noted that in relation to these additional responsibilities, and in comparison with bicameral legislatures, the duties are not shared between two presiding officers.

What members are responsible for and what work they do

This has been outlined in the section above.

Recommended remuneration for the role and any comparative data or examples that support the recommendation

Currently, the Speaker of the ACT Legislative Assembly receives a loading of 55% of a Members salary as additional salary for performing the role of the Speaker.

It is noted that the time this ratio was set, there were five Ministers for the Territory and 17 Members. As the Tribunal would be aware there are now eight Ministers of the Territory which no doubt reflects the additional work that the Executive does in providing the government of the Territory, and in the last Assembly there were nine Ministers. So, whilst the workload for the Executive now has more Ministers to undertake that work, there is only one Speaker to undertake the additional work.

I would be happy to provide further details if I appear before the Tribunal, and I am sure if invited the Speaker would also be happy to assist.

I have discussed this submission with the Speaker, and he is aware that I am lodging this submission.

I hope that the above information assists the Tribunal in its deliberations.

Yours sincerely



Tom Duncan
Clerk of the Legislative Assembly

29 January 2026