



Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLONGLO

Dear

I refer to your request received by the Chief Minister on 22 March 2012 seeking access to documents under the *Freedom of Information Act 1989* (the FOI Act).

You have requested access to any correspondence to requests for additional funding by offices of non-executive and executive members of the Legislative Assembly during the past two financial years.

I am the duly authorised decision maker for access to documents of the Chief Minister. A search for official documents within the scope of your request has been conducted. I am satisfied that this search was reasonably sufficient to identify those documents that would have fallen within the scope of your request.

A schedule of the documents identified as falling within the ambit of your request is attached, together with a copy of all documents which I have decided to fully release.

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request, including your original application and this decision letter, will be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit www.cmd.act.gov.au

If you are dissatisfied with the outcome of this decision you may appeal to the ACT Civil and Administrative Appeals Tribunal. The Tribunal is located at the Magistrates Court, Knowles Place, Canberra City. Telephone: 62174261 and Facsimile: 62174505. The website address for the Tribunal is www.courts.act.gov.au.

The Tribunal is an independent body able to agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with the Tribunal recommendations.

You will have 28 days from the date of receiving your decision letter in which to appeal to the Tribunal. You have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT LEGISLATIVE ASSEMBLY

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Please contact me on 6205 0167 if you have any further enquiries regarding this matter.

Yours sincerely



Margaret Gillespie
Chief of Staff
Office of the Chief Minister

17 April 2012

Freedom of Information Schedule

| – 22 March, 2012

Documents relating to requests for additional funding by offices of non-executive and executive members of the Legislative Assembly during the past two financial years

| Document Number | Description | Document Date | Decision (Full release, Partial release, Exempt) | Reason for Exemption |
|-----------------|--|---------------|--|----------------------|
| 1 | Email S Doyle – M Gillespie | 28/11/11 | Full release | N/A |
| 2 | Attachment – letter S Doyle to Mr T Duncan | 24/11/11 | Full release | N/A |
| 3 | Attachment - Mr Z Seselja to Ms K Gallagher | 28/11/11 | Full release | N/A |
| 4 | Email – T Duncan to M Gillespie | 28/11/11 | Full release | N/A |
| 5 | Brief M Gillespie – K Gallagher | 28/11/11 | Full release | N/A |
| 6 | Email chain – S Doyle to M Gillespie and M Gillespie to K Gallagher and K Gallagher to M Gillespie | 6/12/11 | Full release | N/A |
| 7 | Draft letter K Gallagher – Z Seselja | December 2011 | Full release | N/A |

Gillespie, Margaret

From: Doyle, Stephen
Sent: Monday, 28 November 2011 12:40 PM
To: Gillespie, Margaret
Attachments: 20111128113553368.pdf

Importance: High

Margaret

I have attached the revised letter from the Clerk and a letter to the Chief Minister from the Leader of the Opposition. Prior to the originals arriving in your office, I thought it pertinent to provide you with a copy so we may be able to discuss any outstanding matters you may have.

I will wait for your feedback.

Regards

Stephen Doyle
CHIEF OF STAFF

Office of Zed Seselja
LEADER OF THE OPPOSITION
Member for Molonglo

stephen.doyle@parliament.act.gov.au

p 6205 0222
f 6205 3001



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24 NOV 2011

Mr Stephen Doyle
Chief of Staff
Leader of the Opposition
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2600

Dear Mr Doyle

I am writing to you in relation to your query regarding the 2011-12 salary expenditure spreadsheet for the Leader of the Opposition.

I accept that an error was made in the spreadsheet that monitored salary expenditure for the Leader of the Opposition in the 2011-12. While this error was detected early in the financial year, you had been provided with advice on salary expenditure throughout the 7th Assembly, which in hindsight was not correct. As a consequence, some contracts of employment were entered into that may not have been had this error been detected earlier.

You sought advice from me on a solution to this problem. I advised that you have some capacity to adjust the salary pledges from other Members to the Leader of the Opposition in this and the following financial years to alleviate the immediate problem of a potential overspend. I do not have the power to provide Members with additional salary allocations. This power rests with the Chief Minister. As such, Mr Seselja would need to approach the Chief Minister to seek any additional funding. I do not think that it is appropriate for the Speaker to raise resource issues on behalf of individual Members with the Chief Minister.

I acknowledge your concern, and the current situation where the Leader of the Opposition now has a potential \$19,000 overspend in 2011-12 unless a solution is found in the near future. I also acknowledge that due to these circumstances you have not been able to extend the employment contract for one of your employees. The Chief Minister would need to provide Mr Seselja with a further \$21,000 in 2011-12 to re-engage this employee. Please feel free to use this letter in any correspondence with the Chief Minister regarding this matter.

Yours sincerely

Tom Duncan
Clerk of the Legislative Assembly

24 November 2011



Leader of the Opposition

(3)

Zed Seselja MLA

Australian Capital Territory

Member for Molonglo

Shadow Minister for Planning

Shadow Minister for Housing Affordability

Shadow Minister for Transport Planning

Shadow Minister for Ageing

Shadow Minister for Environment and Climate Change

Shadow Minister for Human Rights

28 November 2011

Ms Katy Gallagher MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
Canberra City ACT 2601

Dear Chief Minister

I have been advised by my Chief of Staff that Corporate Services have made an error in the advice given relating to staff salary expenditure. In order to avoid triggering staff being made redundant, the Clerk has advised that I approach you to request a separate, once off determination to provide \$40 000 to the Corporate Services budget so as to allow for the staffing profile committed by the Shadow Cabinet to be honoured.

I have attached for your information a letter from the Clerk to my Chief of Staff which provides further details of this issue. The Clerk has further indicated that there is a time sensitivity to this issue and I would hope that should approve this request, it may be resolved in the December Sitting week.

I would like to take this opportunity to provide you with my assurance that I am satisfied that this was error that occurred entirely by accident by Corporate Services and had nothing to do with the Opposition whatsoever.

I would be pleased to provide any further details that you may require.

I look forward to your reply.

Yours sincerely

Zed Seselja MLA

Gillespie, Margaret

From: Duncan, Tom
Sent: Monday, 28 November 2011 3:00 PM
To: Gillespie, Margaret
Subject: Members staffing

Margaret

I am advised that the Chief of Staff to the Leader of the Opposition was informed around the 19th August 2011.

Kind regards

Tom Duncan
Clerk of the Legislative Assembly for the Australian Capital Territory
P 02 62050191
F 02 62053109
M 0419982902
E tom.duncan@parliament.act.gov.au

COPY

Discuss with
MLA

28 November, 2011

Re: Zed Seselja – request for a Chief Minister's determination of \$40,000 for salaries.

I recently met with Mr Seselja's Chief of Staff, Mr Stephen Doyle, where he informed me that Mr Seselja had overcommitted his salary budget due to incorrect information being supplied to him by the Assembly Secretariat.

I asked for the relevant information to be given to you in writing. He subsequently met with me and showed me a letter from Mr Duncan which indicated an error of \$19,000. I advised Mr Doyle, who was trying to persuade me that the amount was \$40,000, that there was only a case being made for \$19,000.

Today I received an email from Mr Doyle with the attached letter from Mr Seselja together with a letter from Mr Tom Duncan outlining the circumstances of the error. Mr Seselja's letter makes reference to wanting to finalise the matter in the December sitting week.

I have subsequently spoken to Mr Duncan and he confirmed that there had been an error. I questioned him on one part of his correspondence where he states "While this error was detected early in the financial year". I asked Mr Duncan when exactly the error had been identified. He has confirmed in a subsequent email that Mr Seselja was informed on the 19th August, 2011 of the error. That was approximately 3 months ago.

You may also note that in Mr Duncan's letter to Mr Seselja (third para) that Mr Duncan states, "*I have advised that you have some capacity to adjust the salary pledges from other Members to the Leader of the Opposition in this and the following financial years to alleviate the immediate problems of a potential overspend.*"

In summary, Mr Seselja as Leader of the Opposition, 'pools' salary dollars with other Opposition MLAs to maximise their staffing resources. They have been given incorrect advice as to available funding and have made some employment decisions/commitments based on that advice. However, they would be aware of the overall amount of money that they have at their disposal as any other MLA would.

There has been a three month delay in approaching you for consideration of a determination to correct the matter. In that time the amount of money being overspent has escalated. In addition to the money already spent Mr Seselja is also asking for you to agree to extend the amount of the determination to cover the rest of the financial year.

Options

1. Refuse consideration on the basis that Mr Seselja can ask his fellow MLA's to adjust the amount of their salary pledges in 2011-12 and in following financial years as advised by Mr Duncan.
2. Determine to pay \$19,000
3. Determine to pay \$40,000

Margaret Gillespie

\$19,000 adequate .

Gillespie, Margaret

From: Gallagher, Katy
Sent: Tuesday, 6 December 2011 3:57 PM
To: Gillespie, Margaret
Subject: RE: Staffing

I am taking advice on it,.

Katy Gallagher MLA
Chief Minister
Minister for Health
Minister for Industrial Relations
Member for Molonglo
ACT Legislative Assembly

From: Gillespie, Margaret
Sent: Tuesday, 6 December 2011 3:27 PM
To: Gallagher, Katy
Subject: FW: Staffing
Importance: High

Katy,
What would you like me to respond to Steve D?

From: Doyle, Stephen
Sent: Tuesday, 6 December 2011 3:04 PM
To: Gillespie, Margaret
Subject: Staffing
Importance: High

Hi Margaret

Are you able to provide me with any further advice re the staffing issue we have discussed?

Regards

Steve

Draft

Response to Zed Seselja

December 2011

Dear Mr Seselja

I am in receipt of your letter of 28 November 2011, in relation to an over spend of your staff salary budget. I am also in receipt of correspondence from the Clerk of the Assembly, Mr Tom Duncan dated 24 November in relation to the same matter.

In considering your request I acknowledge that your office is now overspent around \$19,000 in the 2011-12 financial year. I also note that you wish to continue to overspend your salary budget and have requested a total of \$40,000 be allocated to you to allow you to continue your current staffing arrangements.

I note that Mr Duncan, on a query from my office, has confirmed that your office first became aware of the potential overspend, "*around the 19th August, 2011*". I believe it would have been more appropriate therefore that this over spend could have been minimised by taken action several months ago when the matter was first identified.

I have therefore determined that I will agree to support sum of \$19,000 to cover your current overspend and will make the necessary arrangements for this sum to be transferred to your budget.

Thank you for bring this matter to my attention,

YS

KG