



Australian Capital Territory

# Legislative Assembly Legislation Amendment Act 2017

A2017-41

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Australian Capital Territory

# Legislative Assembly Legislation Amendment Act 2017

**A2017-41**

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An Act to amend legislation in relation to the Legislative Assembly and officers of the Legislative Assembly

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Legislative Assembly Legislation Amendment Act 2017*.

### 2 Commencement

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

### 3 Legislation amended

This Act amends the following legislation:

- [Auditor-General Act 1996](#)
- [Electoral Act 1992](#)
- [Financial Management Act 1996](#)
- [Legislative Assembly \(Office of the Legislative Assembly\) Act 2012](#)
- [Legislative Assembly Precincts Act 2001](#)
- [Ombudsman Act 1989](#).

## Part 2 Auditor-General Act 1996

### 4 Officer of the Legislative Assembly Section 6A (2)

*omit*

other territory laws

*substitute*

any other law in force in the ACT

### 5 Section 6A (2), new note

*insert*

*Note* A law in force in the ACT includes a territory law and a Commonwealth law.

### 6 Section 6A (4)

*omit*

other territory laws

*substitute*

any other law in force in the ACT

### 7 Appointment Section 8 (2) (a)

*omit*

**8 Section 8 (3)**

*substitute*

- (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 public accounts committee agrees to the person's appointment.

**9 New section 8AA**

*before section 8A, insert*

**8AA Term of appointment**

- (1) The auditor-general is to be appointed for 7 years.
- (2) A person who has been appointed auditor-general is not eligible for reappointment.

**10 New section 37B**

*insert*

**37B Assistance for Speaker**

In exercising a function under this Act, the Speaker may seek administrative support or advice from—

- (a) the Office of the Legislative Assembly; or
- (b) another entity that is able to provide impartial administrative support or advice.



## Part 3 Electoral Act 1992

### 11 Officer of the Legislative Assembly Section 6A (2)

*omit*

other territory laws

*substitute*

any other law in force in the ACT

### 12 Section 6A (2), new note

*insert*

*Note* A law in force in the ACT includes a territory law and a Commonwealth law.

### 13 Section 6A (4)

*omit*

other territory laws

*substitute*

any other law in force in the ACT

### 14 Appointment Section 12 (2) (a)

*omit*

**15 Section 12 (3)**

*substitute*

- (3) The Speaker must not appoint a person as a member of the electoral commission unless—
- (a) the Speaker is satisfied that the person has extensive knowledge of, and experience in—
    - (i) for the commissioner—
      - (A) electoral systems or management; or
      - (B) public administration; or
    - (ii) for a member other than the commissioner—
      - (A) an area mentioned in subparagraph (i); or
      - (B) another area that is relevant to and consistent with the functions of a member of the electoral commission; and
  - (b) the relevant Assembly committee agrees to the person's appointment.

**16 New section 339**

*insert*

**339 Assistance for Speaker**

In exercising a function under this Act, the Speaker may seek administrative support or advice from—

- (a) the Office of the Legislative Assembly; or
- (b) another entity that is able to provide impartial administrative support or advice.

## Part 4 Financial Management Act 1996

### 17 Application of pts 2 to 5—Office of the Legislative Assembly and officers of the Assembly New section 4 (4)

*insert*

- (4) Section 31 (2) (c) does not apply to—
- (a) the Office of the Legislative Assembly; and
  - (b) an officer of the Assembly.

## **Part 5 Legislative Assembly (Office of the Legislative Assembly) Act 2012**

### **18 Appointment of Clerk of the Legislative Assembly Section 9 (2) (a)**

*omit*

### **19 Section 9 (3)**

*substitute*

- (3) The Speaker must not appoint a person as clerk unless—
- (a) the Speaker is satisfied that the person has extensive knowledge of, and experience in, relevant parliamentary law, practice and procedure; and
  - (b) the administration and procedure committee agrees to the person's appointment.

### **20 New section 19A**

*in part 4, insert*

#### **19A Assistance for Speaker**

In exercising a power under this Act, the Speaker may seek administrative support or advice from an entity that is able to provide impartial administrative support or advice.

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## Part 6 Legislative Assembly Precincts Act 2001

### 21 Assembly precincts Section 5 (2) (c)

*omit*

### 22 Section 5 (3), definition of *members' entrance canopy*

*omit*

### 23 Licences New section 7A (3A)

*insert*

- (3A) The Speaker may delegate the Speaker's functions under this section to—
- (a) the clerk of the Legislative Assembly; or
  - (b) a member of staff of the Office of the Legislative Assembly who has an employment classification of senior officer grade C or above, or an equivalent classification.

### 24 Removal of people Section 9 (5)

*substitute*

- (5) The Speaker may delegate the Speaker's functions under this section to—
- (a) the clerk of the Legislative Assembly; or
  - (b) a member of staff of the Office of the Legislative Assembly who has an employment classification of senior officer grade C or above, or an equivalent classification; or

- (c) a member of staff of the Office of the Legislative Assembly who is responsible for the security of the Legislative Assembly.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

## Part 7 Ombudsman Act 1989

### 25 Officer of the Legislative Assembly Section 4A (2)

*omit*

other territory laws

*substitute*

any other law in force in the ACT

### 26 Section 4A (2), new note

*insert*

*Note* A law in force in the ACT includes a territory law and a Commonwealth law.

### 27 Section 4A (4)

*omit*

other territory laws

*substitute*

any other law in force in the ACT

### 28 Appointment Section 22 (4) (a)

*omit*

**29 Section 22 (5)**

*substitute*

- (5) The Speaker must not appoint a person as the ombudsman unless—
- (a) the Speaker is satisfied that the person has extensive knowledge of, and experience in—
    - (i) public administration; or
    - (ii) dispute resolution; or
    - (iii) complaint handling; and
  - (b) the relevant Assembly committee agrees to the person's appointment.

**30 New section 37A**

*insert*

**37A Assistance for Speaker**

In exercising a power under this Act, the Speaker may seek administrative support or advice from—

- (a) the Office of the Legislative Assembly; or
- (b) an entity that is able to provide objective administrative support or advice.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 14 September 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 13 November 2017.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Legislative Assembly Legislation Amendment Bill 2017, which was passed by the Legislative Assembly on 2 November 2017.

Acting Clerk of the Legislative Assembly

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