

**2013**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**OFFICERS OF THE ASSEMBLY LEGISLATION AMENDMENT BILL 2013**

**GOVERNMENT AMENDMENTS**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

Presented by  
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Chief Minister

## **Introduction**

This explanatory statement relates to government amendments to the Officers of the Assembly Legislation Amendment Bill 2013. It has been prepared in order to assist the reader of the amendments and to help inform debate on it. It does not form part of the amendments and has not been endorsed by the Assembly.

The statement must be read in conjunction with the amendments and is not meant to be taken as an authoritative guide to the meaning of a provision, this task being for the courts.

### **Government Amendment 1: Clause 2 Commencement**

This amendment sets the commencement date as 1 July 2014.

### **Government Amendment 2: Clause 5 Appointment**

Will not be moved.

### **Government Amendment 3: Clause 5 Appointment**

This amendment omits the limitation of a person being appointed within two years of having served as a public servant. If appointment of the Auditor-General was limited to persons who had not been a public servant within the previous two years, it is likely the pool of eligible applicants would be significantly reduced. The Territory does not have the population size to accommodate such a limitation on recruitment.

A robust recruitment and assessment process will be conducted by the Speaker and the public accounts committee to minimise the likelihood of bias in the Auditor-General.

### **Government Amendment 4: Clause 24 Appointment**

Will not be moved.

### **Government Amendment 5: Clause 55 Appointment**

The current arrangement under the *ACT Self-Government (Consequential Provisions) Act 1988* is for the Commonwealth Ombudsman, appointed by the Governor-General, to be taken as the ACT Ombudsman until an appointment is made under ACT law. The amendment to section 22 outlines the consent the Speaker must obtain in order to appoint an Ombudsman under ACT law for the first time.

The Commonwealth requires a minimum three month notice period prior to terminating the service agreement for provision of Ombudsman services to the ACT.

Further, there are financial implications for the establishment of an ACT Ombudsman office. For this reason, the Chief Minister must consent to the new appointment and sufficient time prior to appointment (unless otherwise stated, six months) is required in order to prepare and approve the relevant financial documents for the creation of a new office.

**Government Amendment 6: Clause 55 Appointment**

Will not be moved.

**Government Amendment 7: Clause 55 Appointment**

This amendment omits the limitation of a person being appointed within two years of having served as a public servant.

If appointment of the Ombudsman was limited to persons who had not been a public servant within the previous two years, it is likely the pool of eligible applicants would be significantly reduced. The Territory does not have the population size to accommodate such a limitation on recruitment.

A robust recruitment and assessment process will be conducted by the Speaker and the public accounts committee to minimise the likelihood of bias in the Ombudsman.

**Government Amendment 8: Clause 57 Oath of affirmation of office, disclosure of interests and Ombudsman must not do inconsistent work etc**

Will not be moved.

**Government Amendment 9: Clause 67 Existing appointment of Ombudsman**

Will not be moved.

**Government Amendment 10: Clause 1.10 Application of pts 2 to 5 – Office of the Legislative Assembly and officers of the Assembly**

Will not be moved.