

EXPLANATORY STATEMENT

ELECTORAL ACT 1992

INSTRUMENT OF APPOINTMENT

INSTRUMENT No. 108 of 2000

Section 22 of the *Electoral Act 1992* (the Act) provides for the Australian Capital Territory Executive to appoint an Electoral Commissioner. The Commissioner is a member of the Electoral Commission which is established by section 5 of the Act.

This instrument appoints Phillip Charles Green as Electoral Commissioner for a period of 5 years, commencing on 1 April 2000.

Mr Green was the previous Commissioner, his appointment expired on 23 September 1999. Since that time Mr Green has acted in the position. His acting appointment expires on 31 March 2000.

Although the appointment of the Commissioner is made by the Executive and is not subject to the *Statutory Appointments Act 1994*, the Act requires that before the Executive may make the appointment consultations must take place with the leader of each political party represented in the Assembly and also with each member who is not a member of such a party. This consultation has occurred and the Attorney-General, Mr Gary Humphries MLA, wrote to all relevant members in February 2000. No objections to Mr Green's appointment were received.

The Act also provides that an instrument of appointment of an Electoral Commissioner is a disallowable instrument