

Australian Capital Territory

Insurance Authority-Appointment 2002 (No 1)

Notifiable instrument NI2002—281

made under the

**Insurance Authority Act 2002, s 19(1): Appointment of appointed
director and s 20(1): Term of appointment of appointed directors**

EXPLANATORY STATEMENT

Section 19 of the *Insurance Authority Act 2000* provides that the Treasurer will appoint five persons to the Board of the Insurance Authority. The Act does not allow for the appointment of substitute Directors in the absence of an appointed Director.

Subsection 209 (1) of the *Legislation Act 2001* provides that the power to make the appointment also includes power to appoint a person, or 2 or more people, to act in the position:

- (a) during any vacancy, or all vacancies, in the position, whether or not an appointment has previously been made to the position; or
- (b) during any period, or all periods, when the appointee cannot for any reason exercise functions of the position.

Accordingly, the Minister may appoint persons to serve as acting directors when for some reason a director is unable to exercise the functions of the position.

By this instrument, the Treasurer appoints Mr Ronald Edward Foster as an acting client member of the Board as a substitute for Dr Penelope Ann Gregory during any period or all periods when she is unable to exercise the

functions of the position, including when she is unable to attend meetings. The appointment is to commence on the day of notification in the Legislation Register until 5 April 2004, the day of cessation of Dr Gregory's appointment.

A client member is specified in s.19(2)(b) of the *Insurance Authority Act* as a person who represents the interests of entities whose risks are insured by the Authority. Dr Gregory as the Chief Executive Officer of the Department of Health and Community Care, and Mr Foster as a senior officer of the same Department, are eligible to be appointed in that role.

Because Mr Foster is an ACT public servant, S.227(2)(a) of the *Legislation Act* excludes the appointment from the requirement for consultation with the Legislative Assembly.

Authorised by the Treasurer