

2013

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

AUSTRALIAN CAPITAL TERRITORY (MINISTERS) BILL 2013 (No 2)

EXPLANATORY STATEMENT

Presented by
Katy Gallagher MLA
Chief Minister

Overview

The appointment of ministers is a function of the Chief Minister and is prescribed by section 41 of the *Australian Capital Territory (Self-Government) Act 1988* (the Self-Government Act), in the following terms:

- (1) The Chief Minister must appoint Ministers for the Territory from among the members of the Assembly.
- (2) The number of Ministers is to be as provided by enactment.
- (2A) Until provision is made, the number of Ministers is not to exceed 5.
- (3) A Minister may be dismissed from office at any time by a person holding office as Chief Minister at that time.

Pursuant to s41(2A) the number of ministers may not exceed a total number of five, until a different number is provided by enactment, namely a law made by the Legislative Assembly under the *Self-Government Act*.

This Bill is such an enactment and provides for the number of ministers for the Territory to be increased to a maximum of nine ministers.

Operational clauses

Clause 1: describes the name of the Act as *the Australian Capital Territory (Ministers) Act 2013*.

Clause 2: indicates the Act commences on the day after its notification.

Clause 3: details the Act is made for the purpose of section 41(2) of the Self-Government Act and there may be no more than nine ministers for the Territory.

The Bill is worded in similar terms to the existing Commonwealth provisions apart from the maximum number of ministers.

The definition of minister in the Self-Government Act includes the Chief Minister. Accordingly, as the total number of ministers pursuant to this Bill may be no more than nine, the Chief Minister may appoint up to eight other ministers. However, the Bill does not require the Chief Minister to appoint ministers.