



AUSTRALIAN CAPITAL TERRITORY

Statutory Appointments Act 1994

No. 32 of 1994

An Act to provide for consultation with Assembly Committees in relation to statutory appointments

[Notified in ACT Gazette S114: 28 June 1994]

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

Short title

1. This Act may be cited as the *Statutory Appointments Act 1994*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Interpretation

3. In this Act, unless the contrary intention appears—
“statutory office” means an office or position (whether as a member of a Territory authority or otherwise) established by or under an Act.

Consultation regarding appointments

4. (1) Where, by or under any Act, a Minister has power to appoint a person to a statutory office, the Minister shall—
 - (a) before making such an appointment, consult with—
 - (i) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for the purpose; or

- (ii) if no committee has been so nominated—the Public Accounts Committee of the Legislative Assembly; and
- (b) in making such an appointment, have regard to any recommendation made by that committee following that consultation.

(2) Subsection (1) applies in relation to the appointment of a person under Division 1 of Part II of the *Audit Act 1989* to be the Auditor-General for the Territory or to act as Auditor-General for the Territory as if the power to make that appointment were vested in a Minister, and in that application the reference in that subsection to the Minister shall be read as a reference to the Executive.

Disallowable instrument

5. An instrument by which an appointment referred to in section 4 is made is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Exemptions

6. Sections 4 and 5 do not apply in relation to—
- (a) an appointment of a public servant to a statutory office (whether or not the Act by or under which the appointment is made requires that the appointee be a public servant);
 - (b) an appointment of a person to act in a statutory office for a period not exceeding 6 months, not being an appointment of the person to act in the office for a second or subsequent consecutive period; or
 - (c) an appointment of a person to a statutory office the only function of which is to advise the appointing Minister.

[Presentation speech made in Assembly on 23 February 1994]

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