



Australian Capital Territory

Statutory Appointments Act 1994 No 32

Republication No 2

Republication date: 12 December 2001

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Statutory Appointments Act 1994* as in force on 12 December 2001. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Statutory Appointments Act 1994

Contents

	Page
1 Short title	2
3 Meaning of <i>statutory office</i>	2
3A Application	2
4 Consultation regarding appointments	2
5 Disallowable instrument	3
6 Exemptions	3
Endnotes	
1 About the endnotes	4
2 Abbreviation key	4
3 Legislation history	5
4 Amendment history	5
5 Earlier republications	6

Amendments incorporated to
12 September 2001



Australian Capital Territory

Statutory Appointments Act 1994

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

1 Short title

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

3 Meaning of *statutory office*

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

statutory office means an office or position (whether as a member of a Territory authority or otherwise) established by or under an Act.

3A Application

This Act does not apply, and shall be taken never to have applied, to an appointment under the *Justices of the Peace Act 1989*, section 3 (1) which was made prior to the commencement of the *Statutory Appointments (Amendment) Act 1997*.

4 Consultation regarding appointments

- (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) not make such an appointment until—
 - (i) a recommendation made by that committee has been received; or
 - (ii) 30 days have elapsed since the consultation took place;
- whichever first occurs; and

- (c) in making such an appointment, have regard to any such recommendation.
- (2) Subsection (1) applies in relation to the appointment of a person under the *Auditor-General Act 1996* to be the auditor-general or to act as the auditor-general 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.

5 Disallowable instrument

An instrument by which an appointment referred to in section 4 is made is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

6 Exemptions

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); or
- (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.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

3 Legislation history

Statutory Appointments Act 1994 No 32

notified 28 June 1994 (Gaz 1994 No S114)
commenced 28 June 1994 (s 2)

as amended by

Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 32

notified 1 July 1996 (Gaz 1996 No S130)
sch pt 32 commenced 1 July 1996 (s 2)

Statutory Appointments (Amendment) Act 1996 No 52

notified 8 October 1996 (Gaz 1996 No S247)
commenced 8 October 1996 (s 2)

Statutory Appointments (Amendment) Act 1997 No 72

notified 25 November 1997 (Gaz 1997 No S360)
commenced 25 November 1997 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 370

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 370 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3920

Application

s 3A ins 1997 No 72 s 4

Consultation regarding appointments

s 4 am 1996 No 26 sch pt 32; 1996 No 52 s 4; R2 LA

Disallowable instrument

s 5 am 2001 No 44 amdt 1.3921, amdt 1.3922

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	1997 No 72	31 December 1997

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