



Australian Capital Territory

Financial Management (Board Composition) Amendment Act 2009

A2009-48

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Australian Capital Territory

Financial Management (Board Composition) Amendment Act 2009

A2009-48

An Act to amend the *Financial Management Act 1996* and for other purposes

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

1 Name of Act

This Act is the *Financial Management (Board Composition) Amendment Act 2009*.

2 Commencement

This Act commences on 1 January 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Financial Management Act 1996*.

**4 Appointment of governing board members generally
New section 78 (4A) and (4B)**

insert

- (4A) Also, unless the establishing Act otherwise provides, a person must not be appointed as a member if—
- (a) the person is a public servant; and
 - (b) if the governing board has a maximum of 6 members or less—the appointment would result in more than 1 public servant being a member of the board; and
 - (c) if the governing board has a maximum of more than 6 members—the appointment would result in more than 2 public servants being members of the board.
- (4B) Subsection (4A) does not apply if—
- (a) the Minister is satisfied that there are special circumstances justifying the appointment; and

- (b) the Legislative Assembly approves, by resolution, the appointment.

5 Section 78 (6), new note

insert

Note The terms *public servant* and *statutory office holder* are defined in the Legislation Act, dict, pt 1.

6 Appointment of chair and deputy chair New section 79 (2A)

insert

- (2A) Also, the responsible Minister must not appoint a public servant as chair or deputy chair unless—
- (a) there is no member of the board who—
- (i) is not a public servant; and
 - (ii) is available to be appointed; and
- (b) the Legislative Assembly approves, by resolution, the appointment.

7 Repeal of Exhibition Park Corporation (Governing Board) Appointment 2009 (No 3)

The appointments made under the *Exhibition Park Corporation (Governing Board) Appointment 2009 (No 3)* (NI2009-519) are revoked and the instrument is repealed.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 August 2009.

2 Notification

Notified under the Legislation Act on 25 November 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Financial Management (Board Composition) Amendment Bill 2009, which was passed by the Legislative Assembly on 18 November 2009.

Clerk of the Legislative Assembly

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