

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Speaker of the Legislative Assembly)

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

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2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Speaker of the Legislative Assembly)

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

A Bill for

An Act to establish the Office of the Legislative Assembly, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Legislative Assembly (Office of the Legislative*
4 *Assembly) Act 2012.*

5 **2 Commencement**

6 This Act commences on 1 July 2012.

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

9 **3 Dictionary**

10 The dictionary at the end of this Act is part of this Act.

11 *Note 1* The dictionary at the end of this Act defines certain terms used in this
12 Act, and includes references (*signpost definitions*) to other terms
13 defined elsewhere in this Act.

14 For example, the signpost definition ‘*office*—see section 5 (1).’ means
15 that the term ‘office’ is defined in that section.

16 *Note 2* A definition in the dictionary (including a signpost definition) applies to
17 the entire Act unless the definition, or another provision of the Act,
18 provides otherwise or the contrary intention otherwise appears (see
19 Legislation Act, s 155 and s 156 (1)).

20 **4 Notes**

21 A note included in this Act is explanatory and is not part of this Act.

22 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
23 notes.

1 **Part 2** **Office of the Legislative**
2 **Assembly**

3 **5** **Establishment of Office of the Legislative Assembly**

4 (1) The Office of the Legislative Assembly (the *office*) is established.

5 (2) The office consists of—

6 (a) the clerk; and

7 (b) the staff of the office.

8 **6** **Functions of office**

9 (1) The office's function is to provide impartial advice and support to
10 the Legislative Assembly and committees and members of the
11 Assembly, including by—

12 (a) providing advice on parliamentary practice and procedure and
13 the functions of the Assembly and committees; and

14 (b) reporting proceedings of the Assembly and meetings of
15 committees; and

16 (c) maintaining an official record of proceedings of the Assembly;
17 and

18 (d) providing library and information facilities and services for
19 members; and

20 (e) providing staff to enable the Assembly and committees to
21 operate efficiently; and

22 (f) providing business support functions, including administering
23 the entitlements of members who are not part of the Executive;
24 and

25 (g) maintaining the Assembly precincts.

1 (2) The office also has the function of providing public education about
2 the functions of the Assembly and committees.

3 (3) The office may exercise any other function given to it under this Act
4 or another territory law.

5 *Note* A provision of a law that gives an entity a function also gives the entity
6 powers necessary and convenient to exercise the function (see
7 Legislation Act, s 196 and dict, pt 1, def *entity*).

8 (4) In this section:

9 *Assembly precincts*—see the *Legislative Assembly Precincts*
10 *Act 2001*, dictionary.

11 **7 Staff of office**

12 (1) The office's staff must be employed under the *Public Sector*
13 *Management Act 1994*.

14 (2) The clerk has the powers mentioned in the *Public Sector*
15 *Management Act 1994*, section 25 (3) in relation to the office's staff.

16 **8 Independence of office**

17 The clerk and the office's staff are not subject to direction by the
18 Executive or any Minister in the exercise of their functions.

Part 3 Clerk of the Legislative Assembly

9 Appointment of Clerk of the Legislative Assembly

- (1) The Speaker must, on behalf of the Territory, appoint a person as Clerk of the Legislative Assembly.
- (2) The appointment must be made—
 - (a) on the advice of the administration and procedure committee; and
 - (b) in consultation with the Chief Minister; and
 - (c) in consultation with the Leader of the Opposition; and
 - (d) in accordance with the merit principles set out in the *Public Sector Management Act 1994*, section 65 (Application of merit principle).

Note For the making of appointments, see the Legislation Act, pt 19.3.

- (3) The Speaker must not appoint a person as clerk unless satisfied that the person has extensive knowledge of, and experience in, relevant parliamentary law, practice and procedure.
- (4) The clerk is appointed on the terms (if any) in relation to matters not provided for by this part or a determination under the *Remuneration Tribunal Act 1995* that are prescribed by the management standards under the *Public Sector Management Act 1994*.

10 Functions of clerk

- (1) The clerk is responsible for the management of the office.
- (2) The clerk may exercise any other function given to the clerk under this Act or another territory law.

Note A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

1 **11 Disclosure of interests by clerk**

2 The clerk must give a written statement of the clerk's personal and
3 financial interests to the Speaker within 7 days after—

- 4 (a) the day the clerk is appointed; and
5 (b) the first day of each financial year; and
6 (c) the day there is a change in an interest.

7 **12 Delegation of clerk's functions**

8 The clerk may delegate the clerk's functions under this Act or
9 another territory law to a member of the office's staff.

10 *Note* For the making of delegations and the exercise of delegated functions,
11 see the Legislation Act, pt 19.4.

12 **13 Suspension of clerk—general**

13 (1) The Speaker may suspend the clerk on the ground of—

- 14 (a) misbehaviour; or
15 (b) physical or mental incapacity, if the incapacity substantially
16 affects the exercise of the clerk's functions.

17 *Note* Power given by a law to make a decision includes power to reverse or
18 change the decision. The power to reverse or change the decision is
19 exercisable in the same way, and subject to the same conditions, as the
20 power to make the decision (see Legislation Act, s 180).

21 (2) If the Speaker is considering suspending the clerk, the Speaker may
22 ask 1 or more of the following for advice about the proposed
23 suspension:

- 24 (a) the commissioner for public administration;
25 (b) the auditor-general;
26 (c) anyone else the Speaker considers appropriate.

- 1 (3) If the Speaker suspends the clerk, the Speaker must give written
2 notice of the suspension and a copy of a statement of the reasons for
3 the suspension to the clerk.
- 4 (4) The suspension takes effect when the notice and statement are given
5 to the clerk under subsection (3).
- 6 (5) The clerk may be suspended only under this section.
- 7 (6) The clerk is entitled to be paid salary and allowances while
8 suspended.

9 **14 Suspension of clerk—administration and procedure**
10 **committee notice and meetings**

- 11 (1) If the Speaker suspends the clerk, the Speaker must give written
12 notice of the suspension and a copy of the statement of the reasons
13 for the suspension to each other member of the administration and
14 procedure committee not later than the next business day (the *notice*
15 *day*).
- 16 (2) The administration and procedure committee must meet in relation
17 to the clerk's suspension—
- 18 (a) not later than 3 business days after the notice day; and
- 19 (b) at subsequent intervals of not longer than 30 days while the
20 clerk is suspended (a *regular meeting*).
- 21 (3) The clerk may make an oral or written submission (or both) to the
22 committee about the clerk's suspension.
- 23 (4) At each regular meeting the administration and procedure
24 committee must review the clerk's suspension and may at any time
25 pass a resolution about the suspension, including a resolution—
- 26 (a) recommending to the Speaker that the Speaker end the
27 suspension; or

- 1 (b) to make a statement to the Legislative Assembly
2 recommending that the Speaker end the clerk's appointment.

3 **15 Suspension of clerk—ending suspension**

- 4 (1) If the Speaker does not comply with section 14 (1), the suspension
5 ends at the end of the notice day.
- 6 (2) If the administration and procedure committee fails to hold a
7 meeting as required under section 14 (2), the suspension ends on the
8 day after the last day when the meeting could have been held.
- 9 (3) The following provisions apply if the administration and procedure
10 committee makes a recommendation mentioned in section 14 (4) (a)
11 and the Speaker does not end the suspension within 1 business day
12 after the day the recommendation is made:
- 13 (a) the committee may at any time resolve to make a statement to
14 the Legislative Assembly recommending that the suspension
15 be ended;
- 16 (b) if the committee makes a statement mentioned in paragraph (a)
17 and the Legislative Assembly resolves to end the suspension—
18 the suspension ends on the passing of the resolution;
- 19 (c) if the committee makes a statement mentioned in paragraph (a)
20 and the Legislative Assembly does not deal with the statement
21 within 3 sitting days—the suspension ends at the end of the 3rd
22 sitting day.
- 23 (4) If the administration and procedure committee makes a statement
24 mentioned in section 14 (4) (b)—
- 25 (a) the Legislative Assembly may resolve to require the Speaker to
26 end the clerk's appointment; or
- 27 (b) if the Legislative Assembly does not, within 3 sitting days,
28 pass a resolution mentioned in paragraph (a)—the suspension
29 ends at the end of the 3rd sitting day.

- 1 (5) In this section:
2 *notice day*—see section 14 (1).

3 **16 Ending of clerk's appointment**

- 4 (1) The Speaker must end the clerk's appointment if the Legislative
5 Assembly—
6 (a) passes a resolution under section 15 (4) (a); or
7 (b) otherwise resolves to require the Speaker to end the clerk's
8 appointment—
9 (i) for misbehaviour; or
10 (ii) for physical or mental incapacity, if the incapacity
11 substantially affects the exercise of the clerk's functions.
12 (2) The Speaker may end the clerk's appointment if the clerk is absent
13 from duty, except on leave granted by the Speaker, for
14 14 consecutive days or for 28 days in any 12 months.
15 (3) The clerk's appointment may be ended by the Speaker only under
16 this section or section 17.

17 **17 Retirement of clerk**

- 18 (1) The Speaker may retire the clerk on the ground of physical or
19 mental incapacity if—
20 (a) the incapacity substantially affects the exercise of the clerk's
21 functions; and
22 (b) the clerk consents to the retirement.

- 1 (2) However, the clerk must not be retired on the ground of invalidity
2 unless—
- 3 (a) if the clerk is an eligible employee for the *Superannuation*
4 *Act 1976* (Cwlth)—
- 5 (i) the clerk is under the clerk's maximum retiring age within
6 the meaning of the Act; and
- 7 (ii) a certificate has been given by the Commonwealth
8 Superannuation Board of Trustees No 2 under the Act,
9 section 54C for the clerk; or
- 10 (b) if the clerk is a member of the superannuation scheme
11 established under the *Superannuation Act 1990* (Cwlth)—
- 12 (i) the clerk is under 60 years old; and
- 13 (ii) a certificate has been given by the Commonwealth
14 Superannuation Board of Trustees No 1 under the Act,
15 section 13 for the clerk; or
- 16 (c) if the clerk is an ordinary employer-sponsored member of
17 PSSAP within the meaning of the *Superannuation Act 2005*
18 (Cwlth)—
- 19 (i) the clerk is under 60 years old; and
- 20 (ii) a certificate has been given by the Commonwealth
21 Superannuation Board of Trustees No 1 under the Act,
22 section 43 for the clerk.
- 23 (3) In this section:
- 24 *invalidity* means—
- 25 (a) for an eligible employee for the *Superannuation Act 1976*
26 (Cwlth)—invalidity under the Act; or

(b) for a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—invalidity under the Act; or

(c) for an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—invalidity under the Act.

physical or mental incapacity includes invalidity.

18 Resignation of clerk

(1) The clerk may resign by signed notice given to the Speaker.

(2) The Speaker must give a copy of a notice received under subsection (1) to each member of the Legislative Assembly not later than 5 business days after the day the notice is received by the Speaker.

19 Acting appointment as clerk

(1) The Speaker may appoint the following to act as clerk:

(a) the deputy clerk;

(b) in the absence of the deputy clerk—

(i) any other member of the office's staff; or

(ii) if the Speaker is satisfied that no-one mentioned in subparagraph (i) is a suitable person—a suitable person.

Note For the making of acting appointments, see the Legislation Act, div 19.3.2.

(2) In this section:

suitable person means a person who has extensive knowledge of, and experience in, relevant parliamentary law, practice and procedure.

1 **Part 4 Miscellaneous**

2 **20 Regulation-making power**

3 (1) The Executive may make regulations for this Act.

4 *Note* A regulation must be notified, and presented to the Legislative
5 Assembly, under the Legislation Act.

6 (2) The Executive must consult the Speaker before making a regulation
7 for this Act.

8 **21 Legislation amended—sch 1**

9 This Act amends the legislation mentioned in schedule 1.

1 **Part 10** **Transitional**

2 **50** **Change of name—references to old name**

3 A reference in a document to the Legislative Assembly secretariat is
4 to be read as a reference to the office, except in relation to anything
5 that happened before this Act commenced.

6 *Note* If a law changes the name of an entity established under a law, the
7 entity continues in existence under the new name and its identity is not
8 affected by the change. A reference in a law to the entity by its
9 previous name is taken, after the change, to be a reference to the entity
10 by its new name (see Legislation Act, s 183).

11 **51** **Clerk of the Legislative Assembly**

- 12 (1) This section applies to the person who, immediately before this Act
13 commences, is the clerk of the Legislative Assembly appointed
14 under the *Public Sector Management Act 1994*, section 46 (Clerk of
15 Legislative Assembly).
- 16 (2) The person is taken to be appointed as the clerk of the Legislative
17 Assembly under this Act.

18 **52** **Staff of the Legislative Assembly**

- 19 (1) This section applies to a person who, immediately before this Act
20 commences, is a member of the staff of the Legislative Assembly
21 secretariat mentioned in the *Public Sector Management Act 1994*,
22 section 53A (b) (Legislative Assembly secretariat).
- 23 (2) The person is taken to be a member of the office's staff mentioned
24 in section 5 (2) (b).

1 **53** **Expiry—pt 10**

2 This part expires 2 years after the day it commences.

3 *Note* Transitional provisions are kept in the Act for a limited time. A
4 transitional provision is repealed on its expiry but continues to have
5 effect after its repeal (see Legislation Act, s 88).

**Schedule 1 Consequential and other
amendments**

(see s 21)

**Part 1.1 Annual Reports (Government
Agencies) Act 2004**

[1.1] Section 6 (2), new note

insert

Note An annual report direction does not apply to an annual report of the
Office of the Legislative Assembly (see s 9 (1A)).

[1.2] New section 6 (2A)

insert

(2A) The report of the Office of the Legislative Assembly must include
an account of the management of the office during the financial
year.

[1.3] New section 9 (1A)

insert

(1A) However, an annual report direction does not apply to an annual
report of the Office of the Legislative Assembly.

[1.4] Section 11 (2)

substitute

(2) This section does not apply to an annual report of the
auditor-general or Office of the Legislative Assembly.

1 **[1.5] Section 12 (1)**

2 *substitute*

3 (1) The Chief Minister may declare that a Minister is the responsible
4 Minister for a public authority other than—

5 (a) the auditor-general; or

6 (b) the Office of the Legislative Assembly.

7 **[1.6] Section 15**

8 *substitute*

9 **15 Presentation of annual reports of auditor-general and**
10 **Office of the Legislative Assembly**

11 (1) This section applies to an annual report of the auditor-general or
12 Office of the Legislative Assembly.

13 (2) The Speaker must present the report to the Legislative Assembly
14 within 3 months after the end of the financial year (the **3-month**
15 **period**).

16 (3) However, if the report has not been presented to the Legislative
17 Assembly before the last 7 days of the 3-month period for the report,
18 and there are no sitting days of the Legislative Assembly during the
19 7 days—

20 (a) the auditor-general or clerk of the Legislative Assembly must
21 give a copy of the report for each member of the Legislative
22 Assembly to the Speaker before the end of the 3-month period;
23 and

24 (b) the Speaker must arrange for a copy of the report to be given to
25 each member of the Legislative Assembly on the day the
26 auditor-general or clerk gives it to the Speaker; and

- 1 (c) the Speaker must present the report to the Legislative
2 Assembly—
- 3 (i) on the next sitting day after the end of the 3-month
4 period; or
- 5 (ii) if the next sitting day is the first meeting of the
6 Legislative Assembly after a general election of members
7 of the Assembly—on the second sitting day after the
8 election.
- 9 (4) At the request of the auditor-general or clerk, the Speaker may
10 present a report of the auditor-general or Office of the Legislative
11 Assembly to the Legislative Assembly after the time required under
12 subsection (2) or, if applicable, subsection (3).
- 13 (5) If subsection (4) applies, the Speaker must present the report to the
14 Legislative Assembly as soon as possible.

15 **[1.7] Dictionary, note 2**

16 *insert*

- 17 • Office of the Legislative Assembly

18 **[1.8] Dictionary, definition of *public authority*, new paragraph**
19 **(e)**

20 *insert*

- 21 (e) the Office of the Legislative Assembly.

Part 1.2 Auditor-General Act 1996

[1.9] Section 20

substitute

20 Office of the Legislative Assembly

This part applies to the Office of the Legislative Assembly as if—

- (a) a reference in this part to a *directorate* were a reference to the office; and
- (b) a reference in this part to the *responsible director-general* were a reference to the clerk of the Legislative Assembly.

[1.10] Dictionary, note 2

insert

- Office of the Legislative Assembly

Part 1.3 Financial Management Act 1996

[1.11] Section 4

substitute

4 Application of pts 2 to 5 to Office of the Legislative Assembly

Unless the contrary intention appears, the provisions of parts 2 to 5 apply to the Office of the Legislative Assembly as if—

- (a) a reference in those provisions to a directorate included a reference to the office; and
- (b) a reference in those provisions to the responsible Minister of a directorate were a reference to the Speaker; and

- 1 (c) a reference in those provisions to the responsible
2 director-general of a directorate included a reference to the
3 clerk of the Legislative Assembly.

4 **[1.12] New section 8 (3)**

5 *insert*

- 6 (3) There must be a separate Appropriation Act for an appropriation for
7 the Office of the Legislative Assembly.

8 **[1.13] Section 12 (2)**

9 *omit*

10 Legislative Assembly secretariat

11 *substitute*

12 Office of the Legislative Assembly

13 **[1.14] Section 13 (1)**

14 *substitute*

- 15 (1) This section applies if the Treasurer presents a bill for an
16 Appropriation Act relating to a financial year to the Legislative
17 Assembly, other than—

18 (a) the bill for the first Appropriation Act relating to the year; or

19 (b) the bill for the first Appropriation Act for the appropriation for
20 the Office of the Legislative Assembly relating to the year.

- 21 (1A) The Treasurer must also present supplementary budget papers to the
22 Assembly.

1 **[1.15] Section 13A (1)**

2 *after*

3 first Appropriation Act

4 *insert*

5 for it

6 **[1.16] Section 18 (5), definition of *relevant Appropriation Bill***

7 *substitute*

8 *relevant Appropriation bill*, for expenditure, means—

9 (a) the bill for the first Appropriation Act for the financial year
10 when the expenditure is to happen; or

11 (b) the bill for the first Appropriation Act for the appropriation for
12 the Office of the Legislative Assembly for the financial year
13 when the expenditure is to happen.

14 **[1.17] Section 20**

15 *substitute*

16 **20 Recommended appropriation for Office of the Legislative**
17 **Assembly**

18 Before the beginning of a financial year, the Speaker must—

19 (a) after consultation with an appropriate committee of the
20 Legislative Assembly, advise the Treasurer of the
21 appropriation that the Speaker considers should be made for
22 the Office of the Legislative Assembly for the financial year
23 (the *recommended appropriation*); and

24 (b) give the Treasurer a draft budget for the Office of the
25 Legislative Assembly for the financial year that contains the
26 information mentioned in section 12 that applies to the office.

1 **20AA Appropriation for Office of the Legislative Assembly**

2 (1) This section applies if—

3 (a) the Treasurer presents a bill for an Appropriation Act for the
4 appropriation for the Office of the Legislative Assembly
5 relating to a financial year in the Legislative Assembly; and

6 (b) the appropriation is less than the recommended appropriation
7 for the financial year.

8 (2) Immediately after presenting the bill, the Treasurer must present to
9 the Legislative Assembly a statement of reasons for departing from
10 the recommended appropriation.

11 (3) In this section:

12 *recommended appropriation*—see section 20.

13 **[1.18] New section 30A (2A)**

14 *insert*

15 (2A) This section does not apply to the Office of the Legislative
16 Assembly.

17 **[1.19] Section 30E (5)**

18 *omit*

19 Legislative Assembly secretariat

20 *substitute*

21 Office of the Legislative Assembly

22 **[1.20] Dictionary, note 2**

23 *insert*

- 24
 - Office of the Legislative Assembly

1 **[1.21] Dictionary, definition of *Legislative Assembly secretariat***

2 *omit*

3 **Part 1.4 Government Procurement**
4 **Act 2001**

5 **[1.22] Section 3 (1), definition of *Territory entity*, paragraph (a)**

6 *substitute*

- 7 (a) means an administrative unit, a Territory entity under the
8 *Auditor-General Act 1996* or the Office of the Legislative
9 Assembly; and

10 **[1.23] New section 8 (1A)**

11 *insert*

- 12 (1A) However, the Minister must not give written directions to the board
13 about the exercise of its functions in relation to the Office of the
14 Legislative Assembly.

15 **[1.24] Section 9**

16 *substitute*

17 **9 Reports to Minister and Speaker**

- 18 (1) The board must give—
19 (a) the Minister the reports the Minister requires; and
20 (b) the Speaker the reports the Speaker requires in relation to the
21 Office of the Legislative Assembly.
22 (2) However, the Minister may not ask the board for a report in relation
23 to the Office of the Legislative Assembly.

1 (3) A report under this section must be prepared in the form, and be
2 based on the accounting or other policies or practices, (if any) that
3 the Minister or Speaker requires.

4 (4) This section is in addition to any other reports that the board is
5 required to make under this Act or any other law.

6 **[1.25] New section 10 (2)**

7 *insert*

8 (2) However, the Minister may not ask the board for information about
9 its operations in relation to the Office of the Legislative Assembly.

10 **[1.26] New section 22B (3)**

11 *after the note, insert*

12 (3) In this section:

13 *procurement proposal* does not include a procurement proposal by
14 the Office of the Legislative Assembly.

15 **[1.27] New section 22C (2)**

16 *insert*

17 (2) However, for a procurement proposal or activity by the Office of the
18 Legislative Assembly, only the Speaker may refer the proposal or
19 activity to the board for review and advice.

20 **[1.28] Dictionary, note 2**

21 *insert*

- 22
 - Office of the Legislative Assembly

1 **[1.29] Dictionary, definition of *responsible chief executive***
2 ***officer*, new paragraph (d)**

3 *insert*

4 (d) for the Office of the Legislative Assembly—the clerk of the
5 Legislative Assembly.

6 **Part 1.5 Government Procurement**
7 **Regulation 2007**

8 **[1.30] New section 13 (3)**

9 *after the note, insert*

10 (3) In this section:

11 *territory entities* does not include the Office of the Legislative
12 Assembly.

13 **Part 1.6 Legislation Act 2001**

14 **[1.31] Dictionary, part 1, definition of *clerk*, note**

15 *substitute*

16 *Note* The clerk is appointed under the *Legislative Assembly (Office of the*
17 *Legislative Assembly) Act 2012.*

18 **[1.32] Dictionary, part 1, new definition of *Office of the***
19 ***Legislative Assembly***

20 *insert*

21 *Office of the Legislative Assembly* means the Office of the
22 Legislative Assembly established under the *Legislative Assembly*
23 *(Office of the Legislative Assembly) Act 2012.*

Part 1.7 **Legislative Assembly
(Broadcasting) Act 2001**

[1.33] Sections 7 (2) (d) (v) and 9 (1)

omit

Legislative Assembly secretariat

substitute

Office of the Legislative Assembly

[1.34] Dictionary, note 2

insert

- Office of the Legislative Assembly

[1.35] Dictionary, definition of *Legislative Assembly secretariat*

omit

Part 1.8 **Public Sector Management
Act 1994**

[1.36] Section 2, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*appellable decision*'—see section 223.' means that the term 'appellable decision' is defined in that section.

- 1 **[1.37] Section 21 (2)**
- 2 *omit*
- 3 Subject to subsection (3), the
- 4 *substitute*
- 5 The
- 6 **[1.38] Section 21 (3)**
- 7 *omit*
- 8 **[1.39] New section 22AA**
- 9 *after section 22, insert*
- 10 **22AA Investigative powers of commissioner and Office of the**
- 11 **Legislative Assembly**
- 12 (1) The commissioner—
- 13 (a) must not conduct an inspection of, or make an inquiry or
- 14 investigation into the operations of, the Office of the
- 15 Legislative Assembly under section 22 unless the
- 16 commissioner has the Speaker's written approval to conduct
- 17 the inspection or make the inquiry or investigation; and
- 18 (b) is not subject to direction by the Speaker, the Executive, any
- 19 Minister or the head of service in conducting the inspection or
- 20 making the inquiry or investigation.
- 21 (2) If the commissioner conducts an inspection or makes an inquiry or
- 22 investigation mentioned in subsection (1), the commissioner must
- 23 prepare a report for the Speaker about the inspection, inquiry or
- 24 investigation.

(3) The commissioner must give the report to the Speaker—

(a) within 6 months after the day the Speaker gives the approval under subsection (1) (a) for the inspection, inquiry or investigation; or

(b) if the commissioner asks the Speaker for an extension of time to give the report, and the Speaker agrees to an extension—within the period (not longer than 12 months after the day mentioned in paragraph (a)) stated by the Speaker.

(4) In subsection (3):

Speaker includes—

(a) if the Speaker is unavailable—the Deputy Speaker; or

(b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—a person is *unavailable* if—

(a) the person is absent from duty; or

(b) there is a vacancy in the person's position.

[1.40] Section 25 (2) (b), example 1

substitute

1 the clerk under the *Legislative Assembly (Office of the Legislative Assembly) Act 2012*, s 7 (2) (Staff of office)

[1.41] New section 43 (2)

insert

(2) In this section:

autonomous instrumentality does not include the Office of the Legislative Assembly.

- 1 **[1.42] Division 3.8**
- 2 *omit*
- 3 **[1.43] Section 143 (1)**
- 4 *after*
- 5 an officer
- 6 *insert*
- 7 (other than an officer mentioned in subsection (1A))
- 8 **[1.44] New section 143 (1A)**
- 9 *insert*
- 10 (1A) This section applies to an officer who is a member of the staff of the
- 11 Office of the Legislative Assembly if the clerk of the Legislative
- 12 Assembly—
- 13 (a) is satisfied on reasonable grounds about a matter mentioned in
- 14 subsection (1); and
- 15 (b) tells the head of service about the matter.
- 16 **[1.45] Dictionary, note 2**
- 17 *insert*
- 18 • Office of the Legislative Assembly
- 19 **[1.46] Dictionary, definition of *autonomous instrumentality*, new**
- 20 **paragraph (c)**
- 21 *insert*
- 22 (c) the Office of the Legislative Assembly.

1 **[1.47] Dictionary, definition of *chief executive officer*, new**
2 **paragraph (b) (iii)**

3 *insert*

4 (iii) for the Office of the Legislative Assembly—the clerk of
5 the Legislative Assembly.

6 **[1.48] Dictionary, definitions of *clerk*, *Legislative Assembly***
7 ***secretariat* and *secretariat***

8 *omit*

9 **Part 1.9 Territory Records Act 2002**

10 **[1.49] Section 7 (e)**

11 *substitute*

12 (e) the Office of the Legislative Assembly; or

13 **[1.50] Section 8 (e)**

14 *substitute*

15 (e) for the Office of the Legislative Assembly—the clerk of the
16 Legislative Assembly; or

17 **[1.51] Dictionary, note 2**

18 *insert*

- 19
 - Office of the Legislative Assembly

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- auditor-general
- business day
- commissioner for public administration
- Executive
- Legislative Assembly
- Speaker.

administration and procedure committee means the standing committee of the Legislative Assembly responsible for the administration and procedure of the Assembly.

clerk means the person appointed as Clerk of the Legislative Assembly under section 9.

office—see section 5 (1).

Office of the Legislative Assembly means the Office of the Legislative Assembly established under section 5.

1 Presentation speech

2 Notification

3 Republications of amended laws

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

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