

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Speaker of the Legislative Assembly)

Legislative Assembly Legislation Amendment Bill 2017

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J2017-271

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(As presented)

(Speaker of the Legislative Assembly)

Legislative Assembly Legislation Amendment Bill 2017

A Bill for

An Act to amend legislation in relation to the Legislative Assembly and officers of the Legislative Assembly

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 Legislation Amendment Act*
4 *2017*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Auditor-General Act 1996](#)
- 12 • [Electoral Act 1992](#)
- 13 • [Financial Management Act 1996](#)
- 14 • [Legislative Assembly \(Office of the Legislative Assembly\)](#)
15 [Act 2012](#)
- 16 • [Legislative Assembly Precincts Act 2001](#)
- 17 • [Ombudsman Act 1989](#).

1 **Part 2** **Auditor-General Act 1996**

2 **4** **Appointment**
3 **Section 8 (2) (a)**

4 *omit*

5 **5** **Section 8 (3)**

6 *substitute*

- 7 (3) The Speaker must not appoint a person as auditor-general unless—
- 8 (a) the Speaker is satisfied that the person has extensive
9 knowledge of, and experience in—
- 10 (i) governance and risk management; or
- 11 (ii) public administration; and
- 12 (b) the public accounts committee agrees to the person's
13 appointment.

14 **6** **New section 8AA**

15 *before section 8A, insert*

16 **8AA** **Term of appointment**

- 17 (1) The auditor-general is to be appointed for 7 years.
- 18 (2) A person who has been appointed auditor-general is not eligible for
19 reappointment.

1 **7 New section 37B**

2 *insert*

3 **37B Assistance for Speaker**

4 In exercising a function under this Act, the Speaker may seek
5 administrative support or advice from—

6 (a) the Office of the Legislative Assembly; or

7 (b) another entity that is able to provide impartial administrative
8 support or advice.

1 **Part 3** **Electoral Act 1992**

2 **8** **Appointment**
3 **Section 12 (2) (a)**

4 *omit*

5 **9** **Section 12 (3)**

6 *substitute*

7 (3) The Speaker must not appoint a person as a member of the electoral
8 commission unless—

9 (a) the Speaker is satisfied that the person has extensive
10 knowledge of, and experience in—

11 (i) for the commissioner—

12 (A) electoral systems or management; or

13 (B) public administration; or

14 (ii) for a member other than the commissioner—

15 (A) an area mentioned in subparagraph (i); or

16 (B) another area that is relevant to and consistent with
17 the functions of a member of the electoral
18 commission; and

19 (b) the relevant Assembly committee agrees to the person's
20 appointment.

1 **10 New section 339**

2 *insert*

3 **339 Assistance for Speaker**

4 In exercising a function under this Act, the Speaker may seek
5 administrative support or advice from—

6 (a) the Office of the Legislative Assembly; or

7 (b) another entity that is able to provide impartial administrative
8 support or advice.

1 **Part 4** **Financial Management Act 1996**

2 **11** **Application of pts 2 to 5—Office of the Legislative**
3 **Assembly and officers of the Assembly**
4 **New section 4 (4)**

5 *insert*

6 (4) Section 31 (2) (c) does not apply to—

7 (a) the Office of the Legislative Assembly; and

8 (b) an officer of the Assembly.

1 **Part 5** **Legislative Assembly (Office of**
2 **the Legislative Assembly)**
3 **Act 2012**

4 **12 Appointment of Clerk of the Legislative Assembly**
5 **Section 9 (2) (a)**

6 *omit*

7 **13 Section 9 (3)**

8 *substitute*

- 9 (3) The Speaker must not appoint a person as clerk unless—
- 10 (a) the Speaker is satisfied that the person has extensive
11 knowledge of, and experience in, relevant parliamentary law,
12 practice and procedure; and
- 13 (b) the administration and procedure committee agrees to the
14 person's appointment.

15 **14 New section 19A**

16 *in part 4, insert*

17 **19A Assistance for Speaker**

18 In exercising a power under this Act, the Speaker may seek
19 administrative support or advice from an entity that is able to
20 provide impartial administrative support or advice.

1 **Part 6** **Legislative Assembly Precincts**
2 **Act 2001**

3 **15 Assembly precincts**
4 **Section 5 (2) (c)**

5 *omit*

6 **16 Section 5 (3), definition of *members' entrance canopy***

7 *omit*

8 **17 Licences**
9 **New section 7A (3A)**

10 *insert*

11 (3A) The Speaker may delegate the Speaker's functions under this section
12 to—

13 (a) the clerk of the Legislative Assembly; or

14 (b) a member of staff of the Office of the Legislative Assembly
15 who has an employment classification of senior officer grade C
16 or above, or an equivalent classification.

17 **18 Removal of people**
18 **Section 9 (5)**

19 *substitute*

20 (5) The Speaker may delegate the Speaker's functions under this section
21 to—

22 (a) the clerk of the Legislative Assembly; or

23 (b) a member of staff of the Office of the Legislative Assembly
24 who has an employment classification of senior officer grade C
25 or above, or an equivalent classification; or

1 (c) a member of staff of the Office of the Legislative Assembly
2 who is responsible for the security of the Legislative
3 Assembly.

4 *Note* For the making of delegations and the exercise of delegated functions,
5 see the [Legislation Act](#), pt 19.4.

Part 7 Ombudsman Act 1989

19 Appointment Section 22 (4) (a)

omit

20 Section 22 (5)

substitute

- (5) The Speaker must not appoint a person as the ombudsman unless—
- (a) the Speaker is satisfied that the person has extensive knowledge of, and experience in—
 - (i) public administration; or
 - (ii) dispute resolution; or
 - (iii) complaint handling; and
 - (b) the relevant Assembly committee agrees to the person's appointment.

21 New section 37A

insert

37A Assistance for Speaker

In exercising a power under this Act, the Speaker may seek administrative support or advice from—

- (a) the Office of the Legislative Assembly; or
- (b) an entity that is able to provide objective administrative support or advice.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 14 September 2017.

2 Notification

Notified under the [Legislation Act](#) on 2017.

3 Republications of amended laws

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

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