



Legislative Assembly (Members' Staff) Act 1989

Determination Number 292 /2001

**REINTEGRATION ARRANGEMENTS FOR OFFICERS
PURSUANT TO SUB-SECTION 13A(4)**

I, Richard Grant Moss, Commissioner for Public Administration, under subsection 13A(4) of the *Legislative Assembly (Members' Staff) Act 1989* ("the Act"), determine:

1. The procedures for choosing an independent officer for a committee, as follows:

The Commissioner will invite expressions of interest from persons to act as an independent officer.

The Commissioner will maintain a list of persons whom the Commissioner regards as suitable to be appointed as an independent officer to a committee.

Where an independent officer is not appointed to be the independent officer for the committee in accordance with subsection 13A(3A) of the Act, an independent officer will be appointed by the Commissioner on a rotational basis from the list maintained by the Commissioner, unless:

- the officer is unavailable;
- in the view of the Commissioner, the officer is unsuitable because of actual, perceived or potential conflict of interest;
- there is a requirement for specialised knowledge; or
- there is a need to have an independent officer from a different agency.

If the any of the above exceptions apply, the Commissioner will appoint the next appropriate officer on the list to be the independent officer for the committee.

2. The procedures that a committee must follow in considering an application, as follows:

Upon receipt of an application, the committee:

- shall convene as soon as practical to consider the application;
- shall ensure that the officer is given the opportunity to make submissions in support of the application;
- may, at its discretion, conduct an oral hearing;
- may seek reasonable access to any relevant information and, if necessary, interview any public employee in the course of their considerations;
- may seek the advice of the Commissioner on any other procedural issues related to the consideration of the application; and
- must provide a written report to the Commissioner setting out the recommendation and the reasons for the recommendation. Where the views of the committee are not unanimous, a dissenting report must be provided to the Commissioner.

2.

In considering an application, committee members must act in accordance with the principles of natural justice and privacy. The committee will conduct its proceedings with as little formality as necessary to give prompt and proper consideration to the application.

Where the committee is not able to complete its considerations within 28 days of receipt of the application, the committee must advise the Commissioner, and the officer that requested the determination, of the progress of the application.

This determination commences on 13 September 2001.

Dated this day of 2001

Richard Grant Moss
Commissioner for Public Administration