

Australian Capital Territory

## **Long Service Leave (Building and Construction Industry) Governing Board Appointment 2008 (No 5)**

**Disallowable instrument DI2008—239**

### **EXPLANATORY STATEMENT**

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The *Long Service Leave (Building and Construction Industry) Act 1981* (the Act) establishes a portable long service leave scheme for workers in the building and construction industry. Section 13 of the Act establishes the Governing Board. Section 14 of the Act establishes the member representation of the Governing Board. Section 78 of the *Financial Management Act 1996* allows the Minister to appoint the Governing Board members generally.

The appointee is not a Public Servant and this instrument makes an appointment to which the *Legislation Act 2001*, Division 19.3.3 applies. Accordingly, under the *Legislation Act 2001*, s.229 the instrument is a disallowable instrument.

This appointment has been approved by the Minister and the Standing Committee on Legal Affairs has been consulted in accordance with section 228 (consultation with appropriate Assembly committee) of the *Legislation Act 2001*.

Section 78 of the *Financial Management Act 1996* provides that an appointment of a member must be for no longer than three years, unless the establishing Act allows for a longer period. Under section 13(5) of the Act, appointments to the Board can be made for up to 5 years.

However, due to the proximity of this appointment to the upcoming caretaker period, convention requires that Government should appoint for a short term only to carry through until after the caretaker period. Accordingly this appointment will expire on 30 June 2009.