

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)**

**Presented by
Mr Andrew Barr MLA
Treasurer**

APPROPRIATION (OFFICE OF THE LEGISLATIVE ASSEMBLY) BILL 2020-2021

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The *Appropriation (Office of the Legislative Assembly) Bill 2020-2021* is the mechanism for the appropriation of monies for the 2020-21 financial year for the Office of the Legislative Assembly and officers of the Assembly (the ACT Integrity Commissioner, the Auditor-General and the Electoral Commissioner).

Under Section 58 of the *Australian Capital Territory (Self-Government) Act 1988*, public money may not be issued or spent except as authorised by law. Under Section 6 of the *Financial Management Act 1996* (FMA), no payment of public money may be made unless it is in accordance with an appropriation. Section 8 of the FMA provides that there must be a separate Appropriation Act for an appropriation for the Office of the Legislative Assembly. The Bill satisfies the provisions of each of these Acts.

The Bill provides for appropriations for the ACT Integrity Commissioner, the Auditor General, the Electoral Commissioner and the Office of the Legislative Assembly in relation to:

- (a) net controlled recurrent payments;
- (b) capital injections; and
- (c) payments to be made on behalf of the Territory.

Sections 20AA and 20AC of the FMA require the Treasurer to table a statement of reasons immediately after the introduction of *the Appropriation (Office of the Legislative Assembly) Bill 2020-2021* should the Government depart from the Speaker's "recommended appropriation" for the Office of the Legislative Assembly or any of the officers of the Assembly.

I will be tabling a separate statement of reasons in relation to the Office of the Legislative Assembly as the Government has not agreed to the amount of appropriation that the Speaker recommended.

CONSULTATION ON THE PROPOSED APPROACH

Nil

CONSISTENCY WITH HUMAN RIGHTS

There are no rights engaged under the *Appropriation (Office of the Legislative Assembly) Bill 2020-2021*.

Appropriation (Office of the Legislative Assembly) Bill 2020-2021 *Human Rights Act 2004 - Compatibility Statement*

In accordance with section 37 of the *Human Rights Act 2004* I have examined the *Appropriation (Office of the Legislative Assembly) Bill 2020-2021*. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Shane Rattenbury MLA
Attorney-General

CLAUSE NOTES

Clause 1 cites the short title of the Act as being the *Appropriation (Office of the Legislative Assembly) Act 2020-2021* as it relates to the 2020-2021 financial year.

Clause 2 provides that the Act is taken to have commenced on 1 July 2020.

Clause 3 refers to the legislative basis for making appropriations.

Clause 4 deals with definitions for the purposes of the Bill.

Clause 5 deals with interpretation for the purposes of the Bill.

Clause 6 provides for the appropriation of \$3,546,000 for controlled recurrent payments to the Auditor General in the 2020-2021 financial year.

Clause 7 provides for the appropriation of \$5,227,000 for controlled recurrent payments and capital injections to the ACT Integrity Commissioner in the 2020-2021 financial year.

Clause 8 provides for the appropriation of \$13,664,000 for controlled recurrent payments and capital injections to the Electoral Commissioner in the 2020-2021 financial year.

Clause 9 provides for the appropriation of \$21,983,000 for controlled recurrent payments, capital injection and payments on behalf of the Territory to the Office of the Legislative Assembly in the 2020-2021 financial year.