

Integrity Commission (Acting Commissioner) Appointment 2021 (No 3)

Disallowable instrument DI2021–58

made under

Integrity Commission Act 2018, s 25 (Commissioner—appointment), s 40 (Commissioner—acting appointment)

EXPLANATORY STATEMENT

Section 209(1) of the *Legislation Act 2001* provides that if an appointer's power is the power to make an appointment to a position, the power to make the appointment also includes power to appoint a person, or 2 or more people, to act in the position.

This instrument appoints the John Denison McMillan AO who has taken an affirmation of office pursuant to s 29 of the Act, to the position of acting ACT Integrity Commissioner.

In making the appointment, and pursuant to s 40(1) of the *Integrity Commission Act 2018*, the Speaker is satisfied that person to be appointed has extensive knowledge of, and experience in—

- (a) criminal investigation or criminal adjudication; or
- (b) law enforcement or the conduct of investigations; or
- (c) public administration, governance or government.

In making the appointment, and pursuant to s 40(2) of the Act, the Speaker consulted with the relevant Assembly committee. The Speaker also consulted with the Chief Minister, the Leader of the Opposition and the Leader of the ACT Greens.

The following conditions, pursuant to s 218 of the Legislation Act, apply to the appointment:

The appointment takes effect in the following circumstances:

- 1) the Commissioner cannot for any reason exercise a function or functions of the position, and
- 2) the appointee is notified by the Speaker of the function or functions to be performed and the period during which they are to be performed.

The appointee may only act as the Commissioner for a cumulative period of 6 months.