



Queensland

Freedom of Information and Other Legislation (Appointment Accountability) Amendment Bill 2005



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2005

A Bill

for

An Act to amend the *Freedom of Information Act 1992*, the *Ombudsman Act 2001* and the *Financial Administration and Audit Act 1977* to improve accountability in relation to the appointment of the information commissioner, the ombudsman and the auditor-general

*Freedom of Information and Other Legislation
(Appointment Accountability) Amendment Bill 2005*

The Parliament of Queensland enacts—

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Part 1 Preliminary

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Clause 1 Short title

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This Act may be cited as the *Freedom of Information and
Other Legislation (Appointment Accountability) Amendment
Act 2005*.

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**Part 2 Amendment of Financial
Administration and Audit Act
1977**

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Clause 2 Act amended in pt 2

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This part amends the *Financial Administration and Audit Act
1977*.

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Clause 3 Amendment of s 50 (Appointment of auditor-general)

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Section 50(2)—

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omit, insert—

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‘(2) A person may be appointed as the auditor-general only if—

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(a) the Minister placed press advertisements nationally
calling for applications from suitably qualified persons
to be considered for appointment; and

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(b) the process of selection for appointment involved a
selection panel formed to make a recommendation to the
Minister about appointment; and

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- (c) the chairperson and the prescribed member of the parliamentary committee were members of the selection panel; and
 - (d) the basis for selection was merit alone; and
 - (e) the appointment is made with the bipartisan support of the parliamentary committee.
- ‘(3) Subsection (2), other than subsection (2)(e), does not apply to the reappointment of a person as auditor-general.
- ‘(4) In this section—
- bipartisan support***, of the parliamentary committee, means—
- (a) support of the members of the parliamentary committee unanimously; or
 - (b) support of a majority of the members of the parliamentary committee, other than a majority consisting wholly of members of the political party or parties in government in the Legislative Assembly.
- parliamentary committee*** means the Public Accounts Committee of the Legislative Assembly.
- prescribed member***, of the parliamentary committee, means—
- (a) if there is a deputy chairperson of the parliamentary committee who is not a member of the political party or parties in government in the Legislative Assembly—the deputy chairperson of the parliamentary committee; or
 - (b) otherwise—a member of the parliamentary committee nominated by the member who is recognised in the Legislative Assembly as the Leader of the Opposition.’.

Part 3 27

Amendment of Freedom of 28 Information Act 1992

- Clause 4 Act amended in pt 3 29**
- This part amends the *Freedom of Information Act 1992*. 30

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Clause 5	Amendment of s 61 (Information Commissioner)	1
	Section 61(5), ‘Sections 62 to 69’—	2
	<i>omit, insert—</i>	3
	‘Sections 61A to 69’.	4
Clause 6	Insertion of new s 61A	5
	After section 61—	6
	<i>insert—</i>	7
‘61A	Procedure before appointment	8
	‘(1) A person may be appointed as commissioner only if—	9
	(a) the Minister placed press advertisements nationally	10
	calling for applications from suitably qualified persons	11
	to be considered for appointment; and	12
	(b) the process of selection for appointment involved a	13
	selection panel formed to make a recommendation to the	14
	Minister about appointment; and	15
	(c) the chairperson and the prescribed member of the	16
	parliamentary committee were members of the selection	17
	panel; and	18
	(d) the basis for selection was merit alone; and	19
	(e) the appointment is made with the bipartisan support of	20
	the parliamentary committee.	21
	‘(2) Subsection (1), other than subsection (1)(e), does not apply to	22
	the reappointment of a person as commissioner.	23
	‘(3) In this section—	24
	<i>bipartisan support</i> , of the parliamentary committee, means—	25
	(a) support of the members of the parliamentary committee	26
	unanimously; or	27
	(b) support of a majority of the members of the	28
	parliamentary committee, other than a majority	29
	consisting wholly of members of the political party or	30
	parties in government in the Legislative Assembly.	31

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- parliamentary committee*** means the Legal, Constitutional and Administrative Review Committee of the Legislative Assembly. 1
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- prescribed member***, of the parliamentary committee, means— 4
- (a) if there is a deputy chairperson of the parliamentary committee who is not a member of the political party or parties in government in the Legislative Assembly—the deputy chairperson of the parliamentary committee; or 5
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- (b) otherwise—a member of the parliamentary committee nominated by the member who is recognised in the Legislative Assembly as the Leader of the Opposition.’. 9
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Part 4 Amendment of Ombudsman Act 2001 12 13

Clause 7 Act amended in pt 4 14

This part amends the *Ombudsman Act 2001*. 15

Clause 8 Replacement of s 59 (Procedure before appointment) 16

Section 59— 17

omit, insert— 18

‘59 Procedure before appointment 19

- ‘(1) A person may be appointed as ombudsman only if— 20
- (a) the Minister placed press advertisements nationally calling for applications from suitably qualified persons to be considered for appointment; and 21
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- (b) the process of selection for appointment involved a selection panel formed to make a recommendation to the Minister about appointment; and 24
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- (c) the chairperson and the prescribed member of the parliamentary committee were members of the selection panel; and 27
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- (d) the basis for selection was merit alone; and
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- (e) the appointment is made with the bipartisan support of the parliamentary committee.
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- ‘(2) Subsection (1), other than subsection (1)(e), does not apply to the reappointment of a person as ombudsman.
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- ‘(3) In this section—
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- bipartisan support***, of the parliamentary committee, means—
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- (a) support of the members of the parliamentary committee unanimously; or
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- (b) support of a majority of the members of the parliamentary committee, other than a majority consisting wholly of members of the political party or parties in government in the Legislative Assembly.
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- prescribed member***, of the parliamentary committee, means—
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- (a) if there is a deputy chairperson of the parliamentary committee who is not a member of the political party or parties in government in the Legislative Assembly—the deputy chairperson of the parliamentary committee; or
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- (b) otherwise—a member of the parliamentary committee nominated by the member who is recognised in the Legislative Assembly as the Leader of the Opposition.’.
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