



# Statutory appointments

## Guidelines for consulting with Legislative Assembly committees

1. Many pieces of legislation authorise the Executive to make appointments to statutory positions.
2. Legislation requires the Executive to consult the Assembly about appointments of this kind and in limited cases allows the veto of such appointments. A standing committee of the Assembly is the way in which this consultation usually happens.
3. Section 228 (1) of the *Legislation Act 2001* requires ministers to consult with standing committees of the Assembly when making appointments to certain statutory positions. The Speaker nominates the relevant committee in writing.
4. The Speaker has, for the purposes of section 228, approved a [schedule](#) that identifies each statutory appointment and allocates an Assembly standing committee to it.
5. Under section 228 (3) of the Act, a minister must not make an appointment until whichever of the following happens first:
  - a. the minister receives a recommendation from the relevant committee; or
  - b. 30 days have passed since the minister consulted the committee.
6. Under section 228 (4), ministers are required to consider any recommendations made by committees about the proposed appointments.
7. In accordance with continuing resolution 5A (agreed by the Assembly on 23 August 2012), individual members of the Executive and Assembly committees must ensure that details of proposed appointments remain confidential until the appointment is made.
8. The resolution also states that standing committees shall, on a six-monthly basis (for the periods 1 January to 30 June and from 1 July to 31 December), make a statement to the Assembly and present a schedule of appointments considered during the periods. The schedule will include the date the request for consultation was received and the date that the committee provided feedback on the appointment.
9. On 30 April 2020, the Chief Minister made a commitment to the Speaker that, in all future consultations, ministers would provide a copy of the nominees' *curriculum vitae* and complete a [consultation template](#).

10. All correspondence related to statutory appointments should be promptly forwarded to the relevant committee email for provision to the committee.
11. Directorates should leave enough time for all steps in the statutory appointment process to be completed. Committees sometimes receive appointments very close to the expiration date of the term of office. If a statutory appointment is urgent, we encourage directorates to give advance notice to committee staff.
12. Once a committee has considered a statutory appointment, a response is generally forwarded to the Minister's office within 24 hours. A copy of the response is also forwarded to the Directorate Liaison Officer for information.
13. Contact information for the Assembly's standing committees is available on their webpages, which can be accessed [here](#).

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