ENSHRINING INDEPENDENCE –
THE ESTABLISMENT OF THE OFFICE OF THE
LEGISLATIVE ASSEMBLY

Paper by Tom Duncan, Clerk, Legislative Assembly for the Australian Capital Territory
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The separation of powers doctrine has a long history in the democratic form of government and in political philosophy, exercising the minds of the great political philosophers ranging from Plato and Aristotle through to John Locke, Baron de Montesquieu and James Madison. The central tenet of the doctrine is that a system of government which disperses rather than concentrates power will militate against despotism. The modern formulation of the separation of powers doctrine entails the establishment of separate executive, legislative and judicial functions, each exercising distinct and discrete powers and each of which provides a check and balance on the others.

Of course, under the Westminster system of parliamentary democracy the distinction between the legislative and the executive can at times be somewhat blurry. This arises from the fact that the executive is drawn from the legislative branch, rather than being completely separate from it, as occurs in a system such as that which operates in the United States. In our system of government, members of the executive are also members of the legislature.

This brings with it a number of benefits in terms of responsible government, but also presents challenges in terms of clearly defining the demarcation of the separation and determining the legitimate exercise of legislative and executive powers. The effective constitution of the Australian Capital Territory—the Australian Capital Territory (Self-Government) Act 1988—recognises and gives effect to the separation of powers doctrine by establishing a democratic polity within the ACT. Through parts IV, V and VA of the self-government act, the three separate branches of government, each with their own specific functions and powers, are established. ¹

Given that the legislature relies so heavily on the advice and support given by the parliamentary support agency it is only appropriate that a legislative framework, which codifies its functions and asserts its independence from executive interference, is appropriate.

To date, this has not occurred.

This bill seeks to remedy that situation.

Shane Rattenbury MLA, Speaker for the Legislative Assembly of the ACT, presentation speech, 23 February 2012

INTRODUCTION AND BACKGROUND

Since its inception as the agency responsible for advising and supporting the Legislative Assembly for the Australian Capital Territory (ACT) in 1989, the Assembly Secretariat has been governed by an unusual and slightly ambiguous set of legislative and administrative arrangements. In the early days, the head of the Secretariat, the Clerk of the Legislative Assembly, reported to a senior executive within the Chief Minister’s Department, an arrangement which eschewed the arrangements that traditionally have applied in other jurisdictions to recognise the separation of powers doctrine with respect to the legislative and executive arms of government. With the passage of the Public Sector Management Act in 1994, the Assembly Secretariat was for the first time given formal recognition. A welcome provision in that legislation was that the Clerk was not subject to the direction of the executive. Subsequent amendments to the Public Sector Management Act in 2005 recognised for the first time that the Legislative Assembly Secretariat was a distinct and discrete entity within the wider ACT public service and other provisions were introduced to provide for an additional measure of independence. While an improvement over the previous arrangements, the fact that the statutory arrangements for the Clerk and the Secretariat lived within an Act so heavily geared towards the business of executive government (the PSM Act) was seen by many as falling short of the robust and independent framework expected to apply to operation of the legislature’s primary source of advice and administrative

¹ Legislative Assembly for the ACT: 2012 Week 2 Hansard (23 February), p 785
support. The approach gave rise to ambiguities as to the extent to which the various elements of the ACT’s public sector administration framework actually applied to the Secretariat. For instance, was the Secretariat bound to follow procurement arrangements adopted by the government? To what extent did government information technology policies and procedures apply to the Assembly Secretariat? How were the interests of the Assembly to be reflected throughout the process of formulating the Secretariat’s annual budget? To what extent did changes to administrative arrangements by the executive have flow-on effects to the organisation? And so on.

Since 2006, the former Speaker, Wayne Berry MLA; the current Speaker, Shane Rattenbury MLA; and I have argued strongly in favour of developing a stronger, more clearly defined, set of arrangements to enshrine the independence of the organisation vis-a-vis executive government. In its 2009-14 strategic plan the Secretariat included legislative reform in this area of governance as one of its major priorities and preparatory work commenced to establish the core principles that might guide the development of standalone legislation. While this initial thinking was underway, the ACT Government undertook a major review of the public sector in the ACT. Headed by a former senior Commonwealth Public Servant, Alan Hawke AC, the report on the review, *Governing the City State: One ACT Government – One ACT Public Service*, made a number of recommendations about public sector management reform in the ACT, the most significant being that the legislative and administrative arrangements that then applied should be substantially overhauled to provide a uniform, singularly directed public service in the territory. Recommendations from the review were given effect by a raft of amendments to the Public Sector Management Act that commenced in 1 July 2011.

This ‘one service’ model of public service, with its focus on responsiveness to executive government, presented obvious difficulties for the Secretariat, an agency the sole remit of which was to support and advise the legislative branch of government. Based on the work that had already been done by the Secretariat and with the agreement of Speaker Rattenbury, I commenced an initiative to develop standalone legislation that would, once and for all, establish the Secretariat as an autonomous instrumentality within the wider ACT public sector. The end result of this initiative was the passage on 10 May 2012 of the *Legislative Assembly (Office of the Legislative Assembly) Act 2012*.

In support of arguments that favour strengthening the independence of the Secretariat, particular reference has been made to the Latimer House Principles¹. In recent years, there has been an increasing awareness of the *Commonwealth (Latimer House) Principles on the Three Branches of Government* amongst members of the ACT Legislative Assembly. There has also been a greater acceptance of their importance in framing and informing debates about the relationship between the executive and legislative branches of government. So much so that in the earlier part of the 7th Assembly, a resolution of continuing effect was passed endorsing the principles and establishing a review process whereby ‘in the second year after a general election, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct an assessment of the implementation of the Latimer House Principles in the governance of the ACT’².

Two of the Latimer House guidelines for the Commonwealth³ had particular significance in the development of a new legislative basis for the Legislative Assembly’s support agency. They are:

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⁴ This is the subject of a separate paper at this conference by Speaker Rattenbury
⁵ Included as an annex to the principles
• Parliament should be serviced by a professional staff independent of the regular public service; and

• An all-party committee of members of parliament should review and administer parliament’s budget which should not be subject to amendment by the executive.\(^7\)

The Legislative Assembly (Office of the Legislative Assembly) Act 2012 represents a major shift towards meeting the spirit, if not the letter, of these two guidelines. Below, I touch on each of the main areas provided for by the new Act and have included excerpts from Speaker Rattenbury’s presentation speech setting out the intent and purposes of the relevant provisions.

**ENSHRINING INDEPENDENCE – AUTONOMOUS INSTRUMENTALITY**

Section 8 of the Act establishes the independence of the new office, providing that ‘The clerk and the office’s staff are not subject to direction by the Executive or any Minister in the exercise of their functions’.

This represents an improvement over the relevant provisions of Public Sector Management Act which established the independence of the clerk but did not explicitly establish the independence of other staff working for the organisation.

The Act also establishes the office as an ‘autonomous instrumentality’ within the Territory (one of only three in the ACT – the others being the Office of the Director Public Prosecutions and the Auditor-General). Being an autonomous instrumentality insulates the office from a number of potential areas of government interference – for example, the office cannot be restructured or reorganised at the behest of the executive. Under the OLA legislation, the Clerk is also granted all the powers of the Head of Service and a Director-General with respect to the management and administration of the office. These significant powers mirror those that are conferred upon the Head of ACTPS, the officer equivalent in the ACT to the Secretary, Department of Prime Minister and Cabinet at the Commonwealth level.

**ENSHRINING FUNCTIONS**

_The bill abolishes the Legislative Assembly Secretariat and establishes a new office, the Office of the Legislative Assembly. The new name better reflects the character of the organisation and its broad function—also provided for—to “provide impartial advice and support to the Legislative Assembly and committees and members of the Assembly”._

_Speaker Rattenbury’s presentation speech, 23 February 2012_

For the first time since self government in the ACT, the Legislative Assembly (Office of the Legislative Assembly) Act 2012, enshrined the particular functions that the organisation is to perform. By virtue of s6 of the Act, the office is charged with:

(a) providing advice on parliamentary practice and procedure and the functions of the Assembly and committees; and

(b) reporting proceedings of the Assembly and meetings of committees; and

(c) maintaining an official record of proceedings of the Assembly; and

(d) providing library and information facilities and services for members; and

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\(^6\) Guideline VII (4)

\(^7\) Guideline VII (6)
(e) providing staff to enable the Assembly and committees to operate efficiently; and
(f) providing business support functions, including administering the entitlements of members who are not part of the Executive; and
(g) maintaining the Assembly precincts.

The office also has the function of providing public education about the functions of the Assembly and committees.

These functions reflect the typical array of work that had been undertaken by the Secretariat since its inception. However, the benefit of enshrining these functions in statute is obvious. By codifying the conventional remit that had essentially always applied to the agency, the Act provides the new office with added legitimacy, clear role delineation, and clarity of purpose. It will also, I believe, strengthen the identity of the organisation as being the preeminent source of advice and support to the legislative branch in the ACT. Another advantage of codification is that legislative, rather than administrative, change is required to remove or significantly alter the functions of the office, providing a bulwark against executive interference.

**SEPARATE APPROPRIATION**

A major advancement in providing for the effective separation of the legislative arm of the government from the executive arm is an amendment in the bill to the Financial Management Act 1996 which provides for “a separate appropriation act for an appropriation for the Office of the Legislative Assembly”.  
**Speaker Rattenbury’s presentation speech, 23 February 2012**

Provided for in consequential amendments to s20 of ACT Financial Management Act, the advent of a separate appropriation act for the Office of the Legislative Assembly is a milestone. It recognises that the budget appropriated by the Assembly for the purposes of conducting its own business is manifestly distinct from the larger appropriation which is typically geared towards the business of executive government. The separate appropriation allows the Assembly to debate its own funding as a discrete matter and provides an acute sense of the institutional separateness of the office. It also gives greater effect to the Latimer House guideline mentioned earlier concerning the parliament’s budget.

**ACCOUNTABILITY TO THE LEGISLATURE FOR FUNDING DECISIONS**

*The bill also provides a greater degree of transparency in the budget appropriation for the office. Where the amount that appears in the office’s appropriation bill is less than that sought by the Speaker on behalf of the Standing Committee on Administration and Procedure, the Financial Management Act as amended requires that the Treasurer present to the Assembly a statement of reasons for departing from the recommended appropriation.*

**Speaker Rattenbury’s presentation speech, 23 February 2012**

This new requirement addresses a number of concerns that have been expressed by current and former non-executive members about the lack of transparency in the decision making processes that applied in relation to the Assembly’s budget.

In years past, the Financial Management Act required that the Treasurer receive a draft budget from the Speaker after consultation with the Standing Committee on Administration and Procedure outlining the funding that was sought. However, the ultimate decision on the quantum of the legislature’s budget – the actual allocation – remained the preserve of cabinet. In the event that there was a lower amount appropriated
than that sought by the Assembly, there was no requirement for an explanation to be provided to the Assembly as to the basis for the departure. These changes are an attempt to introduce an additional measure of accountability and responsiveness so far as the executive’s funding commitment to the Assembly is concerned.

The amended Financial Management Act now provides that:

(1) This section applies if—

(a) the Treasurer presents a bill for an Appropriation Act for the appropriation for the Office of the Legislative Assembly relating to a financial year in the Legislative Assembly; and

(b) the appropriation is less than the recommended appropriation for the financial year.

(2) Immediately after presenting the bill, the Treasurer must present to the Legislative Assembly a statement of reasons for departing from the recommended appropriation.

This new requirement provides a degree of transparency in relation to the funding arrangements for the legislature. While a significant improvement on the previous arrangements, the provision does not fulfil the Latimer House guideline VII(6) that ‘An all-party committee of members of parliament should review and administer parliament’s budget which should not be subject to amendment by the executive’. To meet this guideline would require an amendment to the ACT’s primary constitutional document, the 

Australian Capital Territory (Self-Government) Act 1988 (Cwlth). Section 65 of that act provides a basis for the financial initiative of the Crown, requiring that:

(1) An enactment, vote or resolution (proposal) for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.

(2) Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated.8

Within these constraints, however, I believe that the requirement for an explanation opens up a new level of accountability of the executive to the legislature. Speaker Berry presented a paper at the 38th Presiding Officers and Clerk’s conference outlining some of his frustrations with the arrangements as they then existed. In that paper he noted that:

"Drawing on the fundamental separation of powers doctrine and the more explicit Latimer House Principles, I have advanced the view on behalf of the Assembly that it is up to the legislature to develop its own budget without any interference from the executive. Conversely, the executive government has maintained that the Assembly should be subject to the normal budget submission processes that apply to government agencies under the control of the executive, arguing that the development of business cases which are vetted by the Treasury and approved by the Cabinet will lead to improved efficiency outcomes and take into account the particular macroeconomic constraints and demands encountered by the government of the day. While there has been some move towards a more consultative approach, there is still no recognition that the Assembly is independent not only in terms of the unique and separate roles it performs in the democratic form of government but also in terms of how it makes decisions about how to best resource and acquit its responsibilities in this system."

8 http://www.austlii.edu.au/cgi-bin/download.cgi/cgi-bin/download.cgi/download/au/legis/cth/consol_act/acta1988482.txt
The new arrangements that apply with respect to the Financial Management Act go a long way to addressing Speaker Berry’s concerns within the constitutional constraints in which our form of government operates. It is interesting to note that during the debate on the OLA bill, the executive maintained its opposition to both the introduction of a separate appropriation for the Assembly and to the introduction of a requirement to provide an explanation where an appropriation fell short of the requested amount, and it sought to amend the bill to remove these provisions. However, the amendments were defeated with the opposition and crossbench opposing them.

APPOINTING, SUSPENDING OR REMOVING A CLERK

The bill establishes a robust, transparent and consultative process for appointing a Clerk of the Legislative Assembly as well as procedures for suspension, retirement or termination of appointment of a Clerk, which embody principles of procedural fairness not present in the existing provisions of the Public Sector Management Act.

Speaker Rattenbury’s presentation speech, 23 February 2012

Recognising the critical role that the clerk plays in providing impartial advice and support to members, considerable thought was given to the arrangements that should apply in relation to the appointment, suspension and dismissal of the clerk. The principles of natural justice and procedural fairness are at the heart of the relevant provisions which introduced a range of checks and balances to ensure that the person occupying the position is a suitable person.

APPOINTMENT

Clause 9 of the original bill required that the Speaker could only appoint a clerk on the advice of the administration and procedure committee and in consultation with the Chief Minister and the Leader of the Opposition. An amendment was subsequently introduced by the Leader of the ACT Greens to require that consultation also occur with ‘the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party’. These provisions are directed to ensuring that any person appointed to the office of clerk have the broad support, if not consensus, of the members to whom he or she will serve.

The Speaker must not appoint a person as clerk unless satisfied that the person has extensive knowledge of, and experience in, relevant parliamentary law, practice and procedure. It is slightly unusual to legislate selection criteria in this way but this provision, modelled on a similar provision in the Parliamentary Service Act 1999 (Cwlth), is designed to protect against the appointment of a person to the role who does not have the specific skills set and knowledge base to perform in the role effectively. This would guard against a scenario where, for instance, a majority government aided by a willing Speaker, sought to appoint a person from the wider public or private sectors for reasons other than merit.

SUSPENDING OR REMOVING THE CLERK

A range of checks and balances are introduced through the new act to guard against the hasty or improper suspension or dismissal of the Clerk. The new act recognises that the Clerk performs his or her roles and functions on behalf of the entire membership of the Assembly. The Act makes specific provision that the Speaker can seek advice in considering his or her decision to suspend the Clerk from the Commissioner for Public Administration, the Auditor-General or any other person that the Speaker considers appropriate (s13). It recognises a strong role for the administration and procedure committee in overseeing any effort to remove or
suspend the clerk and includes a range of measures to ensure that proper process is observed in this regard. For instance, the Speaker can only suspend the Clerk on the grounds of misbehaviour or physical or mental incapacity, if the incapacity substantially affects the exercise of the clerk’s functions (s 13). Where the Speaker makes a decision to suspend the Clerk he or she must:

- Provide a written statement of reasons for the suspension to the Clerk (s13);
- Provide the statement of reasons and notice of the suspension to each member of the Standing Committee on Administration and Procedure no later than the next business day following the suspension (s14);

Following this, the administration and procedure committee must meet within 3 business days after receiving the notice and then at subsequent intervals not exceeding 30 days (s14). The intention of these provisions is that the administration and procedure committee oversees the process for suspending the Clerk and members of the committee are taken to represent the interests of their respective party or other groupings within the Assembly. While the Speaker is able to act unilaterally in suspending the clerk he or she is not in a position to do this without providing notification and reasons. The act also introduces a clear process to end the appointment of the Clerk, which can only be done by the Speaker following a vote of the Assembly (s16).

Given its strong emphasis on natural justice and procedural fairness, the model that has been adopted in the OLA legislation could well have application for other statutory office holders such as the Auditor-General or commissioners of one type or another.

**PROCUREMENT**

_It is important that the office maintain appropriate procurement practices and seeks value for money when purchasing goods or services, and the bill makes it clear that the Procurement Act applies to the office except in relation to certain review functions that are typically exercisable by the Government Procurement Board and the relevant minister with respect to other territory entities._

_Speaker Rattenbury’s presentation speech, 23 February 2012_

Consequential amendments to the _Government Procurement Act 2001_ arising from the OLA Act, further entrench the separation of powers doctrine as it applies to the decisions about procurement activities undertaken by the new office on behalf of the Assembly. In particular, the Government Procurement Board, which is responsible for advising the government of the day about major government procurement, has a unique and circumscribed role in relation to the office. The amendments mean that the minister must not give directions to the board about the exercise of its functions in relation to the Office of the Legislative Assembly. Similarly, the board must not report, and nor may a minister ask for a report, in relation to the office (Sections 8-9). The minister is also unable to refer to the board any of the procurement activities undertaken by the office (this is a power that the minister is permitted with respect to government agencies). However, to ensure that there is sufficient administrative oversight of significant procurement activities undertaken by the office, the Speaker is able to refer a proposal or procurement activity to the board for review and advice (s22C).

**ANNUAL REPORTING**

_It is important that the office continues to maintain a high level of accountability and transparency in its use of taxpayer funds in acquiring its functions. To this end, the bill provides for annual reporting obligations of the office to account for the management of the office during the financial year._

_Speaker Rattenbury’s presentation speech, 23 February 2012_
In the ACT, annual reporting directions are issued each year by the Chief Minister in the form of a notifiable instrument (pursuant to the Annual Reports (Government Agencies) Act 2004) setting out the reporting requirements made of government agencies.

Traditionally, the Secretariat has complied with the majority of the directions as they applied to the standard range of accountability, corporate governance and accountability measures. However, it is also the case that the directions normally include a number of reporting requirements in relation to the implementation of government policy\(^9\). For obvious reasons, the Assembly Secretariat has never sought to address these requirements in its annual reports.

To provide additional clarity and to assert the broader principle of separation of powers, consequential amendments in the OLA Act explicitly provide that an annual report direction does not apply to the Office of the Legislative Assembly. Instead, a new broader range of requirements are introduced to ensure proper accountability arrangements persist but that these are made on the basis of the Annual Reports Act itself rather than any particular set of directions issued by the executive. The office is required to ‘include an account of the management of the office during the financial year’ (Section 6(2A).

**STAFF REMAIN IN THE WIDER PUBLIC SERVICE**

The bill recognises that there are benefits for the institution of the Assembly, the office and the wider ACT public service in maintaining a single public sector employment framework which allows mobility of staff between the office and other parts of the service. Staff of the office will remain employed under the Public Sector Management Act and be subject to the obligations of employees set out in section 9 of that act.

*Speaker Rattenbury’s presentation speech, 23 February 2012*

One of the great challenges we confronted in drafting this legislation was to enshrine the independence that the new organisation should enjoy without creating an entirely new public, or parliamentary, service for a 17-member legislature, employing only 45 staff. A conscious decision was taken not to proceed down the path taken by the Commonwealth Parliament which enacted the Parliamentary Service Act 1999 to create a standalone service. While appropriate for the much larger workforce that exists to support the Australian Senate and the House of Representatives; at the ACT level, a standalone service would have created an administrative island within the much larger sea of the ACT public sector (45 staff out of a service of approximately 20,000 employees). It was simply not viable to create such a small service with its own workplace relations environment, classification structure and employment arrangements. It would have also prevented mobility between the broader ACTPS and the office which has almost certain negative consequences in terms of minimising professional development opportunities for staff, reducing the organisation’s capacity to recruit directly from the wider service, and developing and maintaining an entirely separate set of governance and administrative arrangements in parallel with the existing service.

To avoid some of these problems office staff remain employed under the Public Sector Management Act 1994 but clear provisions to protect its independence and autonomy were introduced such as the autonomous instrumentality provisions which place OLA on the same footing as the Office of the Director of Public Prosecutions and the Auditor-General. While the Commissioner for Public Administration (the ACT equivalent of the Commonwealth’s Public Service Commissioner) is able to conduct investigations of the office, such investigations can only be initiated by the Speaker and subject to a number of conditions (S22A).

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\(^9\) For example the 2012 directions include reporting requirements in relation to the Government’s ‘Multicultural Strategy 2010-2013’, ‘Strategic Plan for Positive Ageing 2010-2014’ and the ‘Women’s Plan 2010-2013’
CONCLUSION

The passage of the Legislative Assembly (Office of the Legislative Assembly) Act 2012 is a milestone in the history of the ACT’s form of governance. It provides for a robust legislative and administrative framework for the legislature’s support agency and gives effect to the separation of powers doctrine within the constraints of the ACT’s constitutional system. It was encouraging to see universal support for the legislation from across the political spectrum and the confidence of all members that has been placed in the organisation. I will conclude with some remarks made by members in debating the bill and the statement about the new office included in the most recent budget papers.

These are important functions and we are grateful for the professional way in which the staff deliver these services to us. These functions are important not only in terms of ensuring that our capacity to represent the community and to govern the territory are maximised but also to ensure that the importance and independence of the Clerk and the Secretariat are rightfully observed.

Prior to this bill, that role had been recognised de facto. However, this bill provides statutory confirmation of the Clerk’s important role. In the framework of overall direction by the Speaker and other elected members of the Assembly, there is merit in formally charging the most senior unelected official of the legislature with the responsibility for ensuring that sound management practices are recommended to and observed in the Assembly.10

Chief Minister, Katy Gallagher MLA

Taken as a whole, this bill will clarify the administrative and legislative framework that applies to the support agency of the legislature and enshrine in law its independence from the executive; remove provisions in the Public Sector Management Act 1994 relating to the Clerk and the Secretariat and create a new Office of the Legislative Assembly; identify specific functions that the office is required to perform; state in clear language that the office and its staff are not subject to direction from the executive; introduce new arrangements for appointing, suspending and ending the appointment of the Clerk; place limits on the executive’s involvement in the affairs of the office in a number of areas, including procurement, annual reporting and the role of the Commissioner for Public Administration; and give the Clerk enhanced procedural fairness protection while at the same time preserving the prerogative of the legislature to make a determination relating to such matters. We have great respect for the role that the Clerk performs for all members and the staff who work for the Clerk. We will, therefore, be supporting this bill.11

The Leader of the Opposition, Zed Seselja MLA

It is appropriate that the Office of the Legislative Assembly is a separate statutory agency. Certainly, in the Westminster model there is a blurring of the executive and the legislature. However, that does not mean that there needs to be a blurring of the office of the parliament and the executive. They are separate functions. The Greens strongly support the aim of the bill to clearly separate the office of the Assembly and the rest of the executive.12

The Leader of the ACT Greens, Meredith Hunter MLA

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10 Legislative Assembly for the ACT: 2012 Week 2 Hansard (23 February), p 2344
11 Legislative Assembly for the ACT: 2012 Week 2 Hansard (23 February), p 2344
12 Legislative Assembly for the ACT: 2012 Week 2 Hansard (23 February), p 2347
From 1 July 2012, as a result of the *Legislative Assembly (Office of Legislative Assembly) Act 2012* (the Assembly Act), the Legislative Assembly Secretariat will be known as the Office of the Legislative Assembly (OLA). For reporting purposes, the 2012-13 Budget Papers reflect this new name.

Beyond the new naming conventions, the Assembly Act more clearly codifies the role, functions and independence of the OLA, giving effect to the separation of powers doctrine by clarifying the administrative and legislative framework of the OLA’s duties in support of the legislature, and to enshrine in law its independence from executive government.

The Assembly Act creates a new Section 8(3) of the FMA which directs that there must be a separate Appropriation Bill for the OLA. This provision recognises that the legislature must be responsible for the passage of legislation to fund the OLA’s operations in a separate, transparent appropriation that can be considered independently from the broader operations of executive government.

*Reader’s Guide to the Budget Papers (2012-2013 ACT Budget, presented 5 June 2012)*

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