

Statement of Compatibility with Human Rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Integrity and Accountability Legislation Amendment Bill 2019 Serial No. XX

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

1.1.1 Overview of the bill

This Bill amends the *Audit Act 1995*, the *Electoral Act 2004*, the *Independent Commissioner Against Corruption Act 2017* and the *Ombudsman Act 2009* in relation to the appointment of five statutory officer roles in the Northern Territory – the Auditor-General, Electoral Commissioner, the Independent Commissioner Against Corruption, the Independent Commissioner Against Corruption Inspector, and the Ombudsman (the ‘relevant statutory officers’).

The Bill supports the Northern Territory Government’s restoring trust agenda by creating clear, consistent and transparent laws regarding all aspects of the appointment of relevant statutory officers.

The key amendments of the Bill are set out below:

- Details the eligibility criteria for a person to be considered an eligible person for appointment as a relevant statutory officer.
- Creates uniformity in the term of appointment for relevant statutory officers to be five years with an option to renew for a further five years if the incumbent remains an eligible person for appointment.
- Outlines the process of appointment for relevant statutory officers – appointment of an eligible person by the Administrator on recommendation from the Legislative Assembly and requiring a copy of the appointment to be tabled in the Assembly within 6 sitting days.
- Confirms the conditions of office for each of the relevant statutory officers.
- Establishes a procedure for the suspension and termination of a relevant statutory officer.

1.1.2 Human rights implications

Right to take part in public affairs

Article 25(a) of the International Covenant on Civil and Political Rights (ICCPR) provides that every citizen shall have the ‘right and opportunity...without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives.’

CABINET-IN-CONFIDENCE

This Bill engages with Article 25(a) of the ICCPR as it promotes the rights of individuals who may wish to be considered for appointment to relevant statutory officer positions of independent statutory authorities in the Northern Territory. As such, the Bill contributes towards the realisation of the right to take part in public affairs.

The right to take part in public affairs is not an absolute right and so can be subject to a permissible limitation if the objective and limitation are rationally connected.

The Bill establishes eligibility criteria for the positions of relevant statutory officers, which could be a barrier to an individual becoming a potential appointee. However, these limitations are not unreasonable as the eligibility criteria ensure that potential appointees have the relevant qualifications and experience for the position and are able to perform the role of an independent statutory officer impartially, commensurate with the integrity and accountability required of the role.

1.1.3 Conclusion

This Bill is compatible with human rights as, where it does engage with rights and freedoms, there is not an unreasonable or disproportionate limit on rights. The Bill is for the overall policy objective of creating a transparent process for the appointment of statutory officers in the Northern Territory and to facilitate the Northern Territory Government's trust and integrity reform agenda.