

Legislative Council

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South Australia

Statutes Amendment (Ombudsman and Auditor-General) Bill 2023

A BILL FOR

An Act to amend the *Ombudsman Act 1972* and the *Public Finance and Audit Act 1987*.

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1 Transitional provisions

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Ombudsman and Auditor-General) Act 2023*.

Part 2—Amendment of *Ombudsman Act 1972*

2—Amendment of section 10—Term of office of the Ombudsman etc

(1) Section 10(1)—delete "a term expiring on the day on which he or she attains the age of 65 years" and substitute:

an initial term of 7 years

- (2) Section 10—after subsection (1) insert:
- (1a) A person appointed to be the Ombudsman is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms (including any term as Acting Ombudsman) that exceed 10 years in total.
- (3) Section 10(4)(b)—delete paragraph (b) and substitute:
- (b) completes a term of office and is not reappointed; or

Part 3—Amendment of *Public Finance and Audit Act 1987*

3—Amendment of section 24—Appointment of Auditor-General

- (1) Section 24(2)—after "Governor" insert:
- for an initial term of 7 years
- (2) Section 24—after subsection (2) insert:
- (2a) A person appointed to be the Auditor-General is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms (including any period acting in the office of Auditor-General) that exceed 10 years in total.
- (3) Section 24(4)—delete "Governor" and substitute:
- Remuneration Tribunal

4—Amendment of section 27—Vacation of office of Auditor-General

Section 27(c)—delete paragraph (c) and substitute:

- (c) completes a term of office and is not reappointed;

5—Insertion of section 42A

After section 42 insert:

42A—Review of Act

- (1) The Minister must cause a review of the operation of this Act to be undertaken, and a report on the review to be prepared and submitted to the Minister.
- (2) The review must be completed, and the report on the review submitted to the Minister, within 2 years of the commencement of this section.
- (3) The Minister must cause a copy of the report provided under this section to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

Schedule 1—Transitional provisions

1—Transitional provisions

- (1) The amendments to the *Ombudsman Act 1972* effected by Part 2 of this Act do not apply to the person holding office as Ombudsman on the commencement of this Act.
- (2) The amendments to the *Public Finance and Audit Act 1987* effected by Part 3 of this Act (other than section 5) do not apply to the person holding office as Auditor-General on the commencement of this Act.