

EXPLANATORY STATEMENT

Issued by authority of the Parliamentary Secretary to the Treasurer

Australian Bureau of Statistics Act 1975

Australian Bureau of Statistics - Termination of Acting Australian Statistician - Appointment 2018

The *Australian Bureau of Statistics Act 1975* (the Act) establishes, and provides for the functions of, the Australian Bureau of Statistics (the Bureau), the office of the Australian Statistician and the Australian Statistics Advisory Council.

Subsection 15(1) of the Act provides that the Governor-General may appoint a person to act in the office of the Australian Statistician during any period, or during all periods, when the person holding the office is absent from duty or from Australia, or is, for any reason, unable to perform the duties of his or her office or during a vacancy in that office. This power to appoint includes the power to repeal a previous appointment.

On 2 March 2018, Messrs Jonathan Palmer and Randall Brugeaud and Ms Luise McCulloch were appointed to act in the office of the Australian Statistician through the *Australian Bureau of Statistics – Australian Statistician – Appointment of Persons to Act in the Office of Australian Statistician – Appointment 2018* (the ‘appointment instrument’).

The appointment instrument was incorrectly registered as a legislative instrument. This means that it is a legislative instrument for the purposes of *the Legislation Act 2003* (as per subsections 8(3) and 8(7) of that Act), despite being exempt from being a legislative instrument under table item 8 in subsection 6(1) of the *Legislation (Exemptions and Other Matters) Regulation 2015* and subsection 8(6) of the *Legislation Act 2003*.

The ‘Australian Bureau of Statistics (Termination of Acting Australian Statistician) Appointment 2018’ (the Instrument) repeals the appointment instrument so that the acting arrangements for the Australian Statistician can be updated. The Instrument is a legislative instrument because it repeals another legislative instrument (as per paragraph 10(1)(d) of the *Legislation Act 2003*).

The new acting arrangements are to be provided through a separate instrument so that it can be correctly registered as an instrument that is exempt from being a legislative instrument. These updates are required to reflect the retirement of Mr Palmer and the commencement of Ms Teresa Dickinson as Deputy Australian Statistician of the Census and Data Services Group.

The Act does not specify any conditions that must be satisfied for the Instrument to be made.

The Instrument was not consulted on because it is of a minor or machinery nature.

The Instrument commences on the day after registration.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Legislative Instrument 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*.

Overview of the Legislative Instrument

This Legislative Instrument terminates the appointment Mr Randall Brugeaud, Ms Teresa Dickinson and Ms Luise McCulloch and to act alternately in the office of the Australian Statistician.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.