

1996  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

**Public Sector Management (Amendment)  
Bill (No. 2) 1996**

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**A BILL  
FOR  
An Act to amend the *Public Sector Management Act  
1994***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5     **1.** This Act may be cited as the *Public Sector Management (Amendment) Act (No. 2) 1996*.

**Commencement**

**2. (1)** Subject to subsection (2), this Act commences on the day on which it is notified in the *Gazette*.

**(2)** Section 8 shall be taken to have commenced on 1 July 1994.

### Principal Act

3. In this Act, "Principal Act" means the *Public Sector Management Act 1994*.<sup>1</sup>

### Interpretation

5 4. Section 3 of the Principal Act is amended by omitting paragraph (b) of the definition of "criminal offence" in subsection (1) and substituting the following paragraph:

"(b) an offence against—

(i) a law of a State or another Territory; or

10 (ii) a law of, or of a part of, a foreign country;

being an offence of a kind which, if committed in, or within the jurisdiction of, the Territory, would constitute an offence against a law of the Territory or the Commonwealth;"

### General obligations of public employees

15 5. Section 9 of the Principal Act is amended—

(a) by omitting "performing" and substituting "and in connection with the performance of"; and

(b) by adding at the end the following subsection:

"(2) A public employee shall not—

20 (a) engage in improper conduct as a public employee; or

(b) engage in improper conduct otherwise than as a public employee, being conduct that adversely affects the performance of his or her duties or brings the public sector, or any part of it, into disrepute."

### 25 Legal effect

6. Section 11 of the Principal Act is amended by inserting in subsection (2) "or subsection 9 (2)" after "(inclusive)".

### Engagement of certain former officers and employees prohibited

30 7. Section 114 of the Principal Act is amended—

(a) by omitting from paragraph (c) "and before the day fixed for the purposes of subsection 2 (2) of the *Public Sector Management (Amendment) Act 1995*"; and

(b) by adding at the end the following subsection:

“(2) A reference in paragraph (1) (c) to section 128 or 137 includes—

- 5 (a) a reference to that section as in force before the day fixed for the purposes of subsection 2 (2) of the *Public Sector Management (Amendment) Act 1995*; and
- (b) a reference to that section as continued in effect on and after that day by subsection 64 (1) or 65 (1) of that Act.”.

### **Reappointment of retired officers**

8. Section 117 of the Principal Act is amended—

- 10 (a) by omitting from paragraph (2) (a) “and before the day fixed for the purposes of subsection 2 (2) of the *Public Sector Management (Amendment) Act 1995*”; and
- (b) by adding at the end the following subsection:

15 “(7) A reference in paragraph (2) (a) to section 128 or 137 includes—

- (a) a reference to that section as in force before the day fixed for the purposes of subsection 2 (2) of the *Public Sector Management (Amendment) Act 1995*; and
- 20 (b) a reference to that section as continued in effect on and after that day by subsection 64 (1) or 65 (1) of that Act.”.

### **Interpretation**

9. Section 223 of the Principal Act is amended by omitting “specified in Schedule 2” from paragraph (b) of the definition of “employee”.

### **Management standards**

25 10. Section 251 of the Principal Act is amended by adding at the end the following subsections:

“(7) An approval by the Chief Minister under subsection (1) may be given in respect of all management standards to be made for a specified purpose.

30 “(8) An approval of the kind referred to in subsection (7) may be given subject to conditions to be complied with by the Commissioner in making management standards to which the approval relates.”.

**NOTE**

**Principal Act**

1. Reprinted as at 1 January 1996. See also Acts Nos. 24, 26, 33 and 39, 1996.

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