

2021

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Industrial Relations and Workplace Safety)

# Financial Management Amendment Bill 2021 (No 2)

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## A Bill for

An Act to amend the *Financial Management Act 1996*

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

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J2021-1278

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

- 1 **1 Name of Act**
- 2 This Act is the *Financial Management Amendment Act 2021 (No 2)*.
- 3 **2 Commencement**
- 4 This Act commences on a day fixed by the Minister by written notice.
- 5 *Note 1* The naming and commencement provisions automatically commence on  
6 the notification day (see [Legislation Act](#), s 75 (1)).
- 7 *Note 2* A single day or time may be fixed, or different days or times may be  
8 fixed, for the commencement of different provisions (see [Legislation Act](#),  
9 s 77 (1)).
- 10 *Note 3* If a provision has not commenced within 6 months beginning on the  
11 notification day, it automatically commences on the first day after that  
12 period (see [Legislation Act](#), s 79).
- 13 **3 Legislation amended**
- 14 This Act amends the *Financial Management Act 1996*.
- 15 **4 New part 9A**
- 16 *insert*

## 17 **Part 9A Insourcing framework**

### 18 **126 Meaning of *public sector entity*—pt 9A**

19 (1) In this part:

20 *public sector entity* means any of the following:

- 21 (a) a directorate;
- 22 (b) a body established under an Act;

- 1 (c) an officer of the Assembly;
- 2 (d) the Office of the Legislative Assembly;
- 3 (e) an entity prescribed by regulation.
- 4 (2) However, a *public sector entity* does not include—
- 5 (a) a territory-owned corporation; or
- 6 (b) a subsidiary of a territory-owned corporation; or
- 7 (c) an entity prescribed by regulation.

8 **127 Responsible chief executive officer to ensure compliance**  
9 **with this part**

- 10 (1) The responsible chief executive officer for a public sector entity must  
11 ensure that the entity complies with this part.
- 12 (2) In this section:
- 13 *responsible chief executive officer* means—
- 14 (a) for a directorate—the responsible director-general; and
- 15 (b) for a body established under an Act—the person responsible for  
16 managing the affairs of the body; and
- 17 (c) for an officer of the Assembly—the officer; and
- 18 (d) for the Office of the Legislative Assembly—the clerk of the  
19 Legislative Assembly; and
- 20 (e) for an entity prescribed by regulation—the person responsible  
21 for managing the affairs of the entity.

1 **128 Insourcing framework**

- 2 (1) The Chief Minister must determine a framework (the *insourcing*  
3 *framework*) for evaluating whether services or works required by a  
4 public sector entity should be provided by the public sector or an  
5 external provider.
- 6 (2) For section 129 (1) (b), the insourcing framework may provide for  
7 how the likely cost of services or works is worked out.
- 8 (3) A determination is a notifiable instrument.

9 **129 Insourcing evaluation for services or works**

- 10 (1) This section applies if—
- 11 (a) a public sector entity requires services or works; and
- 12 (b) if a regulation prescribes an amount for this paragraph—the  
13 likely cost of the services or works is equal to or greater than the  
14 amount.
- 15 (2) However, this section does not apply to services or works provided  
16 by the Commonwealth or a State, or an entity of the Commonwealth  
17 or a State.
- 18 *Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
- 19 (3) The public sector entity must evaluate whether the required services  
20 or works should be provided by the public sector or an external  
21 provider in accordance with the insourcing framework.
- 22 (4) In this section:
- 23 *insourcing framework*—see section 128 (1).

1 **129A Chief Minister may give directions**

2 (1) The Chief Minister may give a direction to a public sector entity in  
3 relation to—

4 (a) the entity's obligations under section 129; and

5 (b) any other matter for this part.

6 (2) A direction is a notifiable instrument.

7 **5 Dictionary, new definition of *public sector entity***

8 *insert*

9 *public sector entity*, for part 9A (Insourcing framework)—see  
10 section 126.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 1 December 2021.

**2 Notification**

Notified under the [Legislation Act](#) on 2021.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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