

2025

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Thomas Emerson)

# Public Sector (Closing the Gap) Legislation Amendment Bill 2025

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## A Bill for

An Act to amend the *Annual Reports (Government Agencies) Act 2004* and the  
*Public Sector Management Act 1994*

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Public Sector (Closing the Gap) Legislation*  
4 *Amendment Act 2025*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the *Annual Reports (Government Agencies)*  
11 *Act 2004* and the *Public Sector Management Act 1994*.

## Part 2 Annual Reports (Government Agencies) Act 2004

### 4 New section 7E

*insert*

#### 7E Reporting on implementation of National Agreement on Closing the Gap

- (1) An annual report must include information about the measures taken by the reporting entity to implement the National Agreement on Closing the Gap.
- (2) Without limiting subsection (1), a director-general annual report must also include information about the measures taken by the administrative unit—
  - (a) to implement the priority reforms mentioned in chapter 6 of the National Agreement on Closing the Gap; and
  - (b) in response to the recommendations (however described) included in the most recent review undertaken by the productivity commission under the National Agreement on Closing the Gap, clauses 121 to 124; and
  - (c) in response to the recommendations (however described) included in the most recent Aboriginal and Torres Strait Islander led review undertaken under the National Agreement on Closing the Gap, clauses 125 to 128.
- (3) The information mentioned in subsections (1) and (2) must be included in the annual report in the form agreed to by—
  - (a) the Minister and
  - (b) the Aboriginal and Torres Strait Islander Elected Body established under the *Aboriginal and Torres Strait Islander Elected Body Act 2008*, section 7.

1           (4) In this section:

2                 ***National Agreement on Closing the Gap***—

3                 (a) means the National Agreement on Closing the Gap between the  
4                     ACT, the Commonwealth, States, the Australian Local  
5                     Government Association and the Coalition of Aboriginal and  
6                     Torres Strait Islander Peak Organisations that took effect on  
7                     27 July 2020, as in force from time to time; and

8                 Note     **State** includes the Northern Territory (see [Legislation Act](#), dict,  
9                     pt 1).

10               (b) includes any future agreement mentioned in clause 13 of the  
11                   agreement.

12               Note     The National Agreement on Closing the Gap is available at  
13                   [www.closingthegap.gov.au](http://www.closingthegap.gov.au).

## Part 3 Public Sector Management Act 1994

### 5 Meaning of *public sector principles* New section 8 (1) (c)

*insert*

(c) the closing the gap principle.

### 6 Section 8 (2)

*substitute*

(2) A public servant must do the public servant's job in accordance with—

(a) the best practice principle; and

(b) the closing the gap principle.

### 7 Section 8 (4), new definitions

*insert*

***Aboriginal and Torres Strait Islander cultural capability*** means the extent to which knowledge about the experiences and aspirations of Aboriginal and Torres Strait Islander peoples is integrated into the way the public sector works, including policies, practices and attitudes, to improve outcomes for Aboriginal and Torres Strait Islander peoples.

***closing the gap principle***—a public servant does the public servant's job in accordance with the ***closing the gap principle*** if the public servant—

(a) demonstrates Aboriginal and Torres Strait Islander cultural capability; and

- 1 (b) works to develop the Aboriginal and Torres Strait Islander  
2 cultural capability of the administrative unit in which the public  
3 servant is employed; and
- 4 (c) implements the principles of the National Agreement on Closing  
5 the Gap, to the extent they relate to the public servant's job and  
6 the administrative unit in which the public servant is employed;  
7 and
- 8 (d) promotes cultural safety (within the meaning of the National  
9 Agreement on Closing the Gap) for Aboriginal and Torres Strait  
10 Islander peoples; and
- 11 (e) works to eliminate institutional racism in the administrative unit  
12 in which the public servant is employed.

13 ***National Agreement on Closing the Gap—***

- 14 (a) means the National Agreement on Closing the Gap between the  
15 ACT, the Commonwealth, States, the Australian Local  
16 Government Association and the Coalition of Aboriginal and  
17 Torres Strait Islander Peak Organisations that took effect on  
18 27 July 2020, as in force from time to time; and

19 *Note* **State** includes the Northern Territory (see [Legislation Act](#), dict,  
20 pt 1).

- 21 (b) includes any future agreement mentioned in clause 13 of the  
22 agreement.

23 *Note* The National Agreement on Closing the Gap is available at  
24 [www.closingthegap.gov.au](http://www.closingthegap.gov.au).



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 June 2025.

**2 Notification**

Notified under the [Legislation Act](#) on 2025.

**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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