

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE  
ASSEMBLY**

**PUBLIC SECTOR MANAGEMENT (AMENDMENT)  
BILL 1996**

**EXPLANATORY MEMORANDUM**

**Circulated by the authority of  
Kate Carnell MLA  
Chief Minister and Treasurer**



## ACT GOVERNMENT

### PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1996

#### OUTLINE

This Bill complements the *Auditor-General Bill 1996* by amending the *Public Sector Management Act 1994* to ensure the strict independence of the Auditor-General's office. The amendments place the Auditor-General's office in the same position as the Office of the Director of Public Prosecutions.

#### DETAILS OF THE BILL

##### Short title, Commencement and Principal Act

Clauses 1, 2 & 3      Clauses 1 and 2 are formal requirements. They refer to the short title of the Bill and to the commencement of the Bill, which is to be the day the Financial Management Bill commences. Clause 3 provides a formal definition of the Act to be amended, the *Public Sector Management Act 1994*.

##### Interpretation

Clause 4      This clause amends section 3 of the *Public Sector Management Act 1994* to define 'autonomous instrumentality' and include the Auditor-General's office within that definition.

##### Substitution

Clause 5      This clause repeals and replaces section 37 of the *Public Sector Management Act 1994* as a consequence of the amended definition of autonomous instrumentality in clause 4.

Under the new provision, the chief executive of an autonomous instrumentality may delegate all of the officer's powers under the *Public Sector Management Act 1994* to a member of the staff of the autonomous instrumentality.

**Development of programs in autonomous instrumentalities**

Clause 6                      This is a formal amendment of section 43 of the *Public Sector Management Act 1994* which flows from the definition of autonomous instrumentality in clause 4.

**Creation and abolition of offices**

Clause 7                      This clause amends section 54A of the *Public Sector Management Act 1994*. The amendment flows from the definition of autonomous instrumentality in clause 4.

Under the amended provision, the chief executive of the autonomous instrumentality may create or abolish offices of the authority.

**Reclassification of offices in autonomous instrumentalities**

Clause 8                      This clause amends section 59 of the *Public Sector Management Act 1994*. The amendment flows from the definition of autonomous instrumentality in clause 4.

Under the amended provision, the Commissioner does not have the power to direct the chief executive of an autonomous authority to alter the classification of an office.

**Substitution**

Clause 9                      This clause repeals and replaces section 64 of the *Public Sector Management Act 1994* as a consequence of the amended definition of autonomous instrumentality in clause 4.

Under the new provision, the chief executive, rather than the Commissioner, has certain employment powers set out in Part V of the *Public Sector Management Act 1994*.