

**2016**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2016  
GOVERNMENT AMENDMENTS**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
Mr Andrew Barr MLA**

## **PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2016**

### **Supplementary Explanatory Statement**

This explanatory statement relates to two amendments to the Public Sector Management Amendment Bill 2016 as introduced in the Legislative Assembly.

### **Overview of Amendment**

These amendment takes into account specific issues relating to the freedom of political expression arising from limitations imposed by clause 9(2)(a) of the Bill. The amendment reflects concerns raised by the Justice and Community Safety Standing Committee and the Human Rights Commission.

### **Amendment 1 (Clause 6 Page 5, line 19—);**

Amendment 1 relates to changes to the Bill previously circulated in respect of the proscribed conduct of a public servant.

The bill previously circulated provided that a public servant must not – *engage in conduct that causes damage to the reputation of the service or the Executive.*

Amendment 1 removes reference to the reputation of the Executive and instead sets out that a public servant must not - *behave in a way that is inconsistent with the public sector values or undermines the integrity and good reputation of the service.*

### **Amendments 2 and 3 (Clause 6 Page 6, line 19- ) and (Clause 6 Page 6, line 22-);**

Amendments 2 and 3 relate to the misconduct reporting obligations of public servants.

The bill previously circulated provided that - a public servant (a discloser) must report any maladministration or misconduct to the head of service.

Further consultation since the introduction of the Bill has identified concerns as to potential unintended consequences stemming from the use of the broad term “misconduct”.

This amendment is minor and technical in nature.

Amendments 2 and 3 replace the term “misconduct” with “fraudulent and corrupt conduct”.

### **Amendments 4, 5, and 6 (Clause 54 Page 64, line 14), (Clause 54 Page 65, line 2) and (Clause 65 Page 82, line 18);**

Amendments 4 and 5 relate to the appointment provisions for the Public Sector Standards Commissioner. Anomalies in Federal legislation and associated regulations, brought to the attention of the government since the Bill was introduced, have necessitated the changes which now provide for the function to be exercised via a memorandum of understanding as opposed to a direct appointment.

Amendment 6 provides a transitional arrangement for the current Commissioner for Public Administration to continue to perform the role until an MOU can be finalised.