EXPLANATORY STATEMENT

PUBLIC SECTOR MANAGEMENT AMENDMENT STANDARDS 2003
DISALLOWABLE INSTRUMENT No 2003-167

Public Sector Management Act 1994

Legislative Context

The *Public Sector Management Act 1994* (the Act) regulates the management of the public sector and, in particular, section 251 of the Act empowers the Commissioner, with the approval in advance of the Chief Minister, to make Public Sector Management Standards (the Standards) for the purposes of the Act.

Outline

The Act sets out values and principles to guide public administration. These values and principles underpin a Code of Ethics in section 9 of the Act. The Code of Ethics details the obligations which apply to all staff of the ACT Public Service. The Management Standards supplement the ethical obligations set out in the Act.

Under the Code of Ethics, staff must not make improper use of property of the Territory. These amendments relate to the Standard dealing with ethics in the ACT Public Service, in particular the personal use of IT resources. The first amendment to Standard 1 Part 5 (Rule 3) sets in place an obligation on employees to not use IT resources to publish or communicate inappropriate material, including material which could be considered defamatory.

The second amendment to Standard 1 Part 2 (Rule 4) clarifies that the provisions relating to the approval of other remunerative employment under section 35 of the Act only apply to Chief Executives not Executives. A new provision is also included in Standard 1 Part 2 (Rule 4) to set out that Executives are covered by section 244 of the Act by virtue of provisions in Executive contracts made under the Act. Section 244 of the Act sets out the requirement to seek the Chief Executive's approval to any other employment.

The other amendments to Standard 1 Part 2 (Rules 2 and 4) and Standard 1 Part 5 (Rules 2, 3, 4 and 5) are minor and technical. This includes removing outdated references, technical changes for consistency and correcting grammatical errors.

Financial Impact

Nil.