



Australian Capital Territory

Public Sector (Closing the Gap) Legislation Amendment Act 2025

A2025-34

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Public Sector (Closing the Gap) Legislation Amendment Act 2025

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

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

Part 1 Preliminary

1 Name of Act

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

2 Commencement

This Act commences on 1 July 2026.

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

3 Legislation amended

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

Part 2 Annual Reports (Government Agencies) Act 2004

4 State of the service report New section 5 (2) (aa)

insert

- (aa) a statement describing the measures taken within the public sector to assist SES members and statutory office-holders to do their jobs in accordance with the closing the gap principle; and

Note See the [Public Sector Management Act 1994](#), s 8 (3A) and s 151 (1A).

5 New section 5 (4)

insert

- (4) In this section:

closing the gap principle—see the [Public Sector Management Act 1994](#), section 8 (4).

SES member—see the [Public Sector Management Act 1994](#), dictionary.

6 Director-general annual report Section 6 (2)

substitute

- (2) The report must include—
- (a) a statement describing the measures taken by the administrative unit during the reporting year to respect, protect and promote human rights; and

- (b) a statement describing the measures taken by the administrative unit during the reporting year to implement the National Agreement on Closing the Gap, including measures taken—
 - (i) to implement the priority reforms (however described) mentioned in the agreement; and
 - (ii) in response to any recommendations (however described) in any review of progress under the agreement.

7 Public sector body annual report

New section 7 (2A)

insert

- (2A) The report must include a statement describing the measures taken by the public sector body during the reporting year to implement the National Agreement on Closing the Gap, including measures taken—
 - (a) to implement the priority reforms (however described) mentioned in the agreement; and
 - (b) in response to any recommendations (however described) in any review of progress under the agreement.

8 Annual report direction

Section 8 (3) (h)

substitute

- (h) for a territory entity annual report—the report to include 1 or both of the following statements:
 - (i) a statement describing the measures taken by the territory entity during the reporting year to respect, protect and promote human rights;
 - (ii) a statement describing the measures taken by the territory entity during the reporting year to implement the National Agreement on Closing the Gap.

9 Section 8 (5)*substitute*

- (5) The Minister must present to the Legislative Assembly, not later than 6 sitting days after the day an annual report direction is notified under the [Legislation Act](#), copies of each of the following:
- (a) the direction;
 - (b) if the elected body made a recommendation to the Minister about the proposed annual report direction under section 9 (1B)—the recommendation and the Minister’s response.

**10 Consultation about annual report direction
New section 9 (1A) and (1B)***before subsection (1), insert*

- (1A) Before making an annual report direction under section 8, the Minister must undertake consultation in accordance with this section.
- (1B) The Minister must—
- (a) give the elected body a copy of the proposed annual report direction; and
 - (b) ask the elected body, in writing, for any recommendation about the proposed annual report direction for matters relating to Aboriginal and Torres Strait Islander peoples; and
 - (c) if the elected body makes a recommendation in writing to the Minister—
 - (i) consider the recommendation; and
 - (ii) respond in writing to the elected body about the recommendation, including any revision of the proposed annual report direction because of the recommendation.

11 Section 9 (1)

omit

Before making an annual report direction under section 8,

substitute

After responding to the elected body's recommendation, or if the elected body has not made a recommendation to the Minister within 30 days of being asked,

12 New section 9 (1) (aa)

insert

- (aa) if the elected body made a recommendation to the Minister—
give the committee a copy of the recommendation and the Minister's response; and

13 Section 9 (3), new definition of *elected body*

insert

elected body means the Aboriginal and Torres Strait Islander Elected Body established under the [Aboriginal and Torres Strait Islander Elected Body Act 2008](#), section 7.

14 Dictionary, new definition of *National Agreement on Closing the Gap*

insert

National Agreement on Closing the Gap—

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

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

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

Note The National Agreement on Closing the Gap is available at www.closingthegap.gov.au.

Part 3 Public Sector Management Act 1994

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

insert

(c) the closing the gap principle.

16 **New section 8 (3A) and (3B)**

insert

(3A) An SES member must do their job in accordance with the closing the gap principle.

(3B) Subsection (3A) does not—

(a) affect the operation of any other Act; or

(b) create or affect any other legal right.

Note Failing to act in a way that is consistent with s (3A) may be misconduct (see s 9 (1) (c) (i) and (3)).

17 **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—an SES member does their job in accordance with the ***closing the gap principle*** if—

- (a) for provisions of the National Agreement on Closing the Gap that relate to transformation or governance of government agencies—the SES member implements those provisions of the agreement, including by—
 - (i) continually developing and demonstrating their Aboriginal and Torres Strait Islander cultural capability; and
 - (ii) continually developing the Aboriginal and Torres Strait Islander cultural capability of their administrative unit and, for the head of service, of the service; and
 - (iii) promoting cultural safety for Aboriginal and Torres Strait Islander peoples; and
 - (iv) working to eliminate institutional racism in relation to Aboriginal and Torres Strait Islander peoples; and
- (b) for other provisions of the National Agreement on Closing the Gap that relate to the SES member’s job—the SES member—
 - (i) implements those provisions of the agreement; or
 - (ii) provides advice to the Minister responsible for the SES member’s administrative unit about implementing those provisions of the agreement.

cultural safety—see the National Agreement on Closing the Gap, part 12 (Definitions).

institutional racism, in relation to Aboriginal and Torres Strait Islander peoples, means the inequitable treatment and outcomes experienced by Aboriginal and Torres Strait Islander peoples as a result of an entity’s policies, practices and culture.

National Agreement on Closing the Gap—

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

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

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

Note The National Agreement on Closing the Gap is available at www.closingthegap.gov.au.

**18 Public sector standards for public sector member etc
New section 151 (1A)**

insert

- (1A) Section 8 (3A) applies to a statutory office-holder as if they were an SES member.

19 New section 253

insert

253 Review of amendments made by Public Sector (Closing the Gap) Legislation Amendment Act 2025

- (1) The Minister must review the operation of amendments made by the *Public Sector (Closing the Gap) Legislation Amendment Act 2025* as soon as practicable after 1 January 2028.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the review is started.
- (3) This section expires on 30 June 2029.

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 15 December 2025.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Public Sector (Closing the Gap) Legislation Amendment Bill 2025, which was passed by the Legislative Assembly on 2 December 2025.

Clerk of the Legislative Assembly

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