

2005

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

PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2005 (No 2)

EXPLANATORY STATEMENT

**Circulated by authority of
Wayne Berry MLA**

Overview of Bill

Public Sector Management Amendment Bill 2005 (the Bill) makes a number of amendments to the *Public Sector Management Act* (the Act) to formally recognise the Legislative Assembly secretariat, improve administrative efficiency in the process for appointment of an acting clerk who is not the deputy clerk and relocate a number of powers currently vested with the Executive in the Speaker. The Bill also amends the Act to require the Public Service Commissioner to seek the approval of the Speaker to conduct a review of the secretariat and widens the scope of interests that the clerk is required to disclose and sets out the timing and regularity in relation to such disclosures.

Financial Implications

The Bill does not contain any financial implications.

Details of the Bill

Amendments 1, 2 and 3 are formal requirements that respectively refer to the name of the Act, the commencement provisions and declare that it is the *Public Sector Management Act* that is being amended.

Amendment 4 provides for the new definitions of the clerk, Legislative Assembly secretariat and secretariat respectively.

Amendment 5 introduces a requirement for the Public Service Commissioner to seek the approval of the Speaker of the Legislative Assembly before a review may be conducted in relation to the secretariat.

Amendment 6 amends the heading of division 3.8 to include a reference to the secretariat.

Amendment 7 includes a definition for the secretariat.

Amendment 8 amends the appointment process in relation to the clerk, removing the power to appoint the clerk from the Executive and instead locating it with the speaker on the advice of the appropriate standing committee, in consultation with the Leader of the Opposition and the Executive and in accordance with merit principles.

Amendment 9 broadens the scope of the interests that the clerk is required to disclose to include 'personal and financial' interests and sets out the timing and regularity in which disclosures shall be made.

Amendment 10 removes the power of the Executive to suspend or end the appointment of the clerk and confers these powers on the Speaker.

Amendment 11 removes the power of the Executive to retire the clerk and instead vests this power with the Speaker.

Amendment 12 provides that the Speaker is able to appoint a member of the secretariat staff, not being the deputy clerk, to act as the clerk where the deputy clerk is absent and defines formally the Legislative Assembly secretariat as consisting of the clerk and staff under section 54.