

**House of Representatives**  
**Supplementary Order Paper**

**Tuesday, 17 September 2013**

**Statutes Amendment Bill**

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*Proposed amendments*

Hon Dr Jonathan Coleman, in Committee, to move the following amendments:

*New Part 23A*

After *clause 133* (after line 30 on page 40), insert:

**Part 23A**  
**State Sector Act 1988**

**133A Principal Act**

**This Part** amends the State Sector Act 1988 (the **principal Act**).

**133B Section 41 amended (Delegation of functions or powers)**

Replace section 41(4A) with:

“(4A) Where a written document is used to inform a person of an action taken by a delegate described in subsection (2A), the document must—

- “(a) state that the action was taken by a delegate outside the Public Service; and
  - “(b) give the delegate’s name and office; and
  - “(c) state that a copy of the instrument of delegation may be inspected at the chief executive’s office.”
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### Explanatory note

This Supplementary Order Paper inserts a *new Part 23A* in the Statutes Amendment Bill. *New Part 23A* replaces section 41(4A) of the State Sector Act 1988. Section 41(4A) currently requires any written notification in relation to actions taken by delegates of Public Service chief executives to provide details of the delegation.

Section 41(4A) was inserted into a Bill amending the State Sector Act 1988 in May 2013 in response to a submission to a select committee that “third parties should be entitled to know that a decision is being made by a contractor or a person outside the [Public Service] under delegation, as the normal expectation is that decisions will be made either by the person or body on whom the power of decision is conferred or a member of the Public Service under delegation”.

The policy intention of section 41(4A) was to require notification of delegation details only in relation to delegates outside the Public Service. However, section 41(4A) could be interpreted to require notification also in relation to delegates within the Public Service. Such an interpretation is unintended and would be administratively expensive and resource-intensive with no gain to the public.

This Supplementary Order Paper therefore replaces section 41(4A) to clarify that notification of delegation details is required only in relation to delegates outside the Public Service. The notification must—

- state that the action was taken by a delegate outside the Public Service; and
- give the delegate’s name and office; and
- state that a copy of the instrument of delegation may be inspected at the delegating Public Service chief executive’s office.

### Departmental disclosure statement

The State Services Commission considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

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