



THOMAS EMERSON MLA

Ms Chiaka Barry MLA
Chair
Standing Committee on Legal Affairs (Legislative Scrutiny Role)
ACT Legislative Assembly

By email: Scrutiny@parliament.act.gov.au

Dear Ms Barry

I write in response to comments made by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) in Scrutiny Report 8 about the Public Sector (Closing the Gap) Legislation Amendment Bill 2025 (the Bill).

The Committee requested that the explanatory statement to the Bill be amended to address the possible limitation on the right to work. The revised explanatory statement expanding the human rights analysis is at **Attachment A** and a summary of the update is below.

In the Scrutiny Report, the Committee noted that the Bill may limit the right to work because it imposes additional obligations on the work of a public servant. The Committee requested the explanatory statement be revised to address the possible limitation on the right to work and explain why it is not limited, or, alternatively, to explain why the limitation should be considered reasonable and proportionate using the framework set out in section 28 of the *Human Rights Act 2004*.

The latter has now been included in the revised explanatory statement, which outlines the nature of the right to work and the limitation on that right, the legitimate purpose of the limitation, the rational connection between the limitation and the purpose, and the proportionality of the limitation. It ultimately sets out that the new obligations imposed on public servants through introduction of the 'closing the gap principle' in the *Public Sector Management Act 1994* are reasonable and proportionate when considered in the context of the benefits that will be achieved and the human rights that will be promoted through the Bill.

I appreciate the Committee's consideration of how the explanatory statement can be improved to better support the community's understanding of the legislation and to uphold transparency in the legislative process. I trust this response addresses the Committee's comments.

Warm regards

A handwritten signature in black ink, appearing to be 'TE' with a stylized flourish.

Thomas Emerson MLA
Independent Member for Kurrajong

9 September 2025