



STANDING COMMITTEE ON PUBLIC ACCOUNTS

Elizabeth Kikkert MLA (Chair), Michael Pettersson MLA (Deputy Chair),
Andrew Braddock MLA

Inquiry into Financial Management Amendment Bill 2021 (No 2)
QUESTION TAKEN ON NOTICE

ANDREW BRADDOCK MLA: To ask the Minister for Industrial Relations and Workplace Safety

[Ref: Subject matter]

In relation to:

MR BRADDOCK: Thank you. The second thing is, can you please justify to me why it is proposed to be a notifiable instrument and not a disallowable instrument?

Mr Gentleman: Yes. So we have certainly looked at the difference between DIs and NIs in this. We want to make sure that we can deliver what we have promised in the election campaign and the PAGA in a timely manner. And it goes to that law. So I will take that bit on notice and come back to you on that.

The answer to the Member's question is as follows:

The Government is committed to ensuring that the Insourcing Framework is responsive to feedback from Directorates and Public Sector Agencies and can be updated as quickly as possible to assist Directorates and Public Sector Agencies to be able to comply with Insourcing Framework. This is particularly true of the first few years of operation where different and unanticipated types of proposed outsourcing of works and services may need to be considered by the Insourcing Framework in a timely fashion.

Whilst a Disallowable Instrument would provide some capacity for building a responsive Insourcing Framework, the greatest level of flexibility and responsivity will be achieved through the use of a Notifiable Instrument.

Notifiable Instruments may be made under the *Financial Management Act 1996* (FM Act) that apply to the Office of the Legislative Assembly, the Clerk of the Legislative Assembly and officers of the Legislative Assembly.

Section 4 of the FM Act provides that in parts 2 through to parts 5 of the FM Act, unless expressly stated otherwise, a reference to a directorate is a reference to the Office of the Legislative Assembly or the officer of the Legislative Assembly.

By way of example, section 19D of the FM Act (which is in part 2 of the Act) applies to performance criteria set out in a statement in a proposed budget for a financial year for a directorate (as defined in Part 2 of the FM Act, which includes the Office of the Legislative Assembly). Section 19D notes that the performance criteria can be amended by the Minister responsible for the territory entity (which, for the purposes of the

Office of the Legislative Assembly, is the Speaker) and the Treasurer. Section 19D also notes that such an amendment is a notifiable instrument.

Approved for circulation to the Standing Committee on Public Accounts

Signature: 

Date: 27/21/2022

By the Minister for Industrial Relations and Workplace Safety, Mick Gentleman MLA