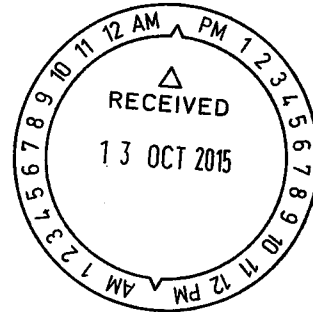




Our ref: C1503252  
Your ref: BGC



7 October 2015

Hon Robyn McSweeney MLC  
Chair  
Standing Committee on Legislation  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Ms McSweeney

**INQUIRY INTO BELL GROUP COMPANIES (FINALISATION OF MATTERS AND DISTRIBUTION OF PROCEEDS) BILL 2015**

Thank you for your 23 September 2015 letter, inviting my comment on the above Bill having regard in particular to the provisions which propose to place the WA Bell Companies Administrator Authority and the office of Administrator outside of the Public Sector for the purposes of the *Public Sector Management Act 1994* (PSMA).

On the Public Sector Commission's understanding of the Bill the above intention is given effect by specifying that neither is an "organisation" under the PSMA, thereby ensuring that they do not fall within the definition of "Public Sector" set out in section 3 of that Act. The alternative approach to achieve the desired outcome would seem to have been to list the Authority as an entity under Schedule 1 of the PSMA.

The consequence is taken to be that none of the provisions of the PSMA, including exercise of the Commissioner's powers relevant to application of public sector standards, codes of ethics and conduct, Commissioner's instructions generally and powers of review, inquiry and investigation will extend to the new organisation. However, powers vested in the Commissioner under other separate legislation, such as the *Corruption, Crime and Misconduct Act 2003* and the *Public Interest Disclosures Act 2003* would not appear to be affected, although formal legal advice may be required to confirm this.

The outcome in so far as the PSMA coverage is concerned is a policy matter purely for Government determination and as such I do not consider it an appropriate area for me to make comment.

I would be pleased to assist further, should the Committee seek this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M C Wauchope', with a stylized, cursive script.

M C Wauchope  
PUBLIC SECTOR COMMISSIONER