

Relevant Legislation

Public Service Act 1999 (PS Act)

The PS Act provides that Agency Heads and APS Employees are bound by the Code of Conduct in accordance with section 13 of the PS Act. In relation to statutory office holders, section 14(2) and 14(2A) of the PS Act states, among other things, the following:

- (2) *Statutory office holders are bound by the Code of Conduct, subject to any regulations made under subsection (2A).*
- (2A) *The regulations may make provision in relation to the extent to which statutory office holders are bound by the Code of Conduct.'*

Public Service Regulations 1999 (PS Regulations)

The relevant extracts of the PS Regulation are as follows:

- (2) *For the definition of **statutory office holder** in subsection 14(3) of the Act, an appointment is prescribed if:*

...

- (b) *the appointee is assisted by, or has dealings with, APS employees in a supervisory capacity or another capacity related to the appointee's day to day working relationship with APS employees; and*

...

- (3) *For subsection 14(2A) of the Act:*

- (a) *a statutory office holder is bound by the Code of Conduct only to the extent to which the statutory office holder:*
- (i) *is assisted by APS employees in a supervisory capacity or another capacity related to the statutory office holder's day to day working relationship with APS employees; or*
- (ii) *deals with APS employees in a supervisory capacity, or in another capacity related to the statutory office holder's day to day working relationship with APS employees; and*

...

Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)

The CATSI Act provides some provisions relating to the conduct of the Registrar and Deputy Registrar. Extracts of the relevant provisions of the CATSI Act are as follows:

'663-10 Termination of Registrar's appointment

- (1) The Minister may terminate the appointment of the Registrar for misbehaviour or physical or mental incapacity.*
- (2) The Minister must terminate the appointment of the Registrar if the Registrar:*

...

(d) fails, without reasonable excuse, to comply with section 663-20.

663-20 Disclosure of interests

- (1) The Registrar must give written notice to the Minister of all interests, pecuniary or otherwise, that the Registrar has or acquires and that could conflict with the proper performance of the Registrar's functions.*

...