QTON No. 230

LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2024-2025
Ms Nicole Lawder MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair), Miss Laura Nuttall MLA

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by: Ms Elizabeth Lee MLA

Addressed to: Chief Minister

Redirected to: N/A

Reference: Uncorrected Hansard Transcript pp 123-125

In relation to: Impact of notifiable instrument on payout

Hearing Date: 5 August 2024

QTON lodgement date: 6 August 2024

Answer Due Date: 8 August 2024

MS LEE: So just going back to the quest line—a question that I had in relation to the impact of this new notifiable instrument. What impact did it have on Ms Cover's payouts?

Mr Barr: I would need to investigate the specific circumstances and entitlements Ms Cover because she resigned, it would—we would need to see. But the measure also puts in place a protection against—for the territory, against a finding of corrupt conduct by the integrity commission. But we will take that on notice, I think it is easier to do that in writing for you.

MS LEE: Yes, because what I am getting at is in this case, that is exactly what had happened. Obviously, there was a finding of serious corrupt conduct, but it seems that on practical level, that that instrument really did nothing to protect the territory.

[…]

MS LEE: So let is put it in another way. What would she have been entitled to? What further would she have been entitled to?

Mr Barr: I cannot—I am not going to debate Ms Cover's entitlements with you in this forum. That is highly inappropriate.

[…]

MS LEE: Can you tell me why you have taken it on notice?

THE CHAIR: Just one moment please. Can I ask you to just clarify?

Mr Barr: I will take the question verbatim from Ms Lee on notice.

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

Under the Australian employment law, at the conclusion of the employment, the following two matters are required to be paid, regardless of the circumstances in which an employee leaves their employment:

(a) payment in lieu of long service leave (where it has been accrued and is payable under law); and

(b) payment in lieu of accrued annual leave.

The changes to the Public Sector Management Standards 2016 in February 2024 ensure a payment in lieu of notice and a 'special benefit' payment, which would otherwise apply, not apply, if the ending of appointment is related to findings of serious misconduct, serious corrupt conduct or systemic corrupt conduct.

- Special benefit = severance payment of two weeks per year of service up to 44 weeks or 6 months' salary – which-ever is greater; and
- Payment in lieu of notice = 8 weeks payment.

Approved for circulation to the Select Committee on Estimates 2024-2025

Signature: Andrew Barr Date: 9.8.24

By the Chief Minister, Andrew Barr MLA