



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 121-122

In relation to: Impact of notifiable instrument on cessation of employment

Hearing Date: 5 August 2024

QTON lodgement date: 6 August 2024

Answer Due Date: 8 August 2024

MS LEE: On those standards, which you provided an answer to when I specifically asked you about this circumstance about Ms Cover being stood down and you referred me to that instrument, which I think you had signed either that morning or very recently, and it was in February this year. Now, given that that has not prevented Ms Cover from receiving the \$465,000 payout, what effect did that standard have in relation to the ceasing of Ms Cover's employment with CIT?

Mr Barr: Well, if it had not been in place, then the balance of a contract period could also have been part of a payout at termination, or in this instance, resignation of employment.

MS LEE: I am sorry, but does Ms Cover's contract not specifically state that if the board has reasonable view that Ms Cover has engaged in either misconduct or has not complied with her contract, they could legally terminate her employment within eight weeks' notice?

Mr Barr: That may well be the case for her contract. The particular instrument that I referred to and that has been put in place relates to the totality of the public sector.

MS LEE: That may be so, but I am saying that you have now referenced it in relation to this specific situation, and you also, when you first raised it, was in direct response to a specific question that I had in relation to Ms Cover. What I am trying to get at is what impact did that have in relation to the—and I say "ceased" because I know that she was not terminated, if you want to get technical, so what impact did it have? Would it have made a difference if she had been terminated?

Mr Barr: So, I can take that on notice in terms of the issue. There is obviously a degree of privacy around Ms Cover's personal entitlements, but we can certainly take on notice and provide information as to what it would mean in a generic circumstance where someone is someone is employment was ended early utilising that particular instrument.

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

Before the 2024 amendments to the Public Sector Management Standards 2016, a statutory office-holder whose appointment was ended by their appointer before it was due to end was entitled to the payment of monies as follows:

- Section 115(1)(d) provided that the Public Sector Management Standards 2006 continued to operate with respect of part 9.4 (statutory office-holders);
- Part 9.4 of the Public Sector Management Standards 2006 includes section 640 which provides that if the appointment of a statutory office-holder ended before the appointment was due to end, the statutory office-holder would be entitled to a special benefit –
 - (a) of two weeks of remuneration for every completed year of continuous recognised service (excluding any period of service for which the statutory office-holder has received a special benefit of redundancy type payment in the ACTPS or another jurisdiction); and
 - (b) Up to a maximum of 44 weeks of remuneration.

After the 2024 amendments to the Public Sector Management Standards 2016, section 106D provides that a statutory office-holder whose appointment was ended by their appointer before it was due to end was entitled to the payment of monies as outlined above EXCEPT if the ending of the appointment relates to serious misconduct, serious corrupt conduct or systemic corrupt conduct.

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

Signature: 

Date: **7.8.24**

By the Chief Minister, Andrew Barr MLA