

Rachel Stephen-Smith MLA

Minister for Health

Minister for Mental Health

Minister for Finance

Minister for the Public Service

Member for Kurrajong

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 5****Friday, 11 April 2025****Question No. 346****PETER CAIN MLA:** To ask the Minister for the Public Service

1. How many times have the contracts of senior ACT public servants not been renewed or terminated, since 1 January 2020.
2. Can the Minister list the main reasons attributed for non-renewal and termination, and against these main reasons, how many instances of any of these attributable reasons for non-renewal and termination have occurred in since 1 January 2020.
3. Where senior public servants have been terminated or have had their contract not renewed for reasons other than the position being made redundant or the senior public servant not renewing, are there policies regarding the rehiring of these individuals in other parts of the ACT Public Service.
4. How is poor performance of senior ACT public servants managed and documented.
5. How many times have poor performing (i.e. the poor performance has been documented) senior ACT public servants been moved into roles in other ACT directorates since 1 January 2020.

Rachel Stephen-Smith MLA - The answer to the Member's question is as follows:

The employment of senior executive service members (SES members) is governed by a legislative framework that includes the *Public Sector Management Act 1994* and the 2016 Public Sector Management Standards. Section 45 of the Public Sector Management Standards 2016 requires that if an SES member fails to meet an expectation set out in the approved performance agreement, that the SES member is to be told that if they do not show that they meet the performance expectation within a stated period the SES member's statutory employment terms will be changed under section 34 of the *Public Sector Management Act 1994* or the SES member's employment must be ended under section 38(d) of the *Public Sector Management Act 1994*.



Section 34 of the Public Sector Management Act 1994 outlines that an SES member's statutory employment terms must be changed if the SES member can no longer be engaged with the statutory employment terms and the engager is able to give the SES member another suitable SES position.

There are no centralised records indicating how many times statutory employment terms have been changed under section 34 of the Public Sector Management Act 1994 arising from under-performance described in section 45 of the Public Sector Management Standards 2016.

Centralised payroll records indicate 35 senior executive service (SES) members have had their engagement ended under section 38 of the Public Sector Management Act since 1 January 2020. Two SES members have had their engagement ended under section 38(d) with the remaining 33 SES members having their engagement ended under sections 38(e) and 38(f).

Approved for circulation to the Member and incorporation into Hansard.



Rachel Stephen-Smith MLA
Minister for the Public Service

Date:12/5/25.....

This response required 2 hours to complete, at an approximate cost of \$391.