

**Mick Gentleman MLA**

Manager of Government Business

Minister for Business

Minister for Fire and Emergency Services

Minister for Industrial Relations and Workplace Safety

Minister for Multicultural Affairs

Minister for Police and Crime Prevention

Member for Brindabella

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**RESPONSE TO QUESTION ON NOTICE****Questions on Notice Paper No 40****22 March 2024****Question No. 1740**

**MS LEE:** To ask the Minister for Police and Crime Prevention —

- (1) Can the Minister provide for the Justice and Community Safety Directorate, for each year since 2016 to present, how many misconduct processes (a) were commenced, (b) were closed, (c) remained open by the end of the year and (d) were completed with findings of misconduct.
- (2) Can the Minister identify the reason why each misconduct finding was made (e.g. fraud, corruption etc).
- (3) How many misconduct processes were referred to (a) the Public Sector Standards Unit (PSSU), (b) the Integrity Commissioner and (c) another external or internal body.
- (4) If any cases were identified under part (3)(c), what were these bodies, and why were they referred to the body rather than the Integrity Commission or PSSU.
- (5) For the cases identified in parts (1)(d) and (3)(a), (3)(b) and (3)(c), what were the disciplinary outcomes (e.g. termination of employment, summary dismissals etc) and, if there has been no finding made as of yesterday, can the Minister identify this.
- (6) In relation to the responses to part (5), for financial penalties, what has been the (a) total amount and (b) individual amounts paid to the directorate.
- (7) Are the reasons for any of the responses to part (6) released publicly; if not, why not.

If an employee resigns before the completion of misconduct processes, does the investigation continue; if not, why not; if so, how are these processes continued and how do the directorates ensure that these processes are followed up where findings are made.

**MR GENTLEMAN MLA** - The answer to the Member's question is as follows:

	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>(1) Can the Minister provide for the Justice and Community Safety Directorate, for each year since 2016 to present, how many misconduct processes were:</b>									
(a) were commenced	15	11	13	17	14	14	16	18	2
(b) were closed	5	2	8	8	3	4	8	3	
(c) remained open by the end of the year	9	8	4	8	7	7	5	12	
(d) were completed with findings of misconduct	11	8	13	15	10	10	12	5	
<b>(2) Can the Minister identify the reason why each misconduct finding was made (e.g., fraud, corruption etc)</b>									
(1) Fraud			1	1					
(2) Unauthorised disclosure of confidential information				2				2	
(3) Misuse of timesheet		1						1	
(4) Failure to provide appropriate supervision	3			1	3	2			
(5) Bullying and Harassment (including sexual harassment)		1				1	1	1	
(6) Inappropriate behaviour towards other staff/client/member of the public (not bullying and harassment or sexual harassment)	4	2	4	6	2	4	6	1	
(6) Other (this includes other breaches of Section 9 of the PSM Act e.g. failure to follow reasonable direction, comply with legislation, policy and procedure)	4	1	4	2	4	2	4		
(7) Inappropriate or excessive use of force		2	3	3	1		1		
(8) Criminal charges			1			1			


[illegible]

	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>(6) In relation to the responses to part (5), for the financial penalties, what has been the:</b>									
(a) total amount									
(b) individual amounts paid to the Directorate				\$1,200	(1) \$500 (2) \$621.31 (3) \$890.69 (4) \$890.69	\$750		\$3,588.81	
<i>* exact individual amounts not available for matters that resulted in a reduction in increment level. As such, total amounts are unable to be provided.</i>									
<b>(7) Are the reasons for any of the responses to part (6) released publicly; if not, why not.</b>									
A. The disciplinary outcomes and financial amounts are not released publicly due to privacy reasons of individuals.									

Under the current misconduct provisions, where an employee resigns before the completion of a misconduct process, the relevant directorate delegate will make a recommendation to the Public Sector Standards Commissioner (PSSC) whether the investigation should continue or be stayed and reasons why. The PSSC will then make a decision following consideration of any information provided by the directorate.

Where the PSSC decides to stay the investigation, the employee is informed in writing by the PSSC of this decision and that in event the employee re-enters the ACT Public Service (ACTPS) consideration will be given to re-commencing the investigation and finalising the misconduct process.

Should a decision be made by the PSSC to continue with the investigation, following receipt of the investigation report, the delegate will advise the employee of the outcome of the investigation and their proposed finding whether misconduct has occurred. The employee is also advised that the remainder of the misconduct process will be suspended as they are no longer an employee covered by an Enterprise Agreement. However, in the event they re-enter the ACTPS consideration will be given to recommencing the misconduct process and that the process may result in a finding of misconduct and the application of a disciplinary sanction. The employee is further advised of the requirement to disclose their engagement in misconduct in the event they apply to re-enter the ACTPS, along with relevant details, in the past five years.

<b>Approved for circulation to the Member and incorporation into Hansard.</b>	
 <b>Mick Gentleman MLA</b> <b>Minister for Police and Crime Prevention</b>	<b>Date:</b> <u>24/4/2024</u>
This response required 11hrs and 20mins to complete, at an approximate cost of \$1,256.80	