



Queensland  
Government

Our ref  
Your ref  
Enquiries



Department of  
Transport and Main Roads



**Private & Confidential**

Dear



I refer to my letter dated [REDACTED], in which I advised you I was proposing a transfer at level under section 188 of the *Public Service Act 2008* (the Act), and provided you with an opportunity to respond.

I received your written response including verbal submissions which were provided by you at our meeting on [REDACTED]. I have now carefully considered this information, along with all the evidence available to me.

**Your response**

In your response you state:

- The proposed punishment is very harsh;
- You worked for the department for [REDACTED] years and for the last [REDACTED] years in your current role;
- You admitted to your mistake and shown remorse for your actions;
- You were disappointed with certain aspects of the process including choice of support person, your brother in law not being interviewed and not able to privately consult with your support person during your interview with the investigator;
- You had a number of achievements in current role including relocation of [REDACTED] and your involvement with [REDACTED] team;
- Your current role has come at personal cost and has affected your health and wellbeing;
- You have worked countless hours outside of normal business hours and you wish to remain in your role;
- I note your personal circumstances, the impact on you and your family if you were transferred to another role, in particular if the role was located at [REDACTED] and
- You are the primary income earner for your family.

Office Of The General Manager



### My Decision

Firstly, I note your comments about your arrangements with your support person. As you know the support person's role is for emotional support only and cannot advocate on your behalf. In this instance you were afforded every opportunity to respond to these allegations and if need be, you had an opportunity to raise your concern at the time of interview.

You also reiterated your concern that [REDACTED] was not interviewed suggesting you were denied procedural fairness. [REDACTED] was not interviewed as it was unnecessary to obtain evidence from [REDACTED] as these facts were not in dispute. It is irrelevant whether [REDACTED] authorised you to access [REDACTED] records, as [REDACTED] was a family relative you were not authorised to access [REDACTED] records.

On the day, your actions as a manager led to you accessing [REDACTED] records without authorisation and in addition resulting in [REDACTED] team members also accessing [REDACTED] record when it was not authorised. At the time there was an opportunity for you to reconsider your actions when [REDACTED] raised concerns about the matter but you failed to realise the consequences of your actions.

This matter came to my attention due to a less experienced team member identifying a breach of procedure rather than yourself as a manager showing appropriate ethical decision making. Even though there was an opportunity for you to avoid this situation by advising [REDACTED] that if [REDACTED] receives a second card that [REDACTED] should destroyed it, you also had an opportunity to reconsider your actions at the time when [REDACTED] raised [REDACTED] concerns with you.

Despite your comment that you admitted to making a mistake, your responses in both the investigation and disciplinary processes suggests that you as the manager, still failed to understand the consequences of your actions.

As a manager you are expected to set the tone for the conduct of your teams. You are to ensure your teams understand the Code of Conduct any other relevant legislation delegations, policies or other information required to perform their roles. Unfortunately your actions has not only caused you to breach the Code of Conduct but you also directed your team members to access [REDACTED] records (sensitive information) without authority.

When considering an appropriate penalty I took into account your level of your experience and knowledge within the department ([REDACTED] years) and the training you have undertaken:

- Online training 'Which Way Would You Go' on [REDACTED]
- CSD Staff Responsibilities and CSD Staff Responsibilities (LED Component) on [REDACTED]

I also took into account your personal circumstances and the impacts, financial and personal it will have on you. I am also of the view that your breach is significant for someone of your experience and the position you currently hold. A significant penalty needs to be imposed and therefore I have decided to:

- **Transfer you to another role (at level) within TMR**

### **Appeals**

This disciplinary action will be implemented after the relevant appeal period expires. A right of review of disciplinary findings and disciplinary action decisions is contained in the *Public Service Act 2008* – Chapter 7. You may appeal my disciplinary findings and/or disciplinary action decisions within 21 days of receiving this decision. Subject to any appeal, the above disciplinary action will be implemented at the end of this 21 day period.

I will write to you again once the appeal period has expired to confirm penalty is being implemented.

If you decide not to appeal, I can implement the transfer earlier. Please let me know if you elect not to appeal so I can make necessary arrangements.

### **Records management**

A record of this action will be retained in a separate confidential disciplinary file and may be a factor in the consideration of any future disciplinary process initiated against you. Your personnel file held with Queensland Shared Services will contain only the outcome of the disciplinary action and a notation that a separate disciplinary file exists.

### **Confidentiality, conduct and support**

I remind you that you are to keep this matter confidential and should not be discussed in the workplace or with any other employee not part of this process.

I also remind you that you are expected to maintain an appropriate level of conduct in line with the *Code of Conduct for the Queensland Public Service*. This includes your obligation to treat all persons, including employees, clients and the general public, with respect. This is to ensure work colleagues are not treated adversely if they have been involved in this process.

Failure to follow these lawful directions may result in further administrative action.

I understand that these types of processes can have a personal impact on you. I encourage you to contact OPTUM if you feel you need additional personal support. The service is a confidential counselling and support service and is available on 1800 604 640. You may also wish to seek advice from an appropriate support person.

If you have any questions about the contents of this letter please do not hesitate to contact the case manager.

[Redacted]

[Redacted]

[Redacted]