



Department of  
Transport and Main Roads

[REDACTED]

**PRIVATE AND CONFIDENTIAL**

Dear [REDACTED]

**Decision on disciplinary penalty**

I refer to [REDACTED] letter to you dated 20 March 2017, advising you of [REDACTED] decision on disciplinary finding and proposed action under Section 188 of the *Public Service Act 2008* (the Act). Before a final decision was to be made on the proposed penalty, [REDACTED] gave you seven days from the date you received that letter to respond as to why the following disciplinary action should not be imposed under section 188 of the *Public Service Act 2008* (the Act):

- **Termination of employment**

As [REDACTED] is now acting in the [REDACTED] role, I have been appointed as new decision maker for the matter. I can confirm that I have received the response you provided via email to [REDACTED] on 27 March 2017.

I have had the opportunity to carefully consider all the evidence available to me, including your response which was received on 27 March 2017.

In your response you state that:

- *I wish to add that I am truly sorry for my actions on the 10th of November. I did not have clarity of mind as the traffic incident left me scared and afraid, which consequently, and regrettably turned into anger. I know there is a consequence for every action, and I am deeply sorry that this consequence put the department's integrity in jeopardy. My actions on that day are not in my character.*
- *I cannot comprehend what would have been going through my head firstly misuse my position at TMR to request personal information and secondly, treat a member of the public with disrespect. This is not my character, and I am sorry.*
- *I believe I have had a degree of punishment already. As I have suffered a loss of income being suspended from work without pay for the last 4 months going on 5, after initially being told that this would be resolved before Christmas.*
- *I thoroughly enjoy working in the department for the [REDACTED] I worked in the unit for 2 years without any compromises and my actions on the 10th of November*

*are not consistent with my work ethic or character. I am deeply ashamed that I let my emotions get the better of me and as a result I have lost a job that I was passionate about.*

### My decision

In reading your response, I acknowledge that you have expressed your regret and have apologised for your actions. However, whilst there have been no previous incidents or actions that have called your past performance into question, it does not diminish your conduct and behaviour in this matter.

As a member of [REDACTED] you used your position and knowledge about the information that is contained in the TICA / TRAILS system for inappropriate personal reasons. You chose to request an inappropriate access of this system so that you could gain access to confidential information about a customer. You requested this from [REDACTED] with the knowledge that [REDACTED] would provide you with this information as [REDACTED] had conducted these searches for you previously. When the system was breached by [REDACTED] you chose to act on the information that [REDACTED] provided and proceeded to contact the member of the public in a negative way in relation to the road incident which had occurred. Your decisions and actions at each step of this chain of events does not adhere to the high levels of integrity expected of public service employees.

I acknowledge [REDACTED] statement about your state of mind following the incident on 10 November 2016 in which she notes that you had *described feelings of fear for [REDACTED] safety and [REDACTED] behaviour is consistent with a Fight Flight response where executive functioning in the brain is over-ridden by the emotional response. [REDACTED] behaviour followed on as a direct response and was not well thought out or considered over time.*

However, in order to gain access to the information, you had to send a series of text messages to [REDACTED] in order to clarify the exact information you required. You then took the time to make the phone call to the member of the public. At each stage of this process you had the chance to reassess your actions and minimise the degree in which you would breach expectations of you, however, you elected to proceed to contacting the member of the public.

I acknowledge that you are deeply sorry for putting the Department's integrity in jeopardy because of your actions and have provided character references as part of your response. However, I need to make a determination based on the actions you have already taken. In this regard, I find your judgement and decision making was severely lacking. You used your knowledge of the TICA and TRAILS system to breach the *Accessing Customer Records Policy 2013*. Your actions, in making contact with a customer without authorisation to do so, and your subsequent treatment of this customer has also breached the *Code of Conduct for the Queensland Public Service*.

Despite your apology, it does not excuse the actions you took on 10 November 2016. Your actions have breached the level of trust the department has placed in you to effectively perform your duties to the required standard and to ensure the upmost care in customer confidentiality is maintained. These high standards of integrity and confidentiality that our customers deserve and expect cannot be compromised in the deliberate way in which you did.

Therefore, on the basis of the **substantiated** findings in relation to Allegation 1, I find that under s187(1)(f)(ii) of the Act you have contravened, without reasonable excuse, a standard of conduct under the Code, namely Standard of conduct 4.4 *Ensure appropriate use and disclosure of official information*.

Further, on the basis of the **substantiated** findings in relation to Allegation 2, I find that under s187(1)(f)(ii) of the Act you have contravened, without reasonable excuse, a standard of conduct under the Code, namely Standard of conduct 4.4 *Ensure appropriate use and disclosure of official information*.

Further, on the basis of the **substantiated** findings in relation to Allegation 3, I find that under s187(1)(f)(ii) of the Act you have contravened, without reasonable excuse, a standard of conduct under the Code, namely Standard of conduct 1.5 *Demonstrate a high standard of workplace behaviour and personal conduct*.

Further, on the basis of the **substantiated** findings in relation to Allegation 4, I find that under s187(1)(f)(ii) of the Act you have contravened, without reasonable excuse, a standard of conduct under the Code, namely Standard of conduct 1.1 *Commit to the highest ethical standards*.

- Therefore, given the seriousness of this matter, I have decided to **terminate your employment** under section 188(1) of the Act, effective from today 21 April 2017.

I will now send a disciplinary declaration to QSS to place on your personnel file.

Termination of employment under the Act is deemed as a serious disciplinary action. Therefore, you may be required to disclose this disciplinary action within the Queensland Public Service and other jurisdictions.

Any monies owing to you will be paid in full to you and will be deposited in your nominated bank account. If there have been any overpayments, I will ensure the appropriate persons follow the established processes to recoup any overpayment.

As termination of employment is not a disciplinary action which may be appealed under the appeal provisions of the Act, you may be eligible to lodge an application for reinstatement under the *Industrial Relations Act 2016* with the QIRC Industrial Registry. The QIRC Industrial Registry will be able to provide further information about an application for reinstatement ([www.qirc.qld.gov.au](http://www.qirc.qld.gov.au); Tel: 1300 592 987 or 3227 8060).

If you have any departmental property in your possession, you are to return it to [REDACTED] by 26 April 2017.

Please note, this matter remains confidential and should not be discussed with those in the workplace.

If you have any questions about the content of this letter please do not hesitate to contact [REDACTED] or via email at [REDACTED]

Yours sincerely



Geoff Magoffin  
**General Manager (Customer Services)**

Dated 21 day of April 2017

Enc.

- a) Part 188 of the Public Service Act 2008

