



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCS FOI 20-016

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	200
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a

From: Schedule 2.2(a)(ii)
To: [TCCS_FreedomOfInformation](#)
Subject: FOI
Date: Friday, 28 February 2020 3:17:32 PM

To the FOI coordinator,

I write to request access to the following information under the Freedom of Information Act:

Emails, reports and ministerial briefs relating to suspected fraudulent activity report through to the SERBIR, as report in the 2018-19 annual report relating to:

- corrupt behaviour
- fraudulently altering a government contract
- misuse of government equipment
- undisclosed conflict of interest.

A number of applicable factors in the Act favour release of such information including: Schedule 2 section 2.1 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii)

I can be contacted on [Schedule 2.2\(a\)\(ii\)](#)

Kind regards,

[Schedule 2.2\(a\)\(ii\)](#)

[Redacted]

[Redacted]



[Redacted]

Schedule 2.2(a)(ii)

via email: Schedule 2.2(a)(ii)

Dear Schedule 2.2(a)(ii)

FREEDOM OF INFORMATION REQUEST – Reference 20-016

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Transport Canberra and City Services (TCCS) on 2 March 2020, in which you sought access to:

Emails, reports, and ministerial briefs relating to suspected fraudulent activity report through to the SERBIR, as reported in the 2018-19 annual report relating to:

- *corrupt behaviour; and/or*
- *fraudulently altering a government contract; and/or*
- *misuse of government equipment; and/or*
- *undisclosed conflict of interest.*

It is my understanding that you agreed to the amendment of your request on 22 September 2020, to include only the investigation reports which are relevant to our original request.

In accordance with section 40 of the Act, TCCS was required to provide a decision on your access application by 12 June 2020. As a decision was not received within the statutory timeframe, a notice of a deemed refusal has been provided to the ACT Ombudsman in accordance with the Act. The notice will be tabled at the Legislative Assembly within 3 sitting days of the date of this decision notice.

As previously discussed with the TCCS FOI team, administrative assistance was provided by the Chief Minister, Treasury and Economic Development Directorate's FOI team to expedite the processing of your application from 3 August 2020.

I thank you for your continued patience while your application was processed.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision on access

Searches of records held by TCCS were undertaken to identify all information in scope of your application, specifically the investigation reports relating to the ten cases referred to SERBIR as reported in the 2018-2019 Annual Report.

In reviewing the information found in scope of your application, it was identified that several cases do not have an investigation report, as the investigation did not progress past a preliminary assessment. For transparency, I have found that documents which include information comparable to that typical of an investigation report is relevant to your application and should be considered in scope.

In addition, case 9 was reported in the 2018-2019 Annual report, however on reviewing the information it appears that this was reported in error as the investigation took place in 2017. This case has been found to be in scope to your request and I have decided to provide you with partial access to the record of investigation.

I have included as **Attachment A** to this decision the schedule of documents relevant to your amended application. This includes an explanatory column in relation to the non-disclosure of information in reach document, where applicable.

I have decided to provide you with:

- Partial access to seven investigation reports or equivalents; and
- Refuse access to one investigation report or equivalent.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided with deletions at **Attachment B** to this letter.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- The FOI Act.
- the content of the documents that fall within the scope of your request.
- your views on the public interest in disclosing the government information applied for (as per section 37 of the Act).
- the *Human Rights Act 2004*.

The Act has a presumption in favour of disclosure. This means that information should be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I must decide where, on balance, public interest lies in the disclosure of government information. Section 17(1) of the Act sets out the steps for completing the public interest test. As part of this process I must identify all relevant factors in schedules 1 and 2 of the FOI Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are

relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors deemed to be contrary to the public interest (Schedule 1)

- Schedule 1.1A - Information in possession of a court or tribunal

Factors favouring disclosure (Schedule 2.1)

- Section 2.1 (a)(iii) – inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.
- Section 2.1 (a)(i) - promote open discussion of public affairs and enhance the government’s accountability; and
- Section 2.1 (a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Section 2.2 (a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.
- Section 2.2 (a)(xii) - prejudice an agency’s ability to obtain confidential information.
- Section 2.2 (a)(iv) - impede the administration of justice generally, including procedural fairness.

Information in possession of a Court

In reviewing the information relevant to your request, it was identified that one of the cases are currently subject to consideration by a court or tribunal. As such, access to relevant documents has been refused in accordance with schedule 1.1A.

Public interest test

In making my decision, I have found that factors favour the disclosure of information where it informs the community of the government’s operations and demonstrates that an investigation has been properly undertaken. Disclosing this type of information is likely to maintain a general confidence in an agency’s capacity to conduct investigations and supports transparency of the process followed by government in relation to such matters. This in turn also improves the Directorate’s accountability for decisions it makes by being transparent in releasing the information.

Nevertheless, certain case files and related documents contain information which, if released, could prejudice the lawful investigation of a contravention of the law and the agency’s ability to obtain confidential information. This includes information about individuals who have referred a potential issue for investigation or made witness disclosures. In addition, I have identified that the disclosure of some information in these files could impede the administration of justice, including procedural fairness where the disclosure of the information would result in a person being deprived of a right of reply.

I have considered that certain information in the records is defined to not be personal information under the FOI Act, where that information directly relates to an individual's position, function or things done in exercising functions as an officer or staff member. However, I have also considered that the disclosure this information is likely to prejudice an individual's right to not have their privacy or reputation interfered with arbitrarily. Information of concern includes the names, titles, phone numbers, email addresses, or other information which may result in their identification.

With consideration to these factors favouring non-disclosure, I have found that the protection of the administration of justice, an individual's rights under the *Human Rights Act 2004*, and an agency's ability to obtain confidential information is paramount. The disclosure of this information is, on balance, contrary to the public interest. As such, I have decided to provide you with a copy of the documents at Attachment B with deletions applied to information I have found to be contrary to the public interest. I am satisfied that the factors in favour of release can still be met by providing you with partial access to the records in scope of your application.

Charges

Processing charges are not applicable for this request because the number of pages being released to you is below the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the TCCS disclosure log within 3 -10 business days from the date of this letter. Your personal contact details will not be published.

You may view the TCCS disclosure log at:

https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries about the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 620 72987 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer
Transport Canberra and City Services

14 January 2021

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Suspected fraudulent activity report through to the SERBIR, as reported in the 2018-19 annual report	20-016

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Case 1	May 2019	Partial release	Sch 2 s2.2 (a)(ii)	Documents to be published on the TCCS Disclosure log with applicant's personal information removed.
2	4-9	Case 2	August 2019	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xii)	
3	10-15	Case 3	June 2019	Partial release	Sch 2 s2.2 (a)(ii)	
4	16-26	Case 4	June 2019	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xii)	
5	27-31	Case 5	August 2019	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xii) Sch 2 s2.2 (a)(iv)	
6	32-35	Case 6	February 2019	Partial release	Sch 2 s2.2 (a)(ii)	
7	36-37	Case 7	June 2019	Partial release	Sch 2 s2.2 (a)(ii)	
8	38 - 45	Case 8	September 2018	Partial release	Sch 2 s2.2 (a)(ii)	
9	46 - 49	Case 9	February 2017	Partial release	Sch 2 s2.2 (a)(ii)	
10	-	Case 10	-	Access refused	Schedule 1.1A	Document will not be published as access is contrary to the public interest.

Total No of Cases 10 (49 pages)

From: "Ivens, Kim"
Sent: 17/05/2019 1:47 AM
To: "TCCS_SERBIR" <TCCS.SERBIR@act.gov.au>
Subject: Schedule 2 Z(a)(ii) - water cooler

Good morning

We have received confirmation that following my call to [REDACTED] returned the cooler acknowledging that repair person did not have the authority to give to [REDACTED]

The return occurred the day after my phone conversation the business unit neglected to pass this on.

The delegate has determined that no action is required as it was not theft but a miscommunication.

Thanks

Kim-marie Ivens | Senior Director Employee Relations
Phone: 02 62052070 | Email: kim.iven@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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From: "Gritti, Phil" <Phil.Gritti@act.gov.au>
Sent: 27/02/2019 1:17 AM
To: "Pulford, Nikki" <Nikki.Pulford@act.gov.au>; "Ivens, Kim" <Kim.Ivens@act.gov.au>
Subject: RE: CONFIDNETIAL - SERBIR Issue [SEC=UNCLASSIFIED, DLM=Sensitive]

Thank Nikki

I have added this matter to the SERBIR register and will get an update from Kim at the next scheduled SERBIR meeting.

Kind regards

Phil

From: Pulford, Nikki
Sent: Wednesday, 27 February 2019 11:46 AM
To: Ivens, Kim <Kim.Ivens@act.gov.au>
Cc: Gritti, Phil <Phil.Gritti@act.gov.au>
Subject: CONFIDNETIAL - SERBIR Issue
Importance: High

UNCLASSIFIED Sensitive

Hi Kim
I will pop around to discuss. This will require investigation and will be added to the next SERBIR Meeting.
Regards
Nikki

From: Schedule 2.2(a)(ii)
Sent: Friday, 22 February 2019 9:30 AM
To: Pulford, Nikki <Nikki.Pulford@act.gov.au>
Subject: SERBIR Issue

UNCLASSIFIED Sensitive

Nikki

I need to bring to your attention a matter that is troubling me involving a possible theft of ACT Government property by Schedule 2.2(a)(ii)

Background

Schedule 2.2(a)(ii)

Towards the end of January the drivers reported that the Zippo water cooling and filtration system at the drivers facility at the Canberra Outlet Centre was too small to deliver the amount of cold Water they required. The unit was still serviceable but not up to the task. Quotes were received and a work order approved through ACT Property Group to install a bigger Unit. (Cost approx. \$4K).

On Tuesday this week the unit was replaced.

Issue

Schedule 2.2(a)(iii) and Schedule 2.2(a)(ii) Schedule 2.2(a)(ii) operate out of the Schedule 2.2(a)(ii) has responsible for the Schedule 2.2(a)(ii) drivers facility. In the preamble to Tuesday Schedule 2.2(a)(ii) took great interest in the water cooler situation and its intended remedy. The Schedule 2.2(a)(ii) reports to Schedule 2.2(a)(ii) On Tuesday both Schedule 2.2(a)(ii) and Schedule 2.2(a)(ii) were directed by Schedule 2.2(a)(ii) to attend a morning school charter at Schedule 2.2(a)(ii) Schedule 2.2(a)(ii) directed that they were not to attend Schedule 2.2(a)(ii) to supervise the repairs to the water cooler as Schedule 2.2(a)(ii) wanted to the Schedule 2.2(a)(ii) charter to take priority. He had spoken to the repairer and instructed them to contact him (I Schedule 2.2(a)(ii)) when the work was complete. No call was received. Sometime after the completion of the Schedule 2.2(a)(ii) charter both Schedule 2.2(a)(ii) and Schedule 2.2(a)(ii) have gone to the Schedule 2.2(a)(ii) in the TC van and took the old but still serviceable unit, put it in the van and returned it to the Schedule 2.2(a)(ii). It was then transferred into Schedule 2.2(a)(ii) private car (assisted by Schedule 2.2(a)(ii)). I believe it is now at Schedule 2.2(a)(ii) house in Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii) told Schedule 2.2(a)(ii) that the repairer "gave Schedule 2.2(a)(ii)" the old unit. I am very concerned that the still serviceable unit remains the property of the ACT Government after it was replaced and could have been used in another area. My second concern regards the inaction of Schedule 2.2(a)(ii) in not question the integrity of the matter.

Schedule 2.2(a)(ii) bought it to my attention.

I would prefer that the information I have provided remain confidential but I believe at the very least this is a matter of a clear lack of integrity by two staffer that would fail the front page of the Canberra Times test.

Happy to discuss

Regards,

Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii)

From: "Ivens, Kim"
Sent: 16/08/2019 4:34 AM
To: Schedule 2.2(a)(ii)
Subject: Schedule 2.2(a)(ii)
Attachments: 20190816 Preliminary assessment.pdf, Formal Counselling.docx

Good afternoon

Please find attached preliminary assessment into allegations that fraudulent attendance records were being completed.

The assessment has found that misconduct did not occur as gate records and timesheets had an acceptable variance.

Schedule 2.2(a)(ii) will however require formal counselling in relation to the expected running times.

There is also an outstanding leave form for Schedule 2.2(a)(ii) which will need to be submitted.

Please advise if you require assistance with the counselling and we require a copy of the counselling record once this has been undertaken. This record can either be on the attached template or confirmation email of the discussion.

This matter has now been closed.

Thanks

Kim-marie Ivens | Senior Director Employee Relations
Phone: 02 62052070 | Email: kim.iven@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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INTERNAL BRIEF

Objective/Trim Reference:

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To: Ken Marshall Executive Branch Manager Roads ACT

Through: Petra Crowe Executive Branch Manager People and Capability *12/8*

From: Kim-marie Ivens Senior Director Employee Relations

Subject: Preliminary Assessment – **Schedule 2.2(a)(ii)**

Critical Date: n/a

Critical Reason:

Purpose

To brief you on the outcome of the Preliminary Assessment into an allegation that **Schedule 2.2(a)(ii)** had returned to the depot earlier than rostered resulting in falsified attendance claims.

Recommendations

That, as the delegate you:

1. Note, the information contained in this brief, and determine that no investigation is required; and

Agreed / Not Agreed / Please Discuss

2. Agree that all staff are advised of the expected times in relation to returning to the depot and acceptable time to leave the depot while on night shift.

Agreed / Not Agreed / Please Discuss

DELEGATE *[Signature]* *15/8/19*

Comments:

*Please also arrange formal counselling for **Schedule 2.2(a)(ii)** regarding expectations of accuracy of attendance records.*

[Signature] *15/8*

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Background

1. On 23 November 2018 a complaint was lodged by Schedule 2.2(a)(ii) that Schedule 2.2(a)(ii) had returned to the depot earlier than scheduled. It was alleged that as a result was making false claims on his attendance record.

Assessment

2. The Preliminary Assessment consisted of:
 - a. Reviewing the email from (Attachment A);
 - b. Reviewing the timesheets lodged for the period 23 August 2019 to 12 December 2019 (Attachment B); and
 - c. Reviewing the swipe records for the same period (Attachment C).

Schedule 2.2(a)(ii) have confirmed that they would expect Schedule 2.2(a)(ii) to re-enter the yard at approx. allowing for paperwork and checking the vehicle the driver would leave for their home residence between and . Due to the nature of the role it is difficult expect the driver to leave at .

At the end of each shift the driver is to empty the truck of contents, return to the depot, clean and check the truck and complete any paperwork.

A reconciliation of the timesheets and gate records has found that there is a discrepancy in the swipe records and leaving time of 8.63 hours over the four-month period.

Based on the information provided by Schedule 2.2(a)(ii) this discrepancy would be considered an acceptable variance.

However, it is noted that on 12 October 2018 Schedule 2.2(a)(ii) signed out at yet timesheet showed the full shift of . We would seek that Schedule 2.2(a)(ii) be advised that needs to submit leave for this day.

As a result, the preliminary assessment found that Schedule 2.2(a)(ii) had not falsified attendance records, that no misconduct occurred and that no further investigation is required.

Recommend that:

1. That no investigation is required;
2. Schedule 2.2(a)(ii) is to submit a leave application for the 12 October 2018 from to and

UNCLASSIFIED

3. Agree that all staff are advised of the expected times in relation to the operating times of the night shift.



Kim-marie Ivens
Senior Director Employee Relations

Phone: 62052070

12 August 2019

From: "Ivens, Kim"
Sent: 16/08/2019 4:29 AM
To: "TCCS_SERBIR" <TCCS.SERBIR@act.gov.au>
Subject: Schedule 2 2(a)(ii)
Attachments: 20190816 Preliminary assessment.pdf

Good afternoon

Please find attached preliminary assessment into allegations that fraudulent attendance records were being completed.

The assessment has found that misconduct did not occur as gate records and timesheets had an acceptable variance.

Schedule 2 2(a)(ii) will however be counselled on expected running times.

This matter has now been closed.

Thanks

Kim-marie Ivens | Senior Director Employee Relations
Phone: 02 62052070 | Email: kim.iven@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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Completed Case Summary

Name : Schedule 2.2(a)(ii)

Summary of matters from spreadsheet

23/11/2018 allegations of fraudulent records as employee leaving depot earlier than rostered and reporting from home, request for gate access records with DPC

3/12/2018 approval given, request sent to SERBIR to gain gate records

8/2/2019 email sent to SERBIR seeking update on gate records as not received to enable assessment to be undertaken

20/2/2019 records received, to be reviewed for preliminary assessment to be completed.

24/3/2019 records reviewed, waiting on timesheets to enable preliminary assessment to be drafted

29/3/2019 timesheets received comparison undertaken drafting assessment

7/6/2019 drafting of PA underway

12/8/2019 preliminary assessment with delegate Ken Marshall

16/8/2019 delegate agreed that no misconduct could be found, counselling to be undertaken on expected running times

Case closed date: 16/8/2019



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City Services

Schedule 2.2(a)(ii)

Dear Schedule 2.2(a)(ii)

Notice of Investigation

I am writing to advise you that through a recent preliminary assessment in relation to your behaviour on Schedule 2.2(a)(ii), I have been made aware of allegations of potential misconduct against you. As a result, I have requested an investigation into the allegations.

It is alleged that:

1. while off duty you turned up intoxicated Schedule 2.2(a)(ii) and entered the Schedule 2.2(a)(ii)
2. you used your position to influence your colleagues, demanding to be driven by your colleagues to your home in
3. undermined the integrity and reputation of the Service and Transport Canberra and City Services.

I have determined that this matter warrants formal investigation in accordance with Section H – Workplace Behaviours of the *ACT Public Sector Infrastructure Services Enterprise Agreement 2013-2017* (the Agreement).

At this point, no judgement has been made as to the truth or otherwise of the allegations.

Admit and waive the need for investigation

Clause H7.4 of the Agreement states that no investigation may be necessary where the employee fully admits to the alleged misconduct and the employee agrees that there is no need for an investigation. In such cases, the head of service may determine the appropriate disciplinary action/sanction in accordance with clause H10.

Should you choose to admit to the allegation and waive an investigation, you may do so by writing within seven days after the receipt of this letter to Ms Kim-marie Ivens Director Employee Relations on kim.iven@act.gov.au

Investigation

If no response is received by this date, or you elect an investigation, an independent investigator will undertake an investigation and provide me with a written report on their findings. The investigation process provides you with an opportunity to respond to the allegations and entitles you to have a support person present during any interview.

The investigator will write to you separately with details of the allegations and interview arrangements in due course. You are required to be contactable during business hours for the purposes of this investigation.

The Agreement establishes the process and sanctions that may apply should a finding of misconduct result from the investigation. Misconduct is defined to include:

- a failure to meet the general obligations set out in Section 9 of the *Public Sector Management Act 1994*.
- conduct that brings, or is likely to bring, the Directorate or ACT Public Service into disrepute.

You can access a copy of the Agreement from the ACT Government Jobs ACT website, <http://www.jobs.act.gov.au/about-the-actps/agreements>. I have attached a copy of Section H to this letter for your reference.

Contact and attendance at work

To maintain the integrity of the investigation and minimise disruption to the workplace, you are directed not to discuss the allegations or related matters with other staff or clients without first speaking to me or the appointed investigator. Breaching this direction may result in disciplinary action.

Should you require support in relation to this matter, the Employee Assistance Program (EAP) is available to provide confidential and professional counselling to you and members of your family. These services can be sought by contacting any of the below providers:

Assure	1800 808 374
Converge International	1300 687 327
Benestar	1300 360 364
Peoplesense	1300 307 912

Alternatively, you can contact NewAccess on 6287 8066. NewAccess is a program run by Beyond Blue and services are free and confidential.

If you have any queries regarding this letter, please do not hesitate to contact Ms Kim-marie Ivens Senior Director Employee Relations on 6205 2070.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fleur Flanery', with a long, sweeping horizontal stroke extending to the right.

Fleur Flanery
Executive Branch Manager Public Transport
Transport Canberra

✦ June 2019



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Schedule 2.2(a)(ii)

Dear Schedule 2.2(a)(ii)

Outcome of investigation

I am writing in relation to correspondence dated 4 June 2019 which advised that the following allegations would be sent for investigation with the Professional Standards Unit (PSU).

It was alleged that:

1. while off duty you turned up intoxicated Schedule 2.2(a)(ii) and entered Schedule 2.2(a)(ii)
2. you used your position to influence your colleagues, demanding to be driven by your colleagues to your home in [redacted], and
3. you undermined the integrity and reputation of the Service and Transport Canberra and City Services

All investigations referred to the PSU are assessed to ensure that an investigation is the appropriate course of action in relation to any allegations.

The PSU have considered the matter and have advised that you were intoxicated at the Schedule 2.2(a)(ii) and you did enter Schedule 2.2(a)(ii). However, evidence supplied indicates that other staff members determined that you should be taken into [redacted] and subsequently taken to your home.

Based on this information I have determined that the matter is not to be investigated and that no further action is required in this matter.

I acknowledge that this matter may have caused you distress, we are required when allegations are made to pursue them to the appropriate outcome. I appreciate the manner in which you have conducted yourself following the notification that an investigation would be undertaken.

Should you require support in relation to this matter, the Employee Assistance Program (EAP) is available to provide confidential and professional counselling to you and members of your family. These services can be sought by contacting any of the below providers:

Assure	1800 808 374
Converge International	1300 687 327
Benestar	1300 360 364
Peoplesense	1300 307 912

Alternatively, you can contact NewAccess on 6287 8066. NewAccess is a program run by Beyond Blue and services are free and confidential.

If you have any queries regarding this letter, please do not hesitate to contact Ms Kim-marie Ivens, Senior Director Employee Relations on 6205 2070.

Yours sincerely



Judith Sturman
Executive Group Manager Public Transport Operations
Transport Canberra

11 September 2019



Completed Case Summary

Name : Schedule 2.2(a)(ii)

Summary of matters from spreadsheet

18/3/2019 allegations of entering workplace Schedule 2.2(b)(i) intoxicated and demanded / driven home [redacted]
Nikki to undertake preliminary assessment
28/3/2019 statements and CCTV being obtained
29/3/2019 CCTV footage uploaded to the G:Drive
26/4/2019 Delegate confirmed investigation to be undertaken, PSU will consider once they receive documentation, waiting on advice as to whether Notice of Investigation delivered
17/5/2019 redraft notice using new format
12/6/2019 notice delivered response due by cob 20/6/2019, authority provided to speak to union copy supplied to union
28/6/2019 EBMTCC to review emails to ensure no response received, if not received matter to be referred for investigation
9/8/2019 PSU considering whether matter should be investigated, awaiting advice.
23/8/2019 delegate determined that based on PSU advise no investigation should be undertaken, correspondence advising same to be drafted change of delegate to Judith Sturman
2/9/2019 outcome of investigation drafted with delegate Judith Sturman
11/9/2019 correspondence signed and emailed to both [redacted], [redacted] and PSU for their records

Case closed date: 11/9/2019

From: "Ivens, Kim"
Sent: 26/06/2019 11:08 PM
To: "TCCS_SERBIR" <TCCS.SERBIR@act.gov.au>
Cc: "Crowe, Petra" <Petra.Crowe@act.gov.au>
Subject: Schedule 2.2(a)(ii) complaint
Attachments: TCCS SUBMISSION with pics.pdf

Good morning

Please find attached a submission from an employee Schedule 2.2(a)(ii), the section relevant for referral is under the Schedule 2.2(a)(ii)

Rather than provide only this section of the complaint I have left the complaint as it was received.

The matter is being assessed by People and Capability and we will provide regular updates.

Thanks

Kim-marie Ivens | Senior Director Employee Relations
Phone: 02 62052070 | Email: kim.iven@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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As I mentioned during my meeting with Petra Crowe, Steven Alegria and Cam Hardy on [redacted] [redacted] I have attempted to put in writing the experiences I have had during my employment with TCCS. I apologise for the length of this document and note that it is a "very abridged" version of my notes. I feel certain aspects of the issues I have had while working for the ACT Government need to be brought to light to make people more aware of the culture that exists. [redacted]

[redacted]
[redacted]
[redacted]
[redacted]

I have worked for TCCS (Transport Canberra and City Services) since [redacted] [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted] Out of scope

Out of Scope

Out of Scope

Out of Scope

Schedule 2.2(a)(ii)

Out of Scope

I was instructed by Schedule 2.2(a)(ii) to perform a job on private property at [redacted] Multiple
Schedule 2.2(a)(ii) staff and trucks were also at the site. Photos of this are attached.

Out of Scope

Out of Scope

Out of scope.

Out of Scope

NOTICE ABOUT BUILDING WORK

SITE ADDRESS
Street address Schedule 2.2(a)(ii)
Block Schedule Section Schedule Suburb Schedule 2.2(a)(ii)

DESCRIPTION OF WORK
EXTENSION TO REAR OF RESIDENCE
EXPANSION TO FRONT OF RESIDENCE
RE-CLAD & RE-ROOF OF RESIDENCE
NEW GARAGE, WORKSHOP, GYM, PORCH

Stages of work
 DA DA exempt Not determined

DA Approval No.

LICENSED BUILDER
Name Schedule 2.2(a)(ii) Licence no. Schedule 2.2(a)(ii)
Phone ACN no.
Email

NOMINEE FOR THE PROJECT
Name
Licence no.

BUILDING CERTIFIER
Name Schedule 2.2(a)(ii) Licence no. Schedule 2.2(a)(ii)
Phone ACN no. Schedule 2.2(a)(ii)
Email

PRINCIPAL CONTRACTOR Required under ACT Work Health & Safety ACT
Name Schedule 2.2(a)(ii) Licence no. Schedule 2.2(a)(ii)
Phone A/H phone

SITE OFFICE LOCATION

 MASTER BUILDERS FIDELITY FUND

Schedule 2.2(a)(ii)







From: "Tonna, Therese"
Sent: 17/12/2019 10:58 PM
To: "Ivens, Kim" <Kim.Ivens@act.gov.au>
Subject: FW: **Schedule 2 2(a)(ii)** complaint
Attachments: **Schedule 2 2(a)(ii)** complaint, **Schedule 2 2(a)(ii)** TCCS SUBMISSION with pics.pdf

UNCLASSIFIED Sensitive: Legal

FYI and for us to discuss.

Therese

From: Johnson, Lisa <Lisa.Johnson@act.gov.au>
Sent: Tuesday, 17 December 2019 5:37 PM
To: Tonna, Therese <Therese.Tonna@act.gov.au>
Cc: Crowe, Petra <Petra.Crowe@act.gov.au>; Gritti, Phil <Phil.Gritti@act.gov.au>; TCCS_SERBIR <TCCS.SERBIR@act.gov.au>
Subject: RE: **Schedule 2 2(a)(ii)** complaint

UNCLASSIFIED Sensitive: Legal

Hi Therese

Thank you for your email regarding **Schedule 2 2(a)(ii)** complaint.

The function of the SERBIR is to review and assess matters that relate to fraud and corruption or those that meet the criteria of disclosable conduct under the *Public Interest Disclosure Act 2012* (PID Act).

The definition of disclosable conduct set out under the PID Act 2012 is:

- (1) For this Act, disclosable conduct means any of the following:
- (a) conduct of a person that could, if proved—
 - (i) be a criminal offence against a law in force in the ACT; or
 - (ii) give reasonable grounds for disciplinary action against the person;
 - (b) action of a public sector entity or public official for a public sector entity that is any of the following:
 - (i) maladministration that adversely affects a person's interests in a substantial and specific way;
 - (ii) a substantial misuse of public funds;
 - (iii) a substantial and specific danger to public health or safety;
 - (iv) a substantial and specific danger to the environment.

At this stage **Schedule 2 2(a)(ii)** has made an allegation amongst the broader submission which relates to a direction for him (and potentially other employees) to misuse government equipment for non-government work. With the limited information and photographic evidence he has provided to substantiate his claim, it would be appropriate in the first instance for TCCS P&C to conduct a preliminary investigation of this and the other matters from a HR perspective.

Should P&C identify or reasonably suspect misuse of government equipment, the matter should then be referred back to the SERBIR and we can commence a formal process.

Happy to discuss this further if needed.

Cheers

Lisa

Lisa Johnson | Acting Executive Branch Manager
Governance and Ministerial Services
P 6205 5187 | E lisa.johnson@act.gov.au
Transport Canberra and City Services Directorate | ACT Government
496 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601
www.act.gov.au | www.tccs.act.gov.au



Connected services for the people of Canberra

From: Tonna, Therese <Therese.Tonna@act.gov.au>
Sent: Thursday, 12 December 2019 8:51 AM
To: TCCS_SERBIR <TCCS.SERBIR@act.gov.au>
Cc: Crowe, Petra <Petra.Crowe@act.gov.au>; Gritti, Phil <Phil.Gritti@act.gov.au>
Subject: Schedule 2 2(a)(ii) complaint

UNCLASSIFIED Sensitive: Legal

Good morning,

Please refer to the previous email sent by Kim Ivens on 27 June 2019 in relation to a submission made by Schedule 2 2(a)(ii).

The cultural matters in relation to Schedule 2 2(a)(ii) complaint are being addressed through People & Capability.

Part of Schedule 2 2(a)(ii) submission raises an allegation under the heading [redacted] that relate to work being undertaken on private property in [redacted] by multiple staff and trucks. This is the area that we believe needs to be addressed/assessed by the SERBIR.

Please do not hesitate to contact People & Capability if you have any questions or queries.

Therese Tonna

Therese Tonna | Assistant Director | Employee Relations
Phone: 02 62059362 | Email: therese.tonna@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



Completed Case Summary

Name : Schedule 2.2(a)(ii)

Summary of matters from spreadsheet

Schedule 2.2(a)(ii)

22/5/2019 The main issues and concerns relate to the Belconnen Depot and ongoing issues regarding Schedule 2.2(a)(ii)

6/12/2019 Therese sent email to Sue Marriage & Brian Bathgate asking for further information regarding this allegation. i.e. witnesses, dates/times to enable us to undertake PA.

3/4/2020 timeline to attempt to establish a common thread that could result in an investigation by PSU

17/4/2020 PA commenced

8/5/2020 PA with delegate Ken Marshall

14/5/2020 delegate agreed that cultural issues continue to be addressed by senior management

Schedule 2.2(a)(ii)

staff

22/5/2019 complaint received, potential use of government equipment and assets for non-government jobs

6/6/2019 Petra met with Stephen Alegria to discuss

7/6/2019 meeting to be arranged with Jim, Meghan and Steven prior to meeting with Schedule 2.2(a)(ii)

27/6/2019 matter referred to SERBIR

9/7/2019 Further allegations made regarding damage to equipment

16/8/2019 Schedule 2.2(a)(ii) in interim commence PA on matters raised in complaint

22/11/2019 meeting to be established with Brian Bathgate and Sue Marriage

2/12/2019 meeting with Brian Bathgate, Sue Marriage and Petra Crowe, matter being dealt with by Brian & Sue (Cultural Issues are being addressed on an ongoing basis.

3/12/2019 Petra sent email to Therese re Schedule 2.2(a)(ii) PID. Referral to be made. Petra & Therese to discuss.

6/12/2019 Therese to send summary Schedule 2.2(a)(ii) complaints to Sue Marriage and provide summary. Sue Marriage and Tom Lawless are meeting with Schedule 2.2(a)(ii) 9/12/2019 to discuss rotation around Depots and performance concerns.

Therese to summarise PID information and resend to SERBIR.

6/12/2019 Therese sent email summary to Sue Marriage & Brian Bathgate regarding allegation about being instructed to perform a job on private property by Schedule 2.2(a)(ii). Schedule 2.2(a)(ii) has not provided dates/times/witnesses. Also provided new allegations regarding Schedule 2.2(a)(ii) and asked Sue/Brian to provide further details if they have any.

18/12/2019 SERBIR advised - With the limited information and photographic evidence he has provided to substantiate his claim, it would be appropriate in the first instance for TCCS P&C to conduct a preliminary investigation of this and the other matters from a HR perspective.

20/12/2019 Therese sent email to Schedule 2.2(a)(ii) seeking further information.

6/02/2020 Therese sent a second email to Schedule 2.2(a)(ii) to follow up on previous email request for information.

20/02/2020 Schedule 2.2(a)(ii) sent a response to Therese

27/02/2020 Therese responded to Schedule 2.2(a)(ii) and indicated PA to commence

27/02/2020 Therese to review all information in relation to Schedule 2.2(a)(ii) to include in PA

3/4/2020 timeline to attempt to establish a common thread that could result in an investigation by PSU

17/4/2020 PA commenced

8/5/2020 PA with EBMPC recommending cultural issues to be handled by management team and investigation for Schedule 2.2(a)(ii), with delegate Ken Marshall

14/5/2020 delegate agreed cultural issues continue to be addressed by senior management and investigation to be undertaken into allegations of Schedule 2.2(a)(ii)

Case closed date: 14/5/2020

From: "Harmer, James"
Sent: 01/08/2018 3:55 AM
To: "TCCS_SERBIR" <TCCS.SERBIR@act.gov.au>
Cc: "Ivens, Kim" <Kim.Ivens@act.gov.au>; "Crowe, Petra" <Petra.Crowe@act.gov.au>
Subject: SERBIR Reporting [SEC=UNCLASSIFIED]
Attachments: 20180801Medical Certificate.pdf

Dear SERBIR

On 1/8/2018 Schedule 2.2(a)(ii) provided Employee Relations a copy of a Medical Certificate for Schedule 2.2(a)(ii) dated 26/8/2018 [SIC] stating that Schedule 2.2(a)(ii) was unable to work for the period of Schedule 2.2(a)(ii)

1/8/2018 ER contacted the medical centre and forwarded the certificate to check whether it was Fraudulent?

1/8/2018 the medical centre called ER and notified them that the Doctor named on the medical certificate did not prepare the certificate, the centre was requested to provide this information in an email.

ER will conduct a preliminary assessment in regards to the potential misconduct and advise SERBIR of outcomes.

Kind regards

James Harmer | Senior Advisor Employee Relations

Phone 02 6207 5506 | **Fax** 02 6207 6212

People and Capability | Transport Canberra and City Services Directorate | ACT Government

Level 3, 496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra ACT 2601 | www.act.gov.au

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and City Services

CRITICAL DATE
Insert if critical date

INTERNAL CLEARANCE SHEET

Subject: Notice of Summary Dismissal – Schedule 2.2(a)(ii)			
Objective/TRIM No	N/A		
Action required	Approve/Sign <input checked="" type="checkbox"/>	Review <input type="checkbox"/>	Endorse <input type="checkbox"/>
Action officer	Kim-marie Ivens Manager Employee Relations		
Signature	<i>Kim-marie Ivens</i>	Date	10/8/2018

Executive Approval	Initials	Date
Director People and Capability	<i>[Signature]</i>	10/8/18

Comments:

Schedule 2.2(a)(ii) submitted a medical certificate dated Schedule 2.2(a)(ii) as this contained errors a call was made to the medical practice and advice was received that this and the certificate dated Schedule 2.2(a)(ii) were not issued by the named doctor (**Attachment A**).

Schedule 2.2(a)(ii) has admitted to the misconduct in relation to submitting fraudulent medical certificates, Schedule 2.2(a)(ii) (**Attachment B**).

Ross Shadbolt made contact with Schedule 2.2(a)(ii) in relation to the claim for Out of Scope to ensure that we were providing sufficient advice to Schedule 2.2(a)(ii) when advising of the dismissal. Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii) Out of Scope (**Attachment C**).

The advice from Schedule 2.2(a)(ii) brings into question the validity of other medical certificates received from Schedule 2.2(a)(ii) (**Attachment D**).

Based on the information received from the treating practitioner and the admittance from Schedule 2.2(a)(ii) we seek your approval to process this as a summary dismissal as this is the



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CRITICAL DATE
Insert if critical date

appropriate action in relation to the matter of fraud which constitutes serious misconduct.

The medical practice has advised that they will consider pursuing the matter criminally.

Please find attached the notice of summary dismissal for your signature, we would also seek approval to continue to offer access to EAP to [REDACTED] (Attachment E). -o

nb. for a period of four (4) weeks post the date of the decision.

Director City Presentation Approval

Signature	<i>Sleeve</i>
Date	10/8/2018

Approval Comments:

.....

.....

.....



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City Services

Schedule 2.2(a)(ii)

Dear [REDACTED]

Notice of Termination of Employment for Serious and Wilful Misconduct

You are currently employed on a as a Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii) Transport Canberra and City Services.

You have admitted to submitting fraudulent medical certificates dated Schedule 2.2(a)(ii) and
Schedule 2.2(a)(ii)

Based on the information before me, I am satisfied that your conduct amounts to serious and wilful misconduct and is inconsistent with the continuation of your employment.

This notice is to inform you of my decision to summarily terminate your employment without notice for serious and wilful misconduct under H7.3 of the *ACT Public Sector Infrastructure Services Enterprise Agreement 2013-2017* (the Agreement). Your employment will therefore be terminated with effect from the date of this letter.

You can access a copy of the Agreement from the ACT Government Jobs ACT website, <http://www.jobs.act.gov.au/about-the-actps/agreements>. If you cannot access this, and require a printed copy, please advise me or the appointed reviewer via email as soon as possible.

The Enterprise Agreement does not provide a right of appeal against a decision to terminate your employment. You may have a right to bring an action against the termination of your employment with Fair Work Commission in accordance with the *Fair Work Act 2009* (www.fairwork.gov.au).


Although you will no longer be an employee of TCCs, I approve that should you require support in relation to this matter, the Employee Assistance Program (EAP) is available to

provide confidential and professional counselling to you and members of your family. These services can be sought by contacting any of the below providers:

Assure	1800 808 374
Converge Internations	1300 687 327
Benestar	1300 360 364
Peoplesense	1300 307 912

If you have any queries please contact Kim-marie Ivens Manager Employee Relations on 62052070

Yours sincerely



Stephen Alegria
Director City Presentation
City Services

10 August 2018

From: "Horne, Hamish" <HAMISH.HORNE@act.gov.au>

Sent: 06/02/2019 4:11 PM

To: "Horne, Hamish" <HAMISH.HORNE@act.gov.au>; "Hales, Catherine" <Catherine.Hales@act.gov.au>; "Dariol, Michelle" <Michelle.Dariol@act.gov.au>; "Garrod, Nathan" <Nathan.Garrod@act.gov.au>; "Lees, Peter" <Peter.Lees@act.gov.au>; "Brennan, Mick" <Mick.Brennan@act.gov.au>; "Eppelstun, Stephen" <Stephen.Eppelstun@act.gov.au>; "Grant, Solomon" <Solomon.Grant@act.gov.au>; "Gregory, Adam" <Adam.Gregory@act.gov.au>; "Hadobas, James" <James.Hadobas@act.gov.au>; "Kelly, Shane" <Shane.Kelly@act.gov.au>; "Roberts, LukeW" <LukeW.Roberts@act.gov.au>; "Ryan, Tim" <Tim.Ryan@act.gov.au>; "Sheikh, Khayam" <Khayam.Sheikh@act.gov.au>; "Haas, Cameron" <Cameron.Haas@act.gov.au>; "Kanaley, Graham" <Graham.Kanaley@act.gov.au>

Cc: "Little, Vanessa" <Vanessa.Little@act.gov.au>; "Finney, Novella" <Novella.Finney@act.gov.au>; "TCCS_SERBIR" <TCCS.SERBIR@act.gov.au>

Subject: Collection of Wood for Personal Use is NOT Permitted

Attachments: 1994-37.pdf

All Canberra Cemeteries Staff

Please be advised that the collection of wood from Canberra Cemeteries' sites for personal use, is not permitted. This practice is a breach of Section 9 of the *Public Sector Management Act 1994* (attached), and may lead to a finding of misconduct.

If any staff are engaged in this act, cease immediately. It is critical that all Canberra Cemeteries' staff adhere to the *Public Sector Management Act 1994*.

If anyone has questions in relation to this please do not hesitate in contacting me.

Incidents may also be reported to the TCCS SERBIR - TCCS.SERBIR@act.gov.au

Hamish Horne GAICD | Chief Executive Officer | Canberra Cemeteries

Phone: 02 6204 0200 | **Fax:** 02 6207 1624 | **Email:** Hamish.Horne@act.gov.au

Schedule 2 2(a)(ii)



Australian Capital Territory

Public Sector Management Act 1994

A1994-37

Republication No 44

Effective: 22 November 2018

Republication date: 22 November 2018

Last amendment made by [A2018-42](#)

From: "Finney, Novella"
Sent: 05/02/2019 10:26 PM
To: "Horne, Hamish" <HAMISH.HORNE@act.gov.au>
Cc: "Little, Vanessa" <Vanessa.Little@act.gov.au>; "TCCS_SERBIR" <TCCS.SERBIR@act.gov.au>
Subject: RE: Firewood allegation at [Schedule 2.2\(a\)\(ii\)](#)

Good Morning Hamish

Sorry I missed your call yesterday, I was in an off-site meeting.

Thank you for your prompt attention to this matter.

Can we please ensure that a message goes out to all staff today to advise that the wood is not allowed to be taken for personal use as it is a clear breach of Section 9 of the *Public Sector Management Act 1994*, and may lead to a finding of misconduct.

Once this email is sent out, can we please receive a copy so that we can report it to SERBIR and close this case.

Thanks.

Novella

Novella Finney | Manager Employee Relations
Phone: 02 62076397 | Email: novella.finney@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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From: Horne, Hamish
Sent: Wednesday, 6 February 2019 8:34 AM
To: Finney, Novella <Novella.Finney@act.gov.au>
Cc: Little, Vanessa <Vanessa.Little@act.gov.au>; TCCS_SERBIR <TCCS.SERBIR@act.gov.au>
Subject: RE: Firewood allegation at [Schedule 2.2\(a\)\(ii\)](#)

Novella

I have inspected the site, reviewed inspection reports and minutes and spoken to key staff.

It appears that staff have been taking some firewood which would otherwise have been chipped.

No request was made to do this and nor was permission given but nor was it expressly stated by cemeteries management that this should not happen. Cemeteries has a [Schedule 2.2\(a\)\(ii\)](#) and I was under the impression that the wood was being used there. This is not now the case. It is my belief that those concerned were not aware that this practice was not allowed.

The issue of the stock pile was noted at our last WHS committee as a possible fire hazard and was scheduled for relocation to the rear of the property. This work is in progress.

I will review our policy regarding tree waste and bring that to a refresher meeting of all staff in the near future.

Regards

Hamish

Hamish Horne GAICD | Chief Executive Officer | **Canberra Cemeteries**
Phone: 02 6204 0200 | **Fax:** 02 6207 1624 | **Email:** Hamish.Horne@act.gov.au
[Schedule 2.2\(a\)\(i\)](#)

From: Finney, Novella
Sent: Tuesday 5 February 2019 11:52
To: Horne, Hamish
Cc: Little, Vanessa; TCCS_SERBIR
Subject: Firewood allegation at Schedule 2.2(a)(ii)

Good Morning Hamish

I received an anonymous phone call this morning with concerns raised in regards to firewood being stockpiled and taken home by another employee for personal usage/financial gain.

We understand that when trees are felled at [redacted] cemetery, that they are divided into two piles (one for firewood, and one for other rubbish) and this is stored at the back of the depot.
The caller believes that [redacted] Schedule 2.2(a)(ii) has been chopping up this firewood and taking it away and that this occurs continuously from now and through winter.

The caller advised that Peter Lees and yourself Hamish have been made aware of this practice. I was also advised that it has also been raised as a fire hazard by [redacted] Schedule 2.2(a)(ii) in one of the more recent safety meetings that [redacted] yourself and [redacted] were in attendance at.

Due to the allegations of fraud, we would request that you undertake an assessment ASAP, as this will need to be reported to SERBIR.

If you have any questions, please feel free to contact me.

Thanks,

Novella

Novella Finney | Manager Employee Relations
Phone: 02 62076397 | Email: novella.finney@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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From: "Crowe, Petra" <Petra.Crowe@act.gov.au>
Sent: 07/06/2019 4:26 AM
To: "Ivens, Kim" <Kim.Ivens@act.gov.au>
Cc: "Pulford, Nikki" <Nikki.Pulford@act.gov.au>
Subject: RE: Schedule 2.2(a)(ii) - Ashes [SEC=UNCLASSIFIED]

UNCLASSIFIED

Confirmed. Please close the case on our records.

Thanks Petra

From: Ivens, Kim
Sent: Friday, 7 June 2019 2:24 PM
To: Crowe, Petra <Petra.Crowe@act.gov.au>
Subject: FW: Schedule 2.2(a)(ii) - Ashes [SEC=UNCLASSIFIED]

Good afternoon

Can you provide advice on this matter?

Thanks

Kim

From: Ivens, Kim
Sent: Sunday, 19 May 2019 11:09 AM
To: Pulford, Nikki <Nikki.Pulford@act.gov.au>
Cc: Petra Crowe <petra.crowe@act.gov.au>
Subject: Schedule 2.2(a)(ii) - Ashes

Good morning

Petra Crowe has advised that at the last SERBIR meeting a discussion was held in relation to the matter not progressing as it had been determined that Schedule 2.2(a)(ii) had used her own money to dispose of the remains.

Can you confirm that a notice is to be drafted that no misconduct has been found however a reminder that it is not appropriate to remove remains as they are the property of the directorate?

I await your advice.

Thanks

Kim-marie Ivens | Senior Director Employee Relations
Phone: 02 62052070 | Email: kim.iven@act.gov.au
People and Capability | Transport Canberra and City Services | ACT Government
496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158, Canberra 2601 | www.act.gov.au



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From: Schedule 2.2(a)(ii)
Sent: 29/01/2019 11:45 AM
To: "Goodwin, Daniel" <Daniel.Goodwin@act.gov.au>
Subject: RE: Disposal of Dog Remains [SEC=UNCLASSIFIED]

Hi Daniel,

I was never asked by [redacted] and if this was to have been a request whereby a staff member wanted the remains of an animal, consent would have been required from the owner, noting it's not our property to give away.

I am pretty sure you are referring to [redacted] as I recall post Ops Manager, attending DAS and [redacted] telling me [redacted] had cremated [redacted] remains.

I was a bit surprised and noting that [redacted] advised that it had cost \$300.

Regards,

Schedule 2.2(a)(ii)

From: Goodwin, Daniel
Sent: Tuesday, 29 January 2019 11:32 AM
To: Schedule 2.2(a)(ii)
Subject: Disposal of Dog Remains [SEC=UNCLASSIFIED]

Hi [redacted]

Schedule 2.2(a)(ii) did [redacted] ask if she could take the remains for a euthanised dog home to her personal residence after it had been cremated?

Thanks
Dan

Daniel Goodwin | Domestic Animal Services
(02) 6205 0066 | Schedule 2.2(a)(ii) | daniel.goodwin@act.gov.au
City Presentation | Transport Canberra and City Services | ACT Government
Mugga Lane, Symonston | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACT GOVERNMENT – PUBLIC INTEREST DISCLOSURE ACT 2012

REPORT OF INVESTIGATION OF ANONYMOUS CLAIMS OF DISCLOSABLE CONDUCT ON THE PART OF Schedule 2.2(a)(i) AND Schedule 2.2(a)(ii)

Background

1. An anonymous letter addressed to Ms Emma Thomas, Director General, Transport Canberra and City Services was delivered by an Australia Post Postman to TCCS offices at 496 Northbourne Avenue, Dickson. The letter is undated and was contained in an unstamped and uncanceled envelope addressed personally to Ms Thomas and signed "Very concerned ACT Residents".
2. The letter alleges disclosable conduct by Schedule 2.2(a)(i), of TCCS and Schedule 2.2(a)(ii) of the Chief Minister, Treasury and Economic Development Directorate. A copy of the letter is at Attachment A.
3. The purpose of this investigation has been to determine whether disclosable conduct has occurred, firstly by Schedule 2.2(a)(i) in relation to whether Schedule 2.2(a)(i) has:
 - a) manipulated contractors and contracts to gain advantage for Schedule 2.2(a)(i) and another;
 - b) received personal payment from contractors;
 - c) influenced contractors through an association with a motorcycle gang; or
 - d) met regularly with contractors to deliberately delay and overrun the Schedule 2.2(a)(i) project,and second, by Schedule 2.2(a)(ii) in relation to whether Schedule 2.2(a)(ii) has:
 - a) manipulated contractors and contracts to gain advantage for Schedule 2.2(a)(ii) and another;
 - b) received personal payment from contractors;
 - c) influenced contractors through an association with a motorcycle gang; or
 - d) met regularly with contractors to deliberately delay and overrun the Schedule 2.2(a)(ii) project,
4. Under the *Public Interest Disclosure Act 2012* disclosable conduct is conduct by an official that could amount to a criminal offence, give grounds for disciplinary action or activities that could amount to a serious malfeasance of public office or danger to public health, safety or the environment.

Investigation Process

5. The nominated contact officers, Ms Nikki Pulford from TCCS, and Mr Robert Wright from CMTEDD provided background material relating to the Schedule 2.2(a)(i) project. The material is in the form of several thousand documents associated with Tender documentation and associated correspondence with, and between, ACT Government employees, various contractors, and

14. I note that the letter making the allegations did not point to any particular evidence that could be pursued. It is noted also that nothing has appeared in the media to date about these allegations nor, as far as I am aware, in the ACT Assembly.

Finding

15. My review of the allegation letter, interviews with relevant employees and their supervisors, and the background material, did not indicate that either [REDACTED] or [REDACTED] had engaged in any activity that would fall under the provisions of the *Public Interest Disclosure Act 2012*.

Recommendation

16. It is recommended that, based on information currently available, no further action be taken in relation to this matter and that [REDACTED] and [REDACTED] be advised accordingly.

Schedule 2.2(a)(ii)

HBA Consulting



28 September 2018

ATTACHMENT B

Ms Nikki Pulford
Director
Governance & Business Solutions
Transport Canberra & City Services
496 Northbourne Avenue
Dickson ACT 2602
nikki.pulford@act.gov.au

Dear Ms Pulford,

Thank you for your letter of 7 September 2018 in relation to an anonymous letter you have received alleging misconduct by me. I am writing to absolutely and categorically refute any claims of misconduct by me, and more specifically those related to the examples included in your letter such as colluding to manipulate contracts, receiving kickbacks or colluding to deliberately delay a project.

I am extremely disappointed that someone has felt the need to make such an allegation, and I have been confused in trying to understand what would motivate someone to do this. I pride myself in undertaking my duties as   in the public service in accordance with the code of conduct and the values that are set by government and the Transport Canberra and City Services Directorate.

I support the processes that ensure the public service is held to account for their responsibilities, and will actively participate in the preliminary assessment of these allegations as requested to ensure my name and reputation are not associated with any such behaviours as suggested in the anonymous letter.

Again, I would like to clearly and without prejudice refute these allegations and I look forward to this matter being closed out in a timely manner.

Schedule 2.2(a)(ii)



I am satisfied that any and all decisions or directions that I make in my role on behalf of the ACT Government would withstand any and all scrutiny and that my behavior, professionalism and focus on value for money outcomes would be proven through any assessment. I also strongly believe that this would also be the case with that of my equivalent in TCCS, and that throughout the Schedule 2.2(a)(ii) project we have been focused on delivering the best outcome for the Territory in accordance with best practice and Government priorities.

I welcome any opportunity to close this matter out promptly and confidentially and am willing to provide any additional information that may be required to do so.

Kindest Regards

Schedule 2.2(a)(ii)

20 September 2018

Schedule 2.2(a)(ii)

14. I note that the letter making the allegations did not point to any particular evidence that could be pursued. It is noted also that nothing has appeared in the media to date about these allegations nor, as far as I am aware, in the ACT Assembly.

Finding

15. My review of the allegation letter, interviews with relevant employees and their supervisors, and the background material, did not indicate that either [redacted] or [redacted] had engaged in any activity that would fall under the provisions of the *Public Interest Disclosure Act 2012*.

Recommendation

16. It is recommended that, based on information currently available, no further action be taken in relation to this matter and that [redacted] and [redacted] be advised accordingly.

Schedule 2.2(a)(ii)

HBA Consulting

28 September 2018



ACT
Government

ACT Public Sector
Standards Commissioner

SENSITIVE: PERSONAL

TRIM No:

Ms Nikki Pulford
Director, Governance and Ministerial Services
Transport Canberra and City Services Directorate

Dear Ms Pulford,

Anonymous allegations regarding Schedule 2.2(a)(i) **and** Schedule 2.2(a)(ii)

Thank you for your email dated 28 September 2018 forwarding the report prepared by [redacted] of HBA Consulting in relation to allegations made against Schedule 2.2(a)(i) and Schedule 2.2(a)(ii)

I have reviewed the report and note Schedule 2.2(a)(ii) finding that the investigative steps taken "did not indicate that that either Schedule 2.2(a)(i) or [redacted] had engaged in any activity that would fall under the provisions of the Public Interest Disclosure Act 2012."

Against this background, I concur with your recommendation, as well as that of [redacted] that no further action be taken in relation to the allegations. I will consider the matter closed for our reporting purposes.

Thank you for your efforts to expeditiously resolve this matter.

Yours sincerely

Schedule 2.2(a)(ii)

ACT Public Sector Standards Commissioner
3 October 2018

Ligeros, Ria

From: Gittleman, Henry
Sent: Wednesday, 3 October 2018 1:25 PM
To: Wright, Robert; Pulford, Nikki
Cc: Condon, Cheryl; McPhee, Ian (Commissioner)
Subject: RE: PID matter closed [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Attachments: PSSC letter to Nikki Pulford.pdf

Dear Nikki and Robert,

Thank you for the advice regarding the outcome of the PA. I have attached a letter from Commissioner Ian McPhee acknowledging closure of the matter.

Regards,

Henry Gittleman

A/g Senior Manger / Analytical Manager
Professional Standards Unit
T: 02 6205 0783 | E: henry.gittleman@act.gov.au
CMTEDD | ACT Government
Level 5, Nara Centre, 1 Constitution Ave, Canberra
GPO Box 158 Canberra ACT 2601

From: Wright, Robert
Sent: Wednesday, 3 October 2018 1:15 PM
To: Gittleman, Henry <Henry.Gittleman@act.gov.au>
Cc: Condon, Cheryl <Cheryl.Condon@act.gov.au>; McPhee, Ian (Commissioner) <Commissioner.McPhee@act.gov.au>
Subject: PID matter closed [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]

Hi Henry

In relation to the anonymous complaint in relation to the [Schedule 2.2\(a\)\(ii\)](#) Project. The preliminary assessment is now finalised and as SERBIR I have closed this matter with no further action to be taken.

Kind regards

Robert Wright

Executive Director, Corporate
Chief Minister, Treasury and Economic Development | ACT Government
Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au
Phone: +61 2 62070569 | Mobile: [Schedule 2.2\(a\)\(ii\)](#) | Email: robert.wright@act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

File Note: SERBIR

On 11 January I received an anonymous email (as Serbir) from a person using the alias [redacted]

Complaint was as follows:

Hello Nikki

I'm using you own email address because the serbir email addresses don't work.

I'd like someone to look at the blatant conflict of interest that exists between [redacted] and the Horizon One company.

[redacted] is an old friend of [redacted] of that company and uses him to recruit personnel for TCCS. TCCS pays Horizon One for this service. Nothing wrong with that.

[redacted] has a financial interest [redacted] Horizon One rented/hired that establishment for [redacted] recently. You scratch my back and I'll put some money in your pocket.

What an appalling attitude [redacted]

Regards

[redacted]

[redacted] I conducted an interview with [redacted] to seek facts in relation to this complaint to assess whether this may be a PID issue.

I asked [redacted] a series of questions which I provided [redacted] with on [redacted] arrival. Questions and answers are attached.

Based on my investigation believe [redacted] had followed due process for the recruitment of an employee through Horizon One.

[redacted] does know [redacted] of Horizon One well, he went to three firms seeking CVs for a specialised position. Horizon One provided the top two CVs for interview. [redacted] generally uses 5 different recruitment firms and of the 6 staff currently engaged through these recruitment firms only one employee is from Horizon One. [redacted] also used an internal panel to review the CVs provided by several firms.

[redacted] has declared on his Conflict of Interest form, [redacted] and which he does not have a management role in.

[redacted] advised that Horizon One has used Schedule 2.2(a)(i) over the years but normal commercial arrangements applied.

I will be reminding Schedule 2.2(a)(i) to make sure [redacted] proactively manage perceived conflict of interest.



Nikki Pulford
Serbir
Transport Canberra and City Services

23 February 2017

Meeting held on Friday 17 February 2017, 4.00pm at 496 Northbourne Avenue, Dickson

Attendees:

Nikki Pulford, Director, Governance and Business Solutions, Transport Canberra and City Services

Schedule 2.2(a)(ii)

Purpose

To conduct an assessment of facts following an anonymous allegation made on 11 January 2017 about the conduct of Schedule 2.2(a)(ii) in an ACT Directorate. These allegations relate to a conflict of interest.

Questions

1. Do you have a personal relationship with anyone from the Horizon One company?

Schedule 2.2(a)(ii) is friends with Schedule 2.2(a)(ii) of Horizon one.

2. Do you / have you used Horizon one to recruit personnel for TCCS?

Yes. Schedule 2.2(a)(ii) has used Horizon One for the recruitment of one specialised position being the Schedule 2.2(a)(ii)

3. What led you to select Horizon One?

Schedule 2.2(a)(ii) went out to three companies. Horizon One, Hays and Hudson Recruitment. The top two candidates were interviewed by Schedule 2.2(a)(ii). The successful candidate was then engaged via Horizon One.

4. Do you use any other recruitment companies?

Schedule 2.2(a)(ii) advised there were approximately 5 different recruitment companies that he generally uses. Currently of the 6 staff engaged by Schedule 2.2(a)(ii) only one is engaged through Horizon One.

5. What process was undertaken prior to engagement of Horizon One?

Schedule 2.2(a)(ii) went to three recruitment firms seeking CVs for interview. Horizon One provided the top two most suitable candidates for interview on this occasion.

6. Did Horizon one hire Schedule 2.2(a)(ii)?

Yes. They have done for several years.

7. What level of management do you have Schedule 2.2(a)(ii)?

None

8. Did normal commercial arrangements apply?

Yes

Schedule 2.2(a)(ii)

20 February 2017