Employees to Notify Supervisor if Charged with or Convicted of an Indictable Offence

Policy Number: E4 (QH-POL-127)
Publication date: January 2014

Purpose: To outline the requirement for employees to notify Queensland Health if charged or convicted of an indictable offence.

Application: This policy applies to all Queensland Health employees, including employees working in and for:

- the Department of Health
- non-prescribed Hospital and Health Services
- prescribed Hospital and Health Services.

Delegation: The ‘delegate’ is as listed in the Department of Health Human Resource (HR) Delegations Manual and the Hospital and Health Services Human Resource (HR) Delegations Manual – HRM Functions of the Director-General, as amended from time to time.

Legislative or other authority:

- Public Service Act 2008
- Public Service Regulation 2008
- Criminal Code Act 1899

Related policy or documents:

- Code of Conduct for the Queensland Public Service

Policy subject:

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1 Legislation

The requirement for an employee to give notice of charge or conviction for an indictable offence is legislated in Section 181 of the Public Service Act 2008. The provisions are applied to Health Service employees under Section 2 Part 2 of the Public Service Regulation 2008.

2 Requirement to notify

An employee charged or convicted of an indictable offence is to immediately notify their manager in writing, but not later than 48 hours after the charge or conviction.

The requirement to notify exists while a person is an employee of Queensland Health, including when the employee is on leave with or without pay, or on secondment to another agency.

Notification of a charge or conviction is required irrespective of whether the offence was committed in Australia or in an overseas country (for the purposes of this policy, information regarding what constitutes a charge or conviction can be found in the definition section).

3 Requirement to provide written notification

If an employee is charged with an indictable offence the following information must be included in their written notification:

- the fact they have been charged
- the specific charge laid
- the details of the alleged offence.

If an employee is convicted of an indictable offence the following information must be included in their written notification:

- the fact they were convicted
- the details of the offence
- the penalty imposed on the employee.

4 Manager to notify local human resources

The manager who is notified by an employee of a charge or conviction must report the details to the local human resources unit immediately (but no later than two working days after the notification by the employee).

Definitions:

<table>
<thead>
<tr>
<th>Charged</th>
<th>For the purpose of this policy ‘charged’ includes:</th>
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<tbody>
<tr>
<td></td>
<td>• being charged with an offence</td>
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<td></td>
<td>• being served with a ‘Notice to Appear’</td>
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<td></td>
<td>or</td>
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<td></td>
<td>• served a ‘Summons’ to appear in a court to answer an alleged offence.</td>
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<td>Convicted</td>
<td>Includes a finding of guilt, whether or not a conviction is recorded.</td>
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**Indictable offence**

An offence for which a charge may be laid by indictment or an equivalent process, whether that is the only or an optional way to lay a charge of the offence.

The Criminal Code Act 1899 specifies that offences may be criminal offences or regulatory offences.

Criminal offences comprise crimes, misdemeanours and simple offences. Only offences designated as crimes and misdemeanours are indictable offences. An indictable offence is a more serious offence. Charges of an indictable offence are usually heard before a judge and jury.

Regulatory and simple offences may be heard by a Magistrates Court without a jury.

**History:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Changes</th>
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<tbody>
<tr>
<td>January 2014</td>
<td>• Policy formatted as part of the HR Policy Simplification project.</td>
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<tr>
<td></td>
<td>• Policy amended to:</td>
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<td></td>
<td>o clarify information required in written notifications (section 2)</td>
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<td></td>
<td>o add section 3 (Manager to notify local human resources)</td>
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<tr>
<td></td>
<td>o update definition section to include definitions for ‘charged’ and ‘indictable offence’, and remove the definition for ‘misdemeanors’</td>
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<td></td>
<td>o update references and naming conventions.</td>
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<tr>
<td>January 2010</td>
<td>• Amended to clarify notification requirements in section 7.1.</td>
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<tr>
<td>July 2008</td>
<td>• Amended to reflect <em>Public Service Regulation 2008</em>.</td>
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<tr>
<td>April 2008</td>
<td>• Developed as a result of the HR Policy framework consolidation project as an introduction document.</td>
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<tr>
<td>Previous</td>
<td>• IRM 9.4 - Officers or Employees Charged with an Indictable Offence</td>
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