



Inquiry into Appropriation Bill 2026–2027 and Appropriation (Office of the Legislative Assembly) Bill 2026–2027

Answer to question taken on notice

Asked by: Mr Thomas Emerson MLA

Addressed to: Commissioner Metcalfe

In relation to: Pausing Misconduct Investigations due to Mental Health Concerns

Hearing: 4 August 2026

Uncorrected Proof Transcript pp 96

Transcript provided: 5 August 2026

Answer Due: 12 August 2026

Commissioner Metcalfe: took on notice the following question(s):

EMERSON: Okay. I am so in the question on notice we discussed before pausing suspending or otherwise not proceeding with an investigation, could you please also include the examples where it was because of the mental health of the person who was being investigated or may have been investigated in that question taken on notice and provide examples from the last say five years where that has occurred?

Mr Metcalfe: We will do our best.

Andrew Metcalfe: The answer to the Member's question is as follows:

The Public Sector Standards Commissioner may, on occasion, pause a misconduct investigation where there are credible concerns about a participant's psychological health, wellbeing, or capacity to engage in the process. An investigation may also be paused at the request of another investigating agency, such as the Australian Federal Police or the ACT Integrity Commission, or for other reasons that may affect the integrity, progression, or management of the investigation.

Decisions to pause investigations for mental health or wellbeing reasons are made on a case-by-case basis and are informed by advice from the employing Directorate – who retain responsibility for the employee's welfare throughout the misconduct process.

Pausing an investigation does not generally result in the matter being discontinued, rather, it is a risk management strategy designed to safeguard the wellbeing of participants and/or the integrity of investigative processes. The investigation can be resumed once the circumstances giving rise to the pause have been appropriately addressed.

Where an employee is on personal leave, the Commissioner may ask the relevant directorate to confirm with the employee, or their treating health professional, whether the employee is unfit only to perform their duties, or whether they are also unfit to participate in the misconduct process. These are separate considerations, and a finding that an employee is unfit for work does not necessarily mean they are unable to engage in the misconduct process.

The Commissioner rarely discontinues a matter, except in circumstances where there is clearly no credible evidence.

The below figures represent the total number of misconduct processes stayed by the Commissioner over the last five years because a person has left the ACT Public Sector (ACTPS). The circumstances or reasons under which employees leave the ACTPS are a matter for the relevant Directorate.

Financial Year	# Stayed Misconduct Matters
FY 21-22	11
FY 22-23	23
FY 23-24	13
FY 24-25	15
FY 25-26	7
Total	69

Approved for circulation to the Select Committee on Estimates 2026-2027

Signature: 

Date: 11/08/2026

By the ACT Public Sector Standards Commissioner, Andrew Metcalfe