



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: Chief Minister

In relation to: Potential Misconduct Investigation

Hearing: 4 August 2026

Uncorrected Proof Transcript pp 90-97

Transcript provided: 5 August 2026

Answer Due: 12 August 2026

Mr Andrew Barr MLA and Mr Russ Campbell: took on notice the following question(s):

MR EMERSON: Yes, thank you. On public interest disclosure issues and investigations, was the former Director-General of ACT Health, Rebecca Cross, ever investigated independently for potential misconduct?

Mr Campbell: I do not have current knowledge of that, but I can take that on notice.

Mr Barr: We will take that on notice for you.

MR EMERSON: Does anyone else have current knowledge of that?

Mr Campbell: No, we would need to take that on notice.

[...]

MR EMERSON: Okay. Thank you. Did Ms Cross take a voluntary redundancy on leaving the service?

Mr Campbell: We will have to take these questions on notice.

MR EMERSON: Okay. Can you check how much that cost the territory if you did? And how many senior executives have taken voluntary redundancies in the last five years while being investigated or considered for investigation by the Public Sector Standards Commissioner?

Mr Campbell: Yes.

[...]

MR EMERSON: Just very quickly I wanted to go back to the line of questioning from earlier. I am struggling to accept that no-one in the room understands, in the circumstances of Ms Cross leaving service when she was the Director-General of ACT Health until quite recently. Can someone tell me when she left the service?

Speaker: I do not have that in front of me, sorry.

Mr Barr: The exact date, but we will get—we can get that.

Mr Andrew Barr MLA: The answer to the Member's question is as follows:

Workplace misconduct investigations are confidential employment matters between the employer and employee. Alleged misconduct is managed under the Public Sector Management Act 1994, the Public Sector Management Standards 2016, applicable enterprise agreements and relevant privacy obligations.

Misconduct investigation processes and outcomes should not be conflated with other government functions, including the ACT Integrity Commission. Privacy limitations under the Information Privacy Act 2014 and the Territory Privacy Principles mean workplace misconduct processes and outcomes remain confidential and are not subject to public release.

SES members in the ACT Public Service are not eligible for voluntary redundancy. Section 38 of the PSM Act 1994 provides the parameters where the engager of an SES member may end the SES member's engagement, on behalf of the Territory.

The Machinery of Government changes that commenced on 1 July 2025, made changes to a number of Director-General and Deputy Director-General roles including the Director-General, ACT Health Directorate. Along with other of those Director-General and Deputy Director-General roles, Ms Cross' role was no longer required for the efficient and effective operation of the ACT Public Service.

Ms Cross' engagement as an SES member was ceased under Section 38 of the PSM Act 1994 on 4 July 2025.

Section 72 of the Public Sector Management Standards 2016 sets out the provisions around payment at the end of and SES member's employment under section 38 (d)(e) and (f) of the PSM Act 1994. Staff are also paid any entitlements as required by law.

The Public Sector Standards Commissioner has advised that over the past five years:

- 16 Senior Executive Service (SES) employees were considered for investigation through a preliminary assessment.
- 32 SES employees were the subject of a misconduct investigation, of which 6 investigations were stayed.

A stayed investigation is one that is paused and may be recommenced at a later time. ACTPS guidance notes that an investigation may be stayed where an employee resigns while a misconduct process is underway.

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Information relating to voluntary redundancies and information relating to referrals to, or investigations undertaken by, the Public Sector Standards Commissioner are maintained through separate processes and systems. Accordingly, the ACTPS does not hold a consolidated record identifying employees who have both received a voluntary redundancy and been the subject of a referral, preliminary assessment or investigation.

Consistent with established practice, the ACTPS does not disclose personal employment, separation or misconduct matters relating to current or former employees.

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

Signature: 

Date: **14.8.26**

By the Chief Minister, Mr Andrew Barr MLA