From: BARRY, Megan [redacted]

Sent: Tue 14/02/2023 3:11:05 AM (UTC)

To: SEELEY, Nick [redacted]

Subject: In Confidence for DG

Attachment: DG speaking notes.docx

Attachment: 23 108495 Directions Letter - SECURED MATTER - MIS034280.DOCX

I'm available to discuss when needed.

Regards

Megan Barry
Deputy Director-General

People, Information and Communication Services
Department of Education

[redacted]
Level 22 | Education House | 30 Mary Street | Brisbane QLD 4000
PO Box 15033 | City East QLD 4002

I acknowledge the Traditional Custodians of this land, waterways and seas. I pay my respects to their ancestors and Elders of the past and present, and their continued determination to keep culture alive and strong.

Queensland Government



DG Meeting

- I have a serious and confidential matter I wish to discuss with you.
- I have received information about your alleged conduct in the workplace which is currently under assessment.
- At this stage, I am unable to provide you with specific detail about the allegations, apart from they relate to undeclared conflict of interests. However, at the appropriate time, you will be provided with further information.
- You will be provided with opportunity to respond to the issues. You will be kept updated about the progress of the matter through an appointed contact, Nick Seeley.
- Whilst the matter is under assessment and enquiries undertaken, I must take certain actions to manage the concerns and the risks associated with those concerns.
- I have decided to suspend your purchasing, procurement and financial delegations. This means from today, you do not have the delegation to approve departmental processes associated with these activities.
- I also direct you to be aware of, and observe, your obligations with regards to identifying, declaring, managing and resolving conflicts of interest relating to your private interests, in line with the department's Conflict of Interest and Notification of secondary employment policies and procedures; and
- This letter will provide you with the further details about the directions.
- I remind you this is a confidential matter and you are to maintain confidentiality about this meeting today and any future meetings or interviews.
- You must not and are directed not to discuss this matter with your work colleagues, or any person apart from your union, legal representative or support person.
- Although the concerns are still at the assessment stage, the matter has been identified as a Public Interest Disclosure under the Public Interest Disclosure Act. There are details in the letter about what this means for you as a person subject of a disclosure.
- You are able to access the department's Employee Assistance Service for confidential counselling support. Contact details are included in the letter.

Queensland Government

Department of Education

14 February 2023

PRIVATE AND CONFIDENTIAL

Ms Kym Bancroft

C/O the Office of Industrial Relations

By Hand delivery

Dear Ms Bancroft

It has come to my attention that serious concerns have been raised in relation to your conduct while employed as the Deputy Director-General, Office of Industrial Relations.

These concerns involve an alleged conflict of interest, noting at this time they are allegations only, and no conclusions adverse to you have been made.

Your alleged conduct may provide grounds for discipline under the *Public Service Act 2008* (the Act). Further details will be provided to you in due course as further consideration of the matter is progressed. Please note that no finding has been made, or will be made, regarding the concerns until such time as you have been afforded an opportunity to respond.

As a risk mitigation strategy, while enquiries are being undertaken, I have decided to suspend your procurement, purchasing and financial delegations and to issue you with a direction to:

- Be aware of, and observe, your obligations in relation to identifying, declaring, managing and resolving any actual, perceived or possible conflicts of interest relating to your private interests, in line with the department's Conflict of Interest and Notification of secondary employment policies and procedures; and

- You are not to discuss this matter with your work colleagues or any person apart from your union, legal representative or support person.

Further, I ask that you ensure that your workplace conduct remains professional at all times.

I advise you that failure to follow these directions may be considered a breach of a failure to follow a legal and lawful direction and may constitute consideration of further action against you.

Integrity and Employee Relations
Education House
30 Mary Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone [redacted]
Email [redacted]
ABN 76 337 613 647

Human Rights

The *Human Rights Act 2019* sets out that a decision-maker has an obligation to act and make decisions in a way that is compatible with human rights.

I confirm that I have considered the potential impact of this process on your human rights, however, I have determined there is no less restrictive and reasonably available way to achieve the purpose of appropriately addressing the risk to the department associated with the concerns raised.

Public Interest Disclosure

I also wish to make you aware that the allegations have been assessed as public interest disclosures under the *Public Interest Disclosure Act 2010*, which amongst other provisions, provides protections to certain people including those who make disclosures. Taking reprisal action against a person because you believe they have made a disclosure is an offence under the Act. An employee who takes reprisal action may be disciplined (up to and including termination).

The matters which are the subject of this letter are confidential. This will assist in protecting the integrity of this process. You are directed not to discuss this matter with your work colleagues or any person apart from your union, legal representative or support person.

Departmental Support

I understand that you may require support during this process. The department's Employee Assistance Program, Lifeworks by Morneau Shepell, offers free, confidential counselling to all departmental employees and you may wish to access this service. To make an initial appointment please contact Lifeworks on telephone 1800 604 640.

Should you require further information about this process you may contact Mr Nick Seeley, Executive Director in my office on 0437 443 280.

Yours sincerely

MICHAEL DE'ATH
Director-General
Department of Education

Ref: 23/108495