



Employees to Notify Supervisor if Charged with an Indictable Offence

Human Resources Policy

Effective Date: January 2010

1 PURPOSE

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

2 APPLICATION

This policy applies to all Queensland Health employees. For the purpose of this policy, reference to employees includes volunteers.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The 'delegate' is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- *Public Service Regulation 2008*
- *Criminal Code 1899*
- Queensland Health Code of Conduct

6 SUPERSEDES

- IRM 9.4 Officers or Employees Charged with an Indictable Offence

7 POLICY

7.1 Requirement to notify Queensland Health

An employee charged or convicted of an indictable offence is to immediately notify their manager in writing.

Notification of a charge or conviction is required irrespective of whether the offence was committed in Australia or in an overseas country.

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

7.2 Indictable offence

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

Criminal offences comprise crimes, misdemeanours and simple offences. 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.

8 APPLYING THE POLICY

An employee who has been charged or convicted with an indictable offence is required to provide written advice to the delegate immediately after being charged or convicted stating that they have been charged or convicted and details of the alleged offence/offences.

9 DEFINITIONS

Convicted	Includes a finding of guilt, whether or not a conviction is recorded.
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.
Misdemeanours	Crimes and misdemeanours are indictable offences, i.e. the offenders cannot, unless otherwise expressly stated, be prosecuted or convicted except upon indictment.

10 HISTORY

January 2010	Amended to clarify notification requirements in section 7.1.
July 2008	Amended to reflect <i>Public Service Regulation 2008</i> .
April 2008	Developed as a result of the HR Policy framework consolidation project as an introduction document.