

Information sheet: ACT Integrity Commission - Leave and support for employees when required to give evidence

This Information Sheet provides information on leave entitlements and supports available for ACT Public Sector (ACTPS) employees who receive a summons to give evidence to the ACT Integrity Commission (Commission) in the course of their employment¹.

About the ACT Integrity Commission

1. Under the *Integrity Commission Act 2018* (the Act) the Commission investigates, exposes and helps prevent corrupt conduct involving Territory public authorities and public officials.
2. To do this, the Commission gathers evidence in different ways. This can include:
 - a. private or public examinations; and
 - b. requiring people to provide documents or other things.

What is a summons?

3. If an employee is required to attend an examination, they will receive a document called a summons. Anyone who attends an examination is called a witness. A witness **must** attend the Commission to give evidence and/or provide documents or other things. An employee may be required to attend on more than one occasion.

Confidentiality requirements

4. An employee may also receive a confidentiality notice. This means that the employee must not discuss the investigation with anyone unless specifically permitted by the confidentiality notice. In some cases, an employee may not be allowed to tell anyone:

¹ Note: This information sheet does not include information in relation to employee leave entitlements when providing evidence not connected to their employment. For information in relation to employee leave entitlements in a private capacity, employees should refer to the ACTPS Enterprise Agreements, Annexure D, 10 – Attend as a Witness.

- a. that the employee has received a summons;
 - b. that the employee has received a confidentiality notice;
 - c. that the Commission is involved;
 - d. what the investigation is about; or
 - e. any documents, evidence or communications related to the matter.
5. This restriction applies to direct, indirect, or implied disclosure, including any actions that could reveal or allow another person to infer the existence, nature, or details of the investigation (for example, hinting, confirming assumptions, or allowing inferences to be drawn).
6. There are limited exceptions, such including:
 - a. seeking legal advice; or
 - b. speaking with a registered medical practitioner or registered psychologist; or
 - c. disclosure to an employer and/or manager of the requirement to attend for the purposes of applying for leave.
7. A confidentiality notice will set out the permitted disclosures. An employee must comply with these requirements carefully, as failing to do so may result in criminal penalties.
8. Confidentiality obligations may continue after the employee has finished giving evidence. More information can be found at the Commission's website [here](#), or in the summons materials. If in doubt, it is recommended that an employee contact the Commission.

Practical impact of confidentiality

9. In practical terms, these restrictions may make it difficult for an employee to explain or manage absences from the workplace when attending the Commission. This includes not being able to explain the reason for leave or short-notice absences. Guidance on managing this is set out below.

Leave entitlements

10. ACTPS employees² (other than casual employees) are entitled to paid leave to attend the Commission where required in the course of their employment. This leave type is set out in Annexure D of the [ACTPS Enterprise Agreements](#) and is called 'Attend as a Witness'. This leave counts as service for all purposes.
11. Where travel is required, an employee may be reimbursed for reasonable travel expenses, consistent with work-related travel arrangements.³
12. An employee is entitled to paid leave each time they are required to attend the Commission, in accordance Annexure D of the [ACTPS Enterprise Agreements](#).

What is the process to apply for leave?

13. Under section 81 (f)(ii) of the Act, an employee is permitted to disclose that they are required to attend the Commission for the purpose of requesting or taking leave. This means an

² ACTPS employees includes Senior Executive Staff (SES) as they are entitled to leave provisions under the Enterprise Agreements as per section 63 of the *Public Sector Management Standards 2016*.

³ ACTPS employees are entitled to reimbursement for reasonable work-related travel expenses in line with the relevant travel policy on the ACTPS Employment Portal. Alternatively, witnesses attending the Commission may be eligible for reimbursement under the relevant Integrity Commission Regulation (enquiries about eligibility and entitlement should be directed to the Integrity Commission).

employee may inform the appropriate manager or delegate to the extent necessary to apply for leave.

14. If an employee has concerns about the wording they can use, the employee may contact the Commission using the contact details provided in the summons or confidentiality notice.
15. An employee can apply for witness leave using the 'Apply for Leave' form by selecting 'Other Leave' and then 'Attend as a Witness'. Only the minimum necessary information should be included. An employee may state that they are required to attend as a witness but must not include further details about the investigation unless expressly authorised.
16. An employee may need to consider whether their usual manager or delegate is the most appropriate person to approve the leave. If not, an alternative manager or delegate may be nominated.
17. Leave records should only use generic or authorised wording, consistent with the Act and any direction from the Commission, and must not include identifying details about the investigation such as:
 - a. names of individuals involved;
 - b. the nature or subject matter of the investigation;
 - c. the agency or work area concerned;
 - d. specific dates or locations related to the matter; or
 - e. any other information that could enable a person to identify or infer the existence, scope, or particulars of the investigation.

What if I receive a summons at short notice?

18. If an employee receives a summons at short notice:
 - a. the employee should notify their manager only to the extent permitted; and
 - b. submit an application for leave.

Manager' Responsibilities

19. Managers must:
 - a. understand that employees may not be able to provide detailed reasons for their absence when applying for this leave;
 - b. not request more information than is necessary to approve the leave given confidentiality requirements will apply;
 - c. approve leave in accordance with the ACTPS Enterprise Agreements; and
 - d. keep all information disclosed by the employee for the purpose of applying for leave confidential.

Wellbeing and support

Employee Assistance Program (EAP)

20. Being called as a witness can be stressful. As an ACTPS employee, you can access support through the [Employee Assistance Program](#) (EAP). Employees should note that, consistent with earlier guidance, confidentiality requirements do not prevent disclosure to a registered psychologist for the purpose of obtaining support.
21. The ACTPS EAP provider, Converge, offers support for employees who are called to appear as a witness, give evidence, or are named in formal investigations, hearings, or reviews.

Specialist Support Services can provide up to six confidential phone or online sessions. Further information is available [here](#).

22. Additional support services may also be available and can be found [here](#).

Witness Wellbeing Liaison Officer

23. The Commission have a dedicated Witness Wellbeing Liaison Officer to ensure witnesses are supported throughout the Commission's processes. Details of how witnesses can contact the Witness Wellbeing Liaison Officer will be contained in the documents sent by the Commission.

Legal assistance

24. ACTPS employees involved in proceedings by the Commission may request legal advice and representation from the ACT Government Solicitor, under the [Law Officers Legal Services Directions 2023](#). A request for advice or representation will be considered on its merits.

Further information

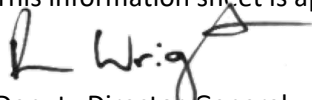
25. For further information or details contained in this information sheet, employees should contact their manager and/or the Commission, as appropriate.

Review

26. This information sheet is due for review 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the information sheet.

Approval authority

This information sheet is approved by:



Deputy Director General
Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate
On behalf of the Head of Service
30 July 2026

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