

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH PORTFOLIO**

**Additional Estimates 2015 - 2016, 10 February 2016**

**Ref No: SQ16-000175**

**OUTCOME:** 0 - Whole of Portfolio

**Topic:** Departmental Staff Misconduct

**Type of Question:** Written Question on Notice

**Senator:** Ludwig, Joe

**Question:**

Since the change of Prime Minister on 14 September, 2015:

1. Please provide a copy of the departmental staff code of conduct.
2. Have there been any identified breaches of this code of code of conduct by departmental staff?
  - a) If yes, list the breaches identified, broken by staffing classification level.
  - b) If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
  - c) If yes, when was the breach identified? By whom? When was the Minister made aware?
  - d) If yes, were there any legal ramifications for the department or staff member? Please detail.

**Answer:**

1. The Code of Conduct is outlined at Section 13 of the *Australian Public Service Act 1999*.
2. Yes.
  - a) It was determined that an APS6, and EL2 and and SES Band 1 breached a range of the following elements of the APS Code of Conduct:
    - Section 13(1) - *must behave honestly and with integrity in connection with APS employment.*
    - Section 13(2) - *Act with care and diligence in connection with APS employment.*
    - Section 13(3) - *When acting in connection with APS employment, apply with all applicable Australian laws.*
    - Section 13(9) - *not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment.*
    - Section 13 (11) – *not improperly use inside information or the employee's duties, status, power or authority.*

- b) Sanctions were applied where appropriate.
- c) The breaches were identified on 25 March 2015, 21 April 2015 and 17 July 2015 by departmental staff. The Minister was not informed of the breaches.
- d) There were no legal ramifications for the Department of Health or respective staff members.