

## Senate Community Affairs Legislation Committee

### SUPPLEMENTARY BUDGET ESTIMATES – 23-24 OCTOBER 2014 ANSWER TO QUESTION ON NOTICE

#### Department of Human Services

**Topic:** Departmental Staff Misconduct

**Question reference number:** HS 107

**Senator:** Ludwig

**Type of question:** Written

**Date set by the committee for the return of answer:** 12 December 2014

**Number of pages:** 3

#### **Question:**

Since Budget Estimates in June, 2014:

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

#### **Answer:**

- a) Departmental staff are required to comply with the APS Code of Conduct, which is contained in section 13 of the *Public Service Act 1999*.
- b) Yes.
  - 1) Breaches identified in the period 1 July 2014 to 31 October 2014 are set out in Table A, noting that action by an employee may breach more than one element of the Code. Classification levels of employees involved in the breaches are in Table B.
  - 2) Sanctions were imposed for all current employees, noting that more than one sanction can be applied to an employee in regard to a particular breach. Details are in Table C.
  - 3) Potential breaches are referred for formal investigation. Allegations were received between 12 March 2014 (the earliest received) and 25 September 2014 (the most recent finalised). The way matters were identified is in Table D. The Minister is not informed of all breaches.
  - 4) Between 1 July 2014 and 31 October 2014 eight matters have been referred to the Commonwealth Director of Public Prosecutions (CDPP) for prosecution consideration. These matters are still under assessment by the CDPP.

Table A

<b>Elements of the APS Code of Conduct</b>	<b>Number of breaches</b>
(s. 13(1)) An APS employee must behave honestly and with integrity in connection with APS employment.	73
(s. 13(2)) An APS employee must act with care and diligence in connection with APS employment.	66
(s. 13(3)) An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment	12
(s. 13(4)) An APS employee, when acting in connection with APS employment, must comply with all applicable Australian laws.	6
(s. 13(5)) An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.	6
(s. 13(6)) An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.	0
(s. 13(7)) An APS employee must: (a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and (b) disclose details of any material personal interest of the employee in connection with the employee's APS employment.	69
(s. 13(8)) An APS employee must use Commonwealth resources in a proper manner and for a proper purpose.	7
(s. 13(9)) An APS employee must 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.	12
(s. 13(10)) An APS employee must not improperly use inside information or the employee's duties, status, power or authority: (a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or (b) to cause, or seek to cause, detriment to the employee's Agency, the Commonwealth or any other person.	16
(s. 13(11)) An APS employee must at all times behave in a way that upholds: (a) the APS Values and APS Employment Principles; and (b) the integrity and good reputation of the employee's Agency and the APS.	102
(s. 13(12)) An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.	0
s. 13(13)) An APS employee must comply with any other conduct requirement that is prescribed by the regulations.	0

Table B

<b>Classification of employees breached</b>	<b>Number of employees Breached</b>
SES	0
EL2	3
EL1 (and equivalent)	5
APS6 (and equivalent)	11
APS5	7
APS4	49
APS3	27
APS2	0
APS1 (and equivalent)	0
TOTAL	102

Table C

<b>Sanctions Imposed</b>	<b>Number of employees</b>
Termination	14
Reduction in Classification	11
Reassignment	1
Reduction in salary - < 5%	3
Reduction in salary - >=5% < 10%	28
Reduction in salary - >=10%	3
Fine - <\$500	2
Fine - >=\$500 < \$1000	10
Fine - >= \$1000 to max (2%)	12
Reprimand	70
Resigned prior to sanction	14
Former employee - no sanction possible	4

Table D

<b>Method of identification for breached determined</b>	
Whistleblowing/Public Interest Disclosure	0
Reported by supervisor/manager	25
Reported by colleague	9
Reported by stakeholder/member of public	0
Detected by compliance/monitoring systems	60
Other (e.g. self-reporting)	8