

**Senate Standing Committee on Environment and Communications  
Legislation Committee**  
Answers to questions on notice  
**Environment portfolio**

**Question No:** 146  
**Hearing:** Additional Estimates  
**Outcome:** Corporate  
**Programme:** Corporate Strategies Division (CSD)  
**Topic:** Departmental Staff Misconduct  
**Hansard Page:** N/A  
**Question Date:** 19 February 2016  
**Question Type:** Written

**Senator Ludwig asked:**

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 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:**

**The Department**

1. The departmental Code of Conduct can be found on the Department of the Environment's website, or at this link:  
<https://dsewpac.pws.gov.au/layouts/PDMSNET/PDMSInbox.aspx?viewname=AssignedToMe>.
2. (a-c)

<b>a. Staffing classification</b>	<b>a. Breach</b>	<b>b. Remedy</b>	<b>c. When identified</b>
APS 3	<ul style="list-style-type: none"> <li>• 13(1) An APS employee must behave honestly and with integrity in connection with APS employment</li> </ul>	Individual concerned received a deduction from salary by way of a fine.	7 October 2015
APS 3	<ul style="list-style-type: none"> <li>• 13(1) An APS employee must behave honestly and with integrity in connection with APS employment</li> <li>• 13(2) An APS employee must act with care and diligence in connection with</li> </ul>	Individual concerned received a sanction of reprimand.	7 October 2015

	<p>APS employment</p> <ul style="list-style-type: none"> <li>• 13(8) An APS employee must use Commonwealth resources in a proper manner</li> <li>• 13(11) An APS employee must at all times behave in a way that upholds: <ul style="list-style-type: none"> <li>(a) the APS Values and APS Employment Principles; and</li> <li>(b) the integrity and good reputation of the employee's Agency and the APS</li> </ul> </li> </ul>		
EL1	<ul style="list-style-type: none"> <li>• 13(2) An APS employee must act with care and diligence in connection with APS employment</li> <li>• 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</li> </ul>	Individual concerned received sanctions including a deduction from salary by way of a fine and a reprimand	30 September 2015

A breach is determined when the Delegate for Code of Conduct matters makes a decision that a breach has occurred. The Minister is not made aware of Code of Conduct breaches. Under the provisions of the Public Service Act 1999, each agency is responsible for the implementation and management of the APS Values and Code of Conduct provisions for its employees and, is therefore, a matter for the Department to manage.

d) There were no legal ramifications for the Department or staff members.

### **Bureau of Meteorology**

Bureau employees are required to abide by the APS Code of Conduct, which may be found at this link: [https://www.legislation.gov.au/Details/C2014C00511/Html/Text#\\_Toc394926945](https://www.legislation.gov.au/Details/C2014C00511/Html/Text#_Toc394926945)

<b>a. Staffing classification</b>	<b>a. Breach</b>	<b>b. Remedy</b>	<b>c. When identified</b>
APS 5	<p>The breach was in relation to the following sections of the <i>Public Service Act 1999</i>: 13(1), 13(2), 13(5), 13(11)</p> <p>s.13 (1): An APS employee must behave honestly and with integrity in connection with APS employment.</p> <p>s.13 (2): An APS employee must act with care and diligence in connection with APS</p>	Formal counselling and management action.	The suspected breach was identified in May 2015 by the employee's supervisor. The Minister was not made

	<p>employment.</p> <p>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</p> <p>s. 13(11): An APS employee must at all times behave in a way that upholds:</p> <p style="padding-left: 40px;">(a) the APS Values and APS Employment Principles; and</p> <p style="padding-left: 40px;">(b) the integrity and good reputation of the employee's Agency and the APS.</p>		<p>aware of the breach.</p>
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### **Climate Change Authority**

1. The 'Climate Change Authority Procedures for determining breaches of the APS Code of Conduct' is attached.
2. No.

### **Clean Energy Finance Corporation**

- 1-2. There has been no change to the answers provided to Questions SBT2221-2222 asked by the Senator in the Senate Economics Legislation Committee at 2014-15 Supplementary Budget Estimates in October 2014. Responses may be found at:  
[http://www.aph.gov.au/Parliamentary\\_Business/Senate\\_Estimates/economicsctte/estimates/sup1415/Treasury/index](http://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/economicsctte/estimates/sup1415/Treasury/index)

### **Clean Energy Regulator**

1. The Clean Energy Regulator employees are governed and abide by the APS Values and Code of Conduct. These can be found at: [www.apsc.gov.au](http://www.apsc.gov.au).
2. No.

### **Great Barrier Reef Marine Park Authority**

1. The Code of Conduct is the same as the APSC and may be found at: [www.apsc.gov.au](http://www.apsc.gov.au).
2. No.

### **Sydney Harbour Federation Trust**

1. The Code of Conduct may be found at this link: [www.harbourtrust.gov.au/about/policies](http://www.harbourtrust.gov.au/about/policies).
2. No.