

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

Question No: 237
Hearing: Supplementary Budget Estimates
Outcome: Corporate
Programme: Corporate Strategies Division
Topic: DEPARTMENTAL STAFF MISCONDUCT
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Ludwig asked:

Since Budget Estimates in June, 2014, please provide a copy of the departmental staff code of conduct.

1. 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 of the Environment Code of Conduct can be found on the Department's website at the following address: <http://environment.gov.au/about-us/accountability-reporting/conduct-ethical-behaviour-framework>.

1. Yes.
 - (a) (b) There were four substantiated cases of breaches of the Code of Conduct. All four cases were managed in accordance with the Department's Conduct and Ethical Behaviour Framework and Code of Conduct Guidelines. Details of the breaches identified, classification level of staff, remedy imposed and date the breach was determined are listed in Attachment A.
 - c. The Minister is not made aware of Code of Conduct breaches. Under the provisions of the *Public Service Act 1999*, the implementation and management of the APS Values and Code of Conduct provisions for the Department's employees is the responsibility of the Department.
 - d. No, there are no legal ramifications for the Department or staff members.

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Attachment A

a. Staffing classification	a. Breach	b. Remedy	c. When identified
APS 3	<ul style="list-style-type: none"> • 13(2) An APS employee must act with care and diligence in connection with APS employment • 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 • 13(8) An APS employee must use Commonwealth resources in a proper manner • 13(11) An APS employee must at all times behave in a way that upholds: <ul style="list-style-type: none"> (a) the APS Values and APS Employment Principles; and (b) the integrity and good reputation of the employee's Agency and the APS 	Individual concerned is no longer an employee (fixed term contract ceased). The line area has enhanced training and has been advised to take the Code of Conduct matter into consideration for any future employment.	19 August 2014
APS 4	<ul style="list-style-type: none"> • 13(1) An APS employee must behave honestly and with integrity in connection with APS employment • 13(3) An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment • 13(10) An APS employee must not make improper use of: <ul style="list-style-type: none"> (a) inside information; or (b) the employee's duties, status, power or authority; in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person • 13(11) An APS employee must at all times behave in a way that upholds: 	Reduction in classification for the employee and policy and procedure review by line area.	12 August 2014

	<p>(a) the APS Values and APS Employment Principles; and</p> <p>(b) the integrity and good reputation of the employee's Agency and the APS.</p>		
APS 5	<ul style="list-style-type: none"> • 13(2) An APS employee must act with care and diligence in connection with APS employment • 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 • 13(8) An APS employee must use Commonwealth resources in a proper manner • 13(11) An APS employee must at all times behave in a way that upholds: <ul style="list-style-type: none"> (a) the APS Values and APS Employment Principles; and (b) the integrity and good reputation of the employee's Agency and the APS 	Individual concerned is no longer an employee (fixed term contract ceased). The line area has enhanced training and has been advised to take the Code of Conduct matter into consideration for any future employment.	19 August 2014
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