

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2014 - 2015

Department/Agency: ABS

Question: SBT577-578

Topic: Departmental Staff Misconduct

Reference: Written - 30 October 2014

Senator: Ludwig, Joe

Question:

Since Budget Estimates in June, 2014:

577. Please provide a copy of the departmental staff code of conduct.

578. 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:

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On 1 July 2014 the Public Service Act 1999 was revised to bring the legislation into line with Public Governance, Performance and Accountability Act 2014. As at 30 October 14, the APS Code of Conduct is:

(1) An APS employee must behave honestly and with integrity in connection with APS employment.

(2) An APS employee must act with care and diligence in connection with APS employment.

(3) An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment.

(4) An APS employee, when acting in connection with APS employment, must comply with all applicable Australian laws. For this purpose, Australian law means:

(a) any Act (including this Act), or any instrument made under an Act; or

(b) any law of a State or Territory, including any instrument made under such a law.

(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) An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.

(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.

(8) An APS employee must use Commonwealth resources in a proper manner and for a proper purpose.

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(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.

(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.

(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.

(12) An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.

(13) An APS employee must comply with any other conduct requirement that is prescribed by the regulations.

In relation to (11):

APS Employment Principles are:

(1) The APS is a career-based public service that:

(a) makes fair employment decisions with a fair system of review; and

(b) recognises that the usual basis for engagement is as an ongoing APS employee; and

(c) makes decisions relating to engagement and promotion that are based on merit; and

(d) requires effective performance from each employee; and

(e) provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued; and

(f) provides workplaces that are free from discrimination, patronage and favouritism; and

(g) recognises the diversity of the Australian community and fosters diversity in the workplace.

APS Values are:

Committed to service

(1) The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Ethical

(2) The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

Respectful

(3) The APS respects all people, including their rights and their heritage.

Accountable

(4) The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Impartial

(5) The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

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Yes

578 (a)

- 1 x APS3 breached 5 elements of the Code (*PS Act reference: s13(2), s13(3), s13(7), s13(8), s13(11)*);
- 1 x APS4 breached 4 elements of the Code (*PS Act reference: s13(1), s13(2), s13(3), s13(11)*);
- 1 x APS6 breached 4 elements of the Code (*PS Act reference: s13(1), s13(2), s13(8), s13(11)*).

578 (b)

The following remedies were imposed – for reasons of privacy these have not been broken down by classification:

- Termination of employment;
- Fines; and
- Reprimands.

578 (c)

Breaches identified:

- 8 July 14 (identified by Assistant Statistician 2016 Population Census) – Minister not advised;
- 8 September 14 (identified by Assistant Statistician Human Resources) – Minister not advised;
- 14 October 14 (identified by Conduct Case Manager, People Management and Wellbeing) – Minister not advised.

578 (d)

No.