

Senate Committee: Education and Employment

QUESTION ON NOTICE Additional Estimates 2015 - 2016

Outcome: Cross Portfolio - Corporate

Department of Education and Training Question No. SQ16-000262

Senator Ludwig, Joe provided in writing.

Departmental Staff Misconduct

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 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. Employees of the Department of Education and Training are required to comply with the Australian Public Service (APS) Code of Conduct (the Code), which is specified in Section 13 of the *Public Service Act 1999*. The Code is as follows:

An APS employee must:

- 13(1) behave honestly and with integrity in connection with APS employment
- 13(2) act with care and diligence in connection with APS employment
- 13(3) when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment
- 13(4) when acting in connection with APS employment, comply with all applicable Australian laws
- 13(5) comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction
- 13(6) maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff
- 13(7) take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest of the employee in connection with the employee's APS employment
- 13(8) use Commonwealth resources in a proper manner and for a proper purpose
- 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

- 13(10) not improperly use inside information or the employee's duties, status, power or authority:
- to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
 - to cause, or to seek to cause, detriment to the employee's Agency, the Commonwealth or any other person
- 13(11) at all times behave in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of the employee's Agency and the APS
- 13(12) while on duty overseas, at all times behave in a way that upholds the good reputation of Australia
- 13(13) comply with any other conduct requirement that is prescribed by the regulations
2. Between 14 September 2015 and 22 February 2016, one employee of the Department of Education and Training was found to have breached the APS Code of Conduct.
- a) This employee was an Executive Level 1 and was found to have breached sections 13(2), 13(7), 13(8), 13(9) and 13(11).
 - b) The employee resigned from the department before a sanction decision was made.
 - c) Allegations of misconduct were first raised with the department's People Branch on 25 June 2015 by the employee's supervisor. It was not a requirement to advise the Minister of the alleged breaches, and given the nature of the case, not necessary.
 - d) There were no legal ramifications for the department or the staff member.