

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Additional Estimates 2015 - 2016**

#### **Agency - Fair Work Building and Construction**

**Department of Employment Question No. EMSQ16-000143**

**Senator Cameron asked on 12 February 2016 on proof Hansard page 29**

#### **Question**

##### **FWBC - Termination of officer**

Senator CAMERON: What were the reasons for the suspension of this officer in Brisbane?

Mr Hadgkiss: It followed an allegation made by a colleague, which we took seriously and which was investigated by the Professional Standards Unit. As I said, during the investigation it was deemed appropriate that the officer be stood aside. Following the determination of that code of conduct investigation he was back to duty and fully exonerated.

Senator CAMERON: Was the Brisbane officer brought back from suspension following the termination of the officer that was being investigated?

Mr Hadgkiss: Yes, he was.

Senator CAMERON: There you go.

Mr Hadgkiss: The allegation was found to be unsubstantiated.

Senator CAMERON: By whom?

Mr Hadgkiss: By the Professional Standards Unit.

Senator CAMERON: So can I now—

Mr Hadgkiss: Sorry, as chief counsel has advised me, he was terminated as a result of not fulfilling his probationary requirements.

Senator CAMERON: Can you provide on notice the details of why he was terminated?

Mr Hadgkiss: We can take that on notice, yes. In fact, I think it is a matter of judicial review before the Federal Circuit Court in Brisbane.

#### **Answer**

The employee was terminated under sub-section 29(3)(f) of the *Public Service Act 1999* (PS ACT) for failure to meet a condition imposed under subsection 22(6)(a) of the PS Act. This condition is; (6) *The engagement of an APS employee may be made subject to conditions notified to the employee, including conditions dealing with any of the following matters.* In this instance the relevant condition was 'probation'.