Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016

Cross Portfolio

Department of Employment Question No. EMSQ16-000405

Senator Ludwig provided in writing.

Question

Departmental Staff Misconduct

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?
1. If yes, list the breaches identified, broken by staffing classification level.
2. If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
3. If yes, when was the breach identified? By whom? When was the Minister made aware?
4. If yes, were there any legal ramifications for the department or staff member? Please detail.

Answer

Department of Employment employees are required to act in accordance with the Australian Public Service Code of Conduct (the Code), contained at section 13 of the Public Service Act 1999.

Two departmental employees have breached the Code since 14 September 2015.

Employee Classification	Sections of the Code breached	Relevant dates	Sanction applied
APS4	13(1); an APS employee must behave honestly and with integrity in connection with APS employment. 13(11); an APS employee must at all times behave in a way that upholds: the APS Values and APS Employment Principles; the integrity and good reputation of the employee's Agency and the APS.	Suspected breach notified by employee's supervisor on 24 September 2015.	Sanction decision yet to be finalised.
EL1	13(1); an APS employee must behave honestly and with integrity in connection with APS employment.	Suspected breach notified by employee's supervisor on 28 July 2015.	Employee resigned from the organisation prior to sanction being applied.

The circumstances of the misconduct did not warrant the Minister being notified in either instance. There have been no legal proceedings resulting from these Code processes.