

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

Agency - Comcare

Department of Employment Question No. EMSQ15-000250

Senator Ludwig provided in writing.

Question

Comcare - Code of Conduct

1. How are code of conduct violations by departmental and/or agency staff mediated?
2. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
 - a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
 - b. Amount paid to each firm since the last budget.
 - c. When the contract with the firm commenced.
 - d. When the contract with the firm will expire.
 - e. Why the firm was selected to provide the service.
3. Please provide a list of disputes referred to the firm, including a brief description of the dispute.

Answer

1. *How are code of conduct violations by departmental and/or agency staff mediated?*

Suspected violations of the APS code of conduct in Comcare are not mediated, they are investigated in accordance with Comcare's CEO Instruction – Procedures for determining breaches of the code of conduct and for determining sanction.

2. *Are any outside firms contracted to assist with this process? If yes: please list them, please include:*

The following outside firms were contracted and procured during the 2014–15 financial year:

- i) HBA
- ii) Capital Workplace Investigations (CWI)

a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc.)

- i) HBA were engaged to conduct three separate investigations and paid fees per investigation;
- ii) CWI were engaged to conduct two separate investigations and paid fees per investigation.

b. Amount paid to each firm since the last budget

- i) HBA were paid a total of \$21,038 during the 2014–15 financial year;
- ii) CWI was paid a total of \$26,688 during the 2014–15 financial year.

c. When the contract with the firm commenced

Not applicable for HBA and CWI as each individual procurement was below the threshold requiring a contract.

d. When the contract with the firm will expire

Not applicable for HBA and CWI as each individual procurement was below the threshold requiring a contract.

e. Why the firm was selected to provide the service

- i) HBA Consulting was selected following the Commonwealth Procurement Guidelines and due to their proven record in conducting investigations into suspected breaches of the APS Code of Conduct;
- ii) CWI was selected following the Commonwealth Procurement Guidelines and due to their proven record in conducting investigations into suspected breaches of the APS Code of Conduct.

3. Please provide a list of disputes referred to the firm, including a brief description of the dispute.

- i) The three investigations HBA were engaged to conduct were:
 - an employee allegedly inappropriately accessing sensitive information;
 - a report of bullying by a manager; and
 - a report of inappropriate behavior by a manager.
- ii) The two investigations CWI were engaged to conduct were:
 - an employee allegedly fraudulently recording hours of work; and
 - an employee allegedly altering a report without permission.