

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

#### Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000253

Senator Ludwig provided in writing

#### Question

##### FWBC - 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:
  1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
  2. Amount paid to each firm since the last budget.
  3. When the contract with the firm commenced.
  4. When the contract with the firm will expire.
  5. Why the firm was selected to provide the service.
6. Please provide a list of disputes referred to the firm, including a brief description of the dispute.

#### Answer

1. Upon receiving a report of a suspected breach the Director or SES Officer and Assistant Director, HR assesses whether the suspected breach warrants further assessment. The decision to proceed with a formal investigation rests with the relevant authorised person. Not all cases are dealt with via formal investigation. Minor breaches can be dealt with via informal mechanisms. Informal mechanisms can include mediation.

In determining a breach of the Code, the Agency complies with basic procedural requirements set out in the *Public Service Commissioner's Directions 1999*.

2. Ashurst
  - 2.1. An order for legal services is prepared for each separate occasion
  - 2.2. \$4,537.35
  - 2.3. N/A
  - 2.4. N/A
  - 2.5. Ashurst are able to offer specialist legal advice on public sector code of conduct issues.
  - 2.6. Five breaches were referred to Ashurst, all relating to APS Values and/or APS Code of Conduct issues.