

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2014-2015

Cross Portfolio

Department of Employment Question No. EM1256_15

Senator Ludwig provided in writing.

Question

Departmental Staff Misconduct

Since Budget Estimates in June, 2014:

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 Departmental employees are required to comply with the Australian Public Service (APS) Code of Conduct as set out in section (13) of the *Public Service Act 1999* (please see details below).

APS Code of Conduct

The Code of Conduct requires that an APS employee must:

- behave honestly and with integrity in connection with APS employment
- act with care and diligence in connection with APS employment
- when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment
- when acting in connection with APS employment, comply with all applicable Australian laws
- comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction
- maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff
- 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
- use Commonwealth resources in a proper manner and for a proper purpose;

- 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
 - 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
 - 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
 - while on duty overseas, at all times behave in a way that upholds the good reputation of Australia, and
 - comply with any other conduct requirement that is prescribed by the regulations (regulations available on the ComLaw website).
- 2 One departmental employee was found to have breached subsections 13(3) and 13(11) of the APS Code of Conduct between Budget Estimates (3 June 2014) and 31 October 2014. The sanction applied in relation to this breach was reduction in classification.

There were no legal ramifications for the department or employee and, as the conduct in question had no impact outside the department, the Minister was not advised.