

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2014-2015**

Cross Portfolio

Department of Employment Question No. EM1585_15

Senator Lines asked on 23 October 2014 on proof Hansard page 15

Question

Information provided to staff regarding investigation

Senator LINES: So you met with them as a group. Did you provide any written information? Ms Rundle: I would need to check. We did not at the time of explaining that we were going to undertake the investigation. I do recall the investigator did provide some material to them prior to interviewing them. I would need to check that. Senator LINES: In that first group meeting, which was an information meeting, was CPM there? Ms Rundle: No. Senator LINES: If there is written material, can you make that available to the committee? Ms Rundle: Again, I would need to check whether any personal information was there. We will need to take that on notice. ...Cont. pg 16 Senator LINES: You said earlier that you believe that CPM provided people with written documentation about their rights. Is that available to the committee? Ms Rundle: That is the piece of information that I will check for you.

Answer

The CPM investigator did provide documentation to employees prior to interviewing them and this is provided below.

INTERVIEW CONSENT FORM	
Matter:	<i>Department of Employment: possible unauthorised disclosure of information.</i>
Interviewee name:	
Date and Time:	
Interview Place:	

PART 1.

I acknowledge the following:

1. This interview is in connection with an investigation into possible misconduct by any Departmental employee as it relates to the unauthorised disclosure of information passed between the Office of Minister Abetz and the Department, as reported in the Australian newspaper on 24 and 25 March 2014.
2. The investigation will proceed in line with Departmental Procedures¹ for handling possible breaches of the APS Code of Conduct.
3. The interviewer's role is to conduct an investigation and report the recommended findings to the delegate. The report may then be used by the Department for the purpose of making a decision on the matters raised.
4. As part of that investigation, the purpose of the interview is to access any information I may have about events relating to the possible misconduct.
5. The interviewer may also interview other persons in relation to this matter.
6. I am entitled to have a support person attend the interview if I choose. However, any support person cannot participate in the interview.
7. I can ask to have the interview suspended or terminated at any time (e.g. to speak with my support person, comfort break or any other reason).
8. The interview will be conducted as informally as possible, and will include a series of structured questions. The interviewer may also ask supplementary questions to ensure his full understanding of my evidence.

¹ ss.15(3) of the *Public Service Act 1999*.

9. The interviewer will provide a draft record of interview to me as soon as practicable after the interview for my review and signature (if I agree). The signed record will then form part of the supporting material for the investigation and report.
10. The interviewer will take notes and also digitally record the interview (to assist in the preparation of an accurate statement). Everything that I say will be on the record.
11. The information I provide may be disclosed and/or used by the Department in connection with resolving the matter and/or as required by law. Anything I say that relates to another person may be shown to that other person and to other affected parties interviewed during the course of this investigation. My identity may be disclosed to other affected parties during the course of this investigation unless there are stated and lawful reasons for protecting my identity.
12. The matter must be treated in the strictest confidence. Issues raised at interview must not be discussed with anyone without appropriate authorisation and genuine 'need to know'.
13. APS employees have a legal duty and obligation to cooperate with the investigation and to answer truthfully about their knowledge of the possible misconduct. APS employees are not required to provide information which would incriminate them. The APS Code of Conduct (at ss.13 (9) of the PS Act) relevantly provides that:
"An APS employee must 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."
14. The interviewer may need to talk to me again later to confirm information or clarify inconsistencies.

PART 2.

I have **read and understood** the information contained in Part 1 of this consent form about the nature and purpose of the interview, which has also been explained to me by the interviewer, Chris Whyte.

I have elected **to / not to** *[delete option that doesn't apply]* have a support person attend the interview.

I hereby acknowledge the foregoing and agree to:

- participate in the interview;
- the interview being recorded in writing and digitally;
- the use and/or disclosure by the Department of information I provide in connection with resolving the matter and/or as required by law; and
- treat the matter and the evidence I have given in the strictest confidence.

Signature:
[signature of interviewee]

PART 3.

Now that the interview has concluded, I am satisfied that it was conducted in an appropriate and professional manner.

Signature:
[signature of interviewee]

Interviewer:	<i>[signature of interviewer]</i>
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