

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000282

Senator Cameron asked on 22 October 2015 on proof Hansard page 89

Question

FWBC - Code of conduct investigations

Senator CAMERON: Okay, so that is 11. How many for the year before?

Mr Hadgkiss : I will take that on notice. We only have the last two years.

Senator CAMERON: What were the types of misconduct investigated in the Fair Work Building and Construction code of conduct investigations in 2014-15?

Mr Hadgkiss : They were breaches of the APS values, from recollection, under the APS Code of Conduct.

Senator CAMERON: Breach of values?

Mr Hadgkiss : Yes.

Senator CAMERON: Can you give some detail.

Mr Hadgkiss : They were all quite different. They are different individuals.

Senator CAMERON: That is right, but tell me about what type of breach you were investigating?

Mr Hadgkiss : They would go to ethical behaviour, integrity et cetera.

Senator CAMERON: Do you make value judgements on these issues?

Mr Hadgkiss : No. In the case of SES, they would be investigated by external parties—I would appoint a firm of solicitors to investigate. If they were internal, I would authorise a senior, qualified officer to—

Senator CAMERON: Can you provide, on notice, the types of misconduct investigated in the previous four years.

Mr Hadgkiss : Yes, I will take that on notice.

Senator CAMERON: Can you provide me with details of the outcome of the code of conduct investigations in 2014-15.

Mr Hadgkiss : I will take that on notice.

Answer

Code of Conduct Investigated

2011–12: No code of conduct breaches investigated.

Type of conduct investigated: N/A

2012–13: One employee investigated for a breach of the APS Code of Conduct

Type of conduct investigated:

- i. 1x behave honestly and with integrity in the course of APS employment (s. 13(1))
- ii. 1x when acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment (s.13(3))

- iii. 1x at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS (s.13(11))

2013–14: Four employees were investigated for a breach of the APS Code of Conduct

Type of conduct investigated:

- i. 4 x behave honestly and with integrity in the course of APS employment (s.13(1))
- ii. 4 x comply with any lawful and reasonable direction given by someone in the employee’s Agency who has authority to give the direction (s.13(5))
- iii. 4 x at all times behave in a way that upholds the APS Values and APS Employment Principles, and the integrity and good reputation of the employee’s Agency and the APS (s.13(11))

2014–15: Seven employees were investigated for a breach of the APS Code of Conduct

Type of conduct investigated:

- i. 5 x behave honestly and with integrity in connection with APS employment (s.13(1))
- ii. 4 x act with care and diligence in connection with APS employment (s.13(2))
- iii. 2 x when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment (s.13(3))
- iv. 1 x when acting in connection with APS employment, comply with all applicable Australian laws (s. 13(4))
- v. 2 x comply with any lawful and reasonable direction given by someone in the employee’s Agency who has the authority to give the direction (s.13(5))
- vi. 5 x at all times behave in a way that upholds the APS Values and APS Employment Principles, and the integrity and good reputation of the employee’s Agency and the APS (s.13(11))

Outcomes of Code of Conduct Investigations in 2014–15

Total number of investigations: Seven

Breach found and sanction applied	5
Breach found no sanction applied—employee resigned prior to sanction decision	1
Investigation discontinued - employee resigned	1
No breach found	0

Of the breaches found, the following sanctions were applied:

Termination of Employment	4
Reduction in Classification	1
Reduction of salary	1
Deductions from salary by way of a fine	0
Reprimand	0