

Question: 58

Topic: Departmental staff misconduct

Written: 31 October 2014

Senator LUDWIG asked:

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

The Parliamentary Service Code of Conduct, which is established by the *Parliamentary Service Act 1999*, is as follows:

- (1) A Parliamentary Service employee must behave honestly and with integrity in connection with Parliamentary Service employment.
- (2) A Parliamentary Service employee must act with care and diligence in connection with Parliamentary Service employment.
- (3) A Parliamentary Service employee, when acting in connection with Parliamentary Service employment, must treat everyone with respect and courtesy, and without harassment.
- (4) A Parliamentary Service employee, when acting in connection with Parliamentary Service employment, must comply with all applicable Australian laws. For this purpose, Australian law means:
 - (a) any Act (including this Act), or any instrument having effect under an Act; or
 - (b) any law of a State or Territory, including any instrument having effect under such a law.
- (5) A Parliamentary Service employee must comply with any lawful and reasonable direction given by someone in the Department in which he or she is employed who has authority to give the direction.
- (6) A Parliamentary Service employee must maintain appropriate confidentiality about dealings that the employee has with either House of the Parliament, with any committee of either House, with any joint committee of both Houses, with any Senator or Member of the House of Representatives or with the staff of any Senator or Member.

- (7) A Parliamentary Service employee must:
 - (a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's Parliamentary Service employment; and
 - (b) disclose details of any material personal interest of the employee in connection with the employee's Parliamentary Service employment.
- (8) A Parliamentary Service employee must use the resources of the Commonwealth in a proper manner and for a proper purpose.
- (9) A Parliamentary Service 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 Parliamentary Service employment.
- (10) A Parliamentary Service employee must not improperly use inside information or the employee's duties, status, power or authority:
 - (a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
 - (b) to cause, or seek to cause, detriment to the Department in which the employee is employed, the Commonwealth or any other person.
- (11) A Parliamentary Service employee must at all times behave in a way that upholds:
 - (a) the Parliamentary Service Values and Parliamentary Service Employment Principles; and
 - (b) the integrity and good reputation of the Department in which he or she is employed and the Parliamentary Service.
- (12) A Parliamentary Service employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.
- (13) A Parliamentary Service employee must comply with any other conduct requirement that is made by either House of the Parliament or by determinations.

There have been no identified breaches of the Parliamentary Service Code of Conduct by employees.