

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 1

Program: Whole-of-Portfolio

Question No. SBE14/148

Senator Ludwig asked the following written question from the 20 November and 11 December 2014 hearings.

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.

The answer to the honourable senator's question is as follows:

1. The APS Code of Conduct is available at: <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/code-of-conduct>

The Australian Federal Police Code of Conduct is available at:
<http://www.afp.gov.au/~media/afp/pdf/a/afp-code-of-conduct-2011-11.ashx>

2. No breaches of the APS Code of Conduct were determined between 31 May 2014 and 11 December 2014 for the portfolio, excluding the agencies listed in the table below.

In the case of the AFP, a summary of professional standards issues is published as part of the AFP Annual Report which is available at: <http://www.afp.gov.au/media-centre/publications/annual-reports.aspx#afp>.

The Minister for Justice is not routinely notified of AFP conduct issues. However, during 2013-14 the Minister was notified of one corruption issue involving a member of the AFP.

Department/ Agency	Level of employee	Identified breach	Management of breach	Date identified	Date plan commenced	Has the minister been briefed	Legal ramification
Administrative Appeals Tribunal	Breach findings were made in relation to one staff member. To provide a response in these circumstances may result in the disclosure of personal information about the individual concerned.						
Australian Crime Commission	APS4	Elements one and eleven of the APS Code of Conduct	Sanction imposed	6 March 2014 By EL1	Sanction imposed 23 July 2014	No	No
	EL1	Elements one and eleven of the APS Code of Conduct	Sanction imposed	11 April 2014 By APS4	Sanction imposed 16 December 2014	No	No
Family Court of Australia & Federal Circuit Court	APS2	The employee breached subsection 13 (11) of the <i>Public Service Act 1999</i> by pleading guilty to breaches of the South Australian Criminal Code	No management plan implemented because the employee resigned from the APS prior to the Code of Conduct finding	11 August 2014	Not applicable	No	No
National Archives of Australia	EL1	Section 133(11) b of the Public Service Act.	Management action to address breach.	April 2014	Not applicable	No	No
Australian Film, Television and Radio School	AFTRS 3	Breach of paragraph a) requiring everyone to be treated with respect and courtesy and without coercion, bullying or harassment of any kind.	Employee advised of pending termination and resigned.	6 June 2014	16 June 2014	No	No