

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/272) PROGRAMME – Internal Product

Senator Ludwig (Written) asked:

Since Budget Estimates in June, 2014:

- a. Please provide a copy of the departmental staff code of conduct.
- b. Have there been any identified breaches of this code of conduct by departmental staff?
 - i. If yes, list the breaches identified, broken by staffing classification level.
 - ii. If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
 - iii. If yes, when was the breach identified? By whom? When was the Minister made aware?
 - iv. If yes, were there any legal ramifications for the department or staff member? Please detail.

Answer:

- a. A copy of the Code of Conduct is at <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/code-of-conduct>.
- b. During the period 27 May 2014 to 20 October 2014, the Portfolio identified and/or determined that 17 employees had breached the APS Code of Conduct.
 - i-ii Please refer to the tables below for the relevant information.

Staffing classification	Suspected breach of the Code of Conduct identified	Breach determined	Rule of the Code of Conduct breached	Sanction
Acting APS4	24 June 2014	9 September 2014	13(1) 13(8) 13(10)	Termination
APS4	26 November 2013	8 September 2014	13(8)	Reprimand
APS5	5 September 2013	18 July 2014	13(1) 13(7) 13(10) 13(11)	Termination
EL2	2 May 2014	9 September 2014	13(8) 13(11)	Termination

SES1	17 June 2013	18 July 2014	13(1) 13(5) 13(11)	Reprimand
Customs Trainee	23 March 2014	16 October 2014	13(1)	Reprimand
CL1 (APS4)	21 October 2013	3 June 2014	13(1), 13(4), 13(10),13(11)	Termination of employment
	4 February 2014	24 July 2014	13(1), 13(9)	Fine and reprimand
	4 February 2014	12 August 2014	13(1), 13(9)	Fine and reprimand
	7 April 2014	28 May 2014	13(3)	Fine and reprimand
	6 May 2014	1 October 2014	13(5)	Nil. Resigned prior to sanction being imposed.
	29 May 2014	30 September 2014	13(1), 13(2) 13(5), 13(11)	Reduction in salary and reprimand
	27 June 2014	17 October 2014	13(5), 13(11)	Reduction in salary and reprimand
CL3 (APS6)	23 April 2014	5 August 2014	13(1),13(5) 13(8),13(9) 13(10),13(11)	Nil. Resigned prior to sanction being imposed.
CL4 (EL1)	18 February 2014	29 May 2014	13(5)	Nil. Resigned prior to sanction being imposed.
	28 February 2014	4 September 2014	13(1) 13(7) 13(8) 13(9)	Nil. Resigned prior to sanction being imposed.
	24 April 2014	15 August 2014	13(5)	Nil. Resigned prior to sanction being imposed.

iii. Suspected breaches of the Code of Conduct are identified and referred through a number of channels, including by relevant work areas, members of the public, through Mandatory Reporting (for ACBPS workers) and Public Interest Disclosures.

Authorised decision makers are appointed by the relevant agency head to determine whether or not a breach of the Code of Conduct has occurred.

The Portfolio did brief the Minister in relation to one matter where criminal charges were laid against an employee that resulted in disciplinary action..

- iv. There are no legal ramifications for the ACBPS in relation to the 12 employees who have been identified to have breached of the Code of Conduct. There were legal ramifications for the ACBPS employee who was charged with criminal offences. This employee was recently sentenced to a maximum of 23 months imprisonment, with a minimum imprisonment period of 12 months.

Attachment A

PUBLIC SERVICE ACT 1999 - SECT 13

The APS Code of Conduct

- (1) An APS employee must behave honestly and with integrity in connection with APS employment.
- (2) An APS employee must act with care and diligence in connection with APS employment.
- (3) An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment.
- (4) An APS employee, when acting in connection with APS employment, must comply with all applicable Australian laws. For this purpose, *Australian law* means:
 - (a) any Act (including this Act), or any instrument made under an Act; or
 - (b) any law of a State or Territory, including any instrument made under such a law.
- (5) An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.
- (6) An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- (7) An APS employee must:
 - (a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and
 - (b) disclose details of any material personal interest of the employee in connection with the employee's APS employment.
- (8) An APS employee must use Commonwealth resources in a proper manner and for a proper purpose.
- (9) 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.
- (10) An APS 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 employee's Agency, the Commonwealth or any other person.
- (11) An APS employee must at all times behave in a way that upholds:
 - (a) the APS Values and APS Employment Principles; and
 - (b) the integrity and good reputation of the employee's Agency and the APS.

(12) An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.

(13) An APS employee must comply with any other conduct requirement that is prescribed by the regulations.