

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH PORTFOLIO**

**Supplementary Budget Estimates 2014 - 2015, 22 October 2014**

**Ref No:** SQ14-001391

**OUTCOME:** 0 - Whole of Portfolio

**Topic:** Departmental Staff Misconduct

**Type of Question:** Written Question on Notice

**Senator:** Ludwig, Joe

**Question:**

1. Since Budget Estimates in June, 2014 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:**

1. The staff of the Department of Health are bound to operate in accordance with the Australian Public Service (APS) Code of Conduct, which is available at <http://www.apsc.gov.au/aps-employment-policy-and-advice/aps-values-and-code-of-conduct/code-of-conduct>
2. One former Executive Level 1 staff member was found to have breached the APS Code of Conduct.
  - a) It was determined that the former Executive Level 1 staff member breached the following elements of the APS Code of Conduct:

*Section 13, (1) An APS employee must behave honestly and with integrity in connection with APS employment.*

*Section 13, (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.*

*Section 13, (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.*
- b) No further action was taken as the employee resigned prior to the breach being determined.
  - c) The relevant delegate determined a breach of the APS Code of Conduct on 17 October 2014. The Minister for Health, the Hon Peter Dutton MP, was not made aware of the determination.
  - d) Criminal investigation and prosecution is currently being considered.