

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

2015 - 2016

Department/Agency: ABS
Question: AET 2869-2870
Topic: Departmental Staff Misconduct
Reference: Written - 19 February 2016
Senator: Ludwig, Joe

Question:

Since the change of Prime Minister on 14 September, 2015:

2869. Please provide a copy of the departmental staff code of conduct.

2870. 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:

2869

As at 7 March 2016, the APS Code of Conduct is:

- (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.

In relation to (11):

APS Employment Principles are:

- (1) The APS is a career-based public service that:
- (a) makes fair employment decisions with a fair system of review; and
 - (b) recognises that the usual basis for engagement is as an ongoing APS employee; and
 - (c) makes decisions relating to engagement and promotion that are based on merit; and
 - (d) requires effective performance from each employee; and
 - (e) provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued; and
 - (f) provides workplaces that are free from discrimination, patronage and favouritism; and
 - (g) recognises the diversity of the Australian community and fosters diversity in the workplace.

APS Values are:

Committed to service

- (1) The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Ethical

- (2) The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

Respectful

- (3) The APS respects all people, including their rights and their heritage.

Accountable

- (4) The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Impartial

- (5) The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

2870

Yes

2870 (a)

- 1 x APS3 breached 3 elements of the Code (*PS Act reference: s13(1), s13(3), s13(8)*);
- 1 x APS6 breached 4 elements of the Code (*PS Act reference: s13(1), s13(2), s13(5), s13(8)*).

2870 (b)

No remedies were imposed – One employee resigned from the APS prior to a sanction being imposed and the sanction decision has not yet been made for the other employee (i.e. decision is pending with sanction delegate).

2870 (c)

Breaches identified:

- 11 December 2015 (identified by Conduct Case Manager, People Management and Wellbeing) – Minister not advised;
- 4 March 2016 (identified by Conduct Case Manager, People Management and Wellbeing) – Minister not advised.

2870 (d)

No.