

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2014 - 2015

Department/Agency: ASIC

Question: SBT1673-1674

Topic: Departmental Staff Misconduct

Reference: written - 30 October 2014

Senator: Ludwig, Joe

Question:

Since Budget Estimates in June, 2014:

1673. Please provide a copy of the departmental staff code of conduct.
1674. 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.

Answers:

1673 ASIC Code of conduct is enclosed.

1674 Have there been any identified breaches of this code of conduct by departmental staff?

Yes. Please find details provided in the table below.

Individual Employee	Employee 1	Employee 2
2(a) Breach identified	Improper use of inside information	Not behaving with honesty and integrity in relation to APS employment
2(a) Classification	EL 1	EL 2
2(b) Remedy	Termination of employment	Demotion within classification level (step 2.5 to step 2.1)
2(c) When was breach identified	June 2014	September 2014
By whom	ASIC IT manager	Employee's direct manager
Minister made aware	No	No
(d) Legal ramification	For staff member - Termination of contract of employment For ASIC - unfair dismissal claim filed in Fair Work Commission	For staff member - demotion in employment For ASIC - Appeal to Merit Protection Commissioner filed