

**Senate Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Supplementary Budget Estimates

2014 - 2015

**Department/Agency: Treasury**

**Question: SBT 295-296**

**Topic: Departmental Staff Misconduct**

**Reference: Written - 30 October 2014**

**Senator: Ludwig, Joe**

**Question:**

Since Budget Estimates in June, 2014:

295. Please provide a copy of the departmental staff code of conduct.
296. 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:**

295. Treasury staff must uphold the Australian Public Service (APS) Code of Conduct (Section 13 of the Public Service Act 1999):

Section 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.

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- (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.

296. Yes.

a)

Case 1) APS 6

- Section 13 (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.

Case 2) APS 6

- Section 13 (3) - An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment; and
- 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.

Case 3) APS 4

- Section 13 (1) - An APS employee must behave honestly and with integrity in connection with APS employment;
- Section 13 (2) - An APS employee must act with care and diligence 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; and
- 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

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b) the integrity and good reputation of the employee's Agency and the APS.

b)

Case 1) – Termination of employment

Case 2) – Formal reprimand

Case 3) – Termination of employment

c)

Case 1) – 9 July 2014, General Manager, Tax Analysis Division

Case 2) – 7 November 2014, Acting Executive Director, Policy, Coordination and Governance

Case 3) – 25 July 2014, General Manager, Financial and Facilities Management Division

The Minister was not advised of the cases as it is not normal practice to notify the Minister if an employee has breached the Code of Conduct.

d)

Case 1) – Yes, referred to the Fair Work Commission for conciliation, resulted in a cash settlement.

Case 2) – No.

Case 3) – No.