

Senate Finance and Public Administration Legislation Committee

ADDITIONAL ESTIMATES – 9 FEBRUARY 2010
ANSWER TO QUESTION ON NOTICE

Human Services Portfolio

Topic: Breaches of APSC Code of Conduct

Question reference number: HS50

Senator: RYAN

Type of question: Written

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Number of pages: 3

Question:

The State of the Service report for 2008-09 reported that there were in total 521 employees who were investigated and found to have breached the APS Code of Conduct:

- a) How many employees in Department of Human Services were investigated for breaches of the APS Code of Conduct?
- b) How many employees in Department of Human Services were investigated and found to have breached the APS Code of Conduct? If so, what breaches and how many of each were recorded?
- c) In relation to Department of Human Services staff, how many employees were reprimanded for a breach of the APS Code of Conduct?
- d) In relation to Department of Human Services staff, how many employees were counselled for a breach of the APS Code of Conduct?
- e) In relation to Department of Human Services staff, how many employees had their employment terminated for a breach of the APS Code of Conduct?
- f) In relation to Department of Human Services staff, how many employees were reassigned for a breach of the APS Code of Conduct?

Answer:

- a) 20 Employees of the Department of Human Services, had investigations finalised for breaches of the APS Code of Conduct in the 2008-09 year.
- b) Of the 20 employees investigated 12 Employees of the Department of Human Services were found to have breached the APS Code of Conduct.

***Please Note:** The table below outlines what the breaches were and how many of each breach were recorded. It is important to note that an individual employee can be counted against more than one element of the Code of Conduct.

	Elements of the Code of Conduct Breached	(i) How many employees were investigated for a suspected breach(es) of this element? (number*)	(ii) Of the employees in (i), how many were found to have breached this element? (number*)
a.	Behave honestly and with integrity in the course of APS employment (s. 13(1))	12	7
b.	Act with care and diligence in the course of APS employment (s. 13(2))	11	7
c.	When acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment (s. 13(3))	7	3
d.	When acting in the course of APS employment, comply with all applicable Australian laws (s. 13(4))	2	0
e.	Comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction (s. 13(5))	9	7
f.	Maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff (s. 13(6))	0	0
g.	Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment (s. 13(7))	8	4
h.	Use Commonwealth resources in a proper manner (s. 13(8))	13	8
i.	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 (s. 13(9))	0	0
j.	Not make improper use of: inside information, or the employee's duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person (s. 13(10))	6	2
k.	At all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS (s. 13(11))	14	9
l.	While on duty overseas, at all times behave in a way that upholds the good reputation of Australia (s. 13(12))	0	0
m.	Comply with any other conduct requirement that is prescribed by the regulations (s. 13(13))	0	0

- c) Of the Department of Human Services staff that were the subject of investigations that were finalised in the 2008-09 year one was reprimanded for a breach of the APS Code of Conduct.
- d) Of the Department of Human Services staff that were the subject of investigations that were finalised in the 2008-09 year all were counselled if they breached the APS Code of Conduct.
- e) Of the Department of Human Services staff that were the subject of investigations that were finalised in the 2008-09 year one was terminated for a breach of the APS Code of Conduct.

- f) Of the Department of Human Services staff that were the subject of investigations that were finalised in the 2008-09 year there were not any that were reassigned for a breach of the APS Code of Conduct.

Please Note: From the 12 breaches found in 2008-2009, the severity of the sanction varied depending on the findings of the investigation. Additional to the sanctions identified in the questions, two staff were fined up to 2% of their salary for breaching the code of conduct and eight employees resigned prior to either finalisation of the investigation or before a sanction decision took effect.