

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Budget Estimates Hearing – May 2007

Question: F7

Outcome 3, Output 3.1

Topic: Security Breaches

Hansard Page: F&PA 25

Senator Murray asked:

That is my question, Ms Mason. By all means come back to me, but, as far as I understand it, it is an administrative matter. The employer will discipline the staff member. There is no criminal law penalty and there is no penalty under the Public Service Act or the MOP(S) Act.

Answer:

Members of Parliament (Staff) Act 1984 (MOP(S) Act) employees are not bound by Section 13 of the *Public Service Act 1999* which sets out the Australian Public Service Code of Conduct. However MOP(S) Act employees are employed under Part III and Part IV of the MOP(S) Act *on behalf of the Commonwealth* by their Senator or Member, and will therefore fall within the definition of a *Commonwealth officer* for the purposes of certain provisions of the *Crimes Act 1914* (Crimes Act).