

22 August 2017

Mr John Lloyd PSM
Australian Public Service Commissioner
Australian Public Service Commission
B Block, Treasury Building
Parkes Place West
Parkes ACT 2600

By email: john.lloyd@apsc.gov.au

Dear Commissioner

I write to you regarding allegations of potentially inappropriate and improper recruitment processes in the Federal Courts.

It has come to public attention that a number of appointment decisions have been made in the Federal Courts' Corporate Services area which may raise questions regarding integrity and consistency with the *Public Service Act 1999*.

A number of claims are made in an article published on the Justinian website on or about 11 August. I also note that some of these matters were the subject of discussions in Senate Estimates on 18 August 2017.

For your information I have attached a copy of the article in question.

The article outlines a number of recruitment processes in which there have allegedly been personal connections between senior employees in the Courts and the successful applicants. It also claims that decisions were made to pay a number of these individuals above the applicable salary band. According to the article, the Courts now have ten highly paid non-executive staff with a combined salary of \$1.7 million.

For example, the article outlines the appointment of six new staff to positions within the Corporate Services area of the Courts all of whom have previous personal connections with either Darrin Moy, the newly appointed Executive Director of People, Culture and Communications, or Catherine Sullivan, Executive Director, Corporate Services. According to the article, at least two of those were offered salary packages above the normal band. It is also noted that a number of these positions were structured as fixed term positions, which may have avoided the requirement for the full application of the merit principle and general advertising of the position.

The CPSU is concerned that, if accurate, a number of these decisions and processes would be inconsistent with the *Public Service Act*, APS Values and the *Public Service Commissioner's Directions*.

In our view this conduct raises potential questions about:

- improper recruitment processes and the misapplication of the general merit principle as set out in s10A (1)(c) of the *Public Service Act*;
- issues regarding integrity in both the recruitment processes and the decisions to pay individuals above the salary band which may be inconsistent with s13(1) of the *Public Service Act*;
- the management of conflict of interest issues in regard to the recruitment and subsequent employment decisions which may be inconsistent with s13 (7) of the *Public Service Act*;
- the potential use of a position to gain an advantage for another person, which may be inconsistent with s13 (10) of the *Public Service Act*; and
- the potential improper use of Commonwealth resources, which may be inconsistent with s13(8) of the *Public Service Act*.

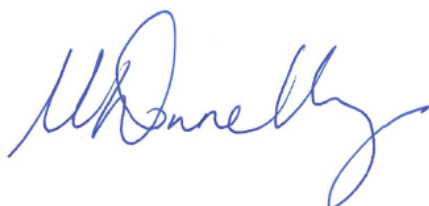
I note your functions include upholding high standards of integrity and conduct in the APS.

The matters outlined above have the potential to damage the high standards of integrity and conduct in the APS. Indeed the very perception that these processes have been compromised by personal connections is damaging to the Federal Courts and the APS.

The CPSU therefore requests that you investigate these matters and advise the CPSU as well as employees of the Federal Courts of the outcome of those investigations.

If you require more information I can be contacted on 02 8204 5709 or melissa.donnelly@cpsu.org.au.

Yours sincerely,



Melissa Donnelly
Deputy Secretary

cc Mr Warwick Soden OAM
Chief Executive Officer and Principal Registrar
Federal Court of Australia

By email: Warwick.Soden@fedcourt.gov.au