



Rob Oakeshott MP  
FEDERAL MEMBER FOR LYNE

**OAKESHOTT  
INDEPENDENT**

**MEDIA RELEASE**

**02 July 2010**

## **MINORITY REPORT QUESTIONS CULTURE WITHIN DMO**

A MINORITY Report tabled by Independent MP for Lyne Robert Oakeshott in Parliament today has called for a Code of Conduct inquiry into the actions of one of Australia's most senior public servants.

Mr Oakeshott's report calls into question the actions of Defence Material Organisation (DMO) Chief Executive Officer Dr Stephen Gumley and his alleged \$2 million taxpayer-funded failed attempt to end the employment of senior Defence employee Ms Jane Wolfe.

"Some people have stuffed up big time here, and these same people need to be called to account for their actions," Mr Oakeshott said.

Ms Wolfe lost her job in 2009 and at the time was reported in *The Canberra Times* to be "the highest ranking federal bureaucrat to be dismissed for underperformance"<sup>1</sup>.

The dismissal was endorsed by then-Minister for Defence Personnel Warren Snowden, who was reported as saying 'The Government is confident that the Public Service Commissioner [Lynelle Briggs], together with the CEO of DMO, have complied fully with their legislative responsibilities and acted with due regard to fairness, natural justice and privacy.'<sup>2</sup>

However, on April 8<sup>th</sup> 2010, the Federal Court of Australia determined that Ms Wolfe had been unlawfully removed from her SES band three role by Dr Gumley and Ms Briggs under sections 29 and 38 of the *Public Service Act 1999 (Cth)* respectively.

"It is imperative that a public Code of Conduct investigation into the actions of Dr Gumley, Ms Briggs and all others involved in this farce of a process is conducted to ensure the key principles of administrative and employment law are upheld in the future," Mr Oakeshott said.

"There looks to be a fundamental misunderstanding of what that process is by some of the highest paid public servants in Australia."

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<sup>1</sup> 8<sup>th</sup> April 2009

<sup>2</sup> Ibid.



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Mr Oakeshott noted that the only reference to Ms Wolfe in the 2008-2009 Defence Annual Report was a brief statement that 'In March 2009, Ms Jane Wolfe's employment with the DMO ended.'<sup>3</sup>

"This is factually incorrect. The Federal Court of Australia has seen her reinstated with her salary remunerated for all the time Ms Wolfe had out of the system," Mr Oakeshott said.

"Ms Wolfe is now back at the same level of appointment within DMO as she had prior to these attempts to have her employment 'ended', which began just four months after she had actually been employed.

"Many questions remain unanswered by the Department of Defence regarding the use of taxpayers' money to fund a legal case that had little prospect of success, the implications under the *Financial Management and Accountability Act (Cth)* where money continues to be spent on a losing case, and what advice was being provided to the Minister after March 2009 concerning Ms Wolfe's dismissal.

"I call on the Secretary of the Department of Defence, Dr Ian Watt AO, to commence an investigation into the conduct of Dr Gumley regarding the 'performance managing out' of one of Australia's most senior female public servants, who has worked her way through from the Defence "shop-floor" to a management position over thirty years, and did not deserve this damage to her reputation," said Mr Oakeshott.

**ENDS.**

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<sup>3</sup> Department of Defence, *Annual Report 2008-09*, Chapter Two <[http://www.defence.gov.au/budget/08-09/dar/vol2/ch02\\_01.htm](http://www.defence.gov.au/budget/08-09/dar/vol2/ch02_01.htm)> accessed at 30 June 2010.