

Webform ID: 2024513103636-3312

About the report

**Which entity does your submission relate to the most?:** Federal Court of Australia

**Are you a current or past employee of the entity?:** I'd prefer not to disclose

**Does your submission relate to workplace health and safety, bullying, harassment, discrimination, or employment conditions (such as wages)?:** No

**Have you contacted NACC previously regarding this specific matter?:** No

**Previous report ID:**

**Have you made a complaint directly to the entity or any other government agency in relation to this matter?:** I'd prefer not to disclose

**Is your submission related to dissatisfaction with a decision made by the entity you are reporting?:**  
No

**Is your submission related to a suspected scam by an individual(s) purporting to be a staff member of the entity? (For example, suspicious phone calls, emails or letters):** No

**When did the alleged conduct take place (if known)?:**

**Where did the alleged conduct take place.:** State: NSW Country: Australia

**Who was involved?:** I do not know the identities of those involved: I don't want to say:

Person 1 First Name: Darrin Surname: Moy Person 2 First Name: Catherine Surname: Sullivan

**In your view, which, if any, of the following categories best describes the alleged conduct?:**  
Influence in employment processes

**Describe the alleged conduct.:** The allegations are set out in an article published by Richard Ackland in the legal affairs periodical, Justinian. The article has been published under the Freedom of Information Act 1982 (Cth) on Right to Know Australia:  
[https://www.righttoknow.org.au/request/10080/response/30031/attach/3/LEX%20346%20Document%202.pdf?cookie\\_passthrough=1](https://www.righttoknow.org.au/request/10080/response/30031/attach/3/LEX%20346%20Document%202.pdf?cookie_passthrough=1)

Essentially, Mr Ackland alleges that:

- a) Darrin Moy and/or Catherine Sullivan engaged Darrin Moy's old boss' wife, Linda Potter, into the Australian Public Service and provided her with an individual flexibility agreement "on a salary package above the normal band"; and
- b) Darrin Moy and/or Catherine Sullivan engaged Darrin Moy's former Sydney Ferries colleague, Debbie Price, into the Australian Public Service as an assistant HR director "on a base salary above the normal pay band"; and
- c) Darrin Moy and/or Catherine Sullivan engaged Darrin Moy's former Sydney Ferries colleague, Robyn Richards, into the Australian Public Service "directly" (query whether this means without a merit based selection process); and
- d) Darrin Moy and/or Catherine Sullivan engaged Darrin Moy's former Sydney Ferries colleague, Larissa Minniecon, into the Australian Public Service "directly" (query whether this means without a merit based selection process); and

e) Darrin Moy and/or Catherine Sullivan engaged Darrin Moy's former Sydney Ferries colleague, Kathryn Hunter, into the Australian Public Service as CFO to replace "the previous CFO Peter Bowen, who was forced to accept a redundancy under threats of performance management"; and

f) Darrin Moy and/or Catherine Sullivan engaged Catherine Sullivan's former Cancer Council colleague, Melanie Liu, into the Australian Public Service as a finance executive officer.

The allegations in Mr Ackland's article caused enough alarm for the Deputy Secretary of the Community and Public Sector Union to write to the Australian Public Service Commissioner: [https://www.righttoknow.org.au/request/10080/response/30031/attach/2/LEX%20346%20Document%201.pdf?cookie\\_passthrough=1](https://www.righttoknow.org.au/request/10080/response/30031/attach/2/LEX%20346%20Document%201.pdf?cookie_passthrough=1)

In her letter to the Public Service Commissioner, Deputy Secretary Donnelly noted that Mr Ackland's article in Justinian:

a) "outlines a number of recruitment processes in which there have allegedly been personal connections between senior employees in the Courts and the successful applicants"; and

b) "claims that decisions were made to pay a number of these individuals above the applicable salary band"; and

c) "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 Deputy Secretary noted that she believed that paragraph 10A(1)(c) and subsections 13(1), 13(7) 13(8) and 13(10) of the Public Service Act 1999 (Cth) may have been contravened by Mr Moy and or Ms Sullivan.

Ms Donnelly noted that it was the APS Commissioner's function to uphold "high standards of integrity and conduct in the APS" and, in that light, requested that the Commissioner "investigate these matters and advise the CPSU as well as the employees of the Federal Courts of the outcome of those investigations".

It does not appear that much came of the request for an investigation because it is apparent from recent annual reports of the Federal Court of Australia that both Catherine Sullivan and Darrin Moy are listed as key management personnel in the Federal Court: e.g. 2021-2022 Annual Report of the Federal Court of Australia, page 234 - <https://fedcourt.gov.au/about/corporate-information/annual-reports/2021-22>

**Tell us why you think this is corrupt conduct.:** It should go without saying, but hiring former colleagues, fellow travellers, and an old boss' wife when merit based selection processes were not employed (because, as Ms Donnelly noted, the positions were structured as fixed term positions to avoid advertising and merit selection processes under the Public Service Commissioner's Directions) is against the law.

Abusing facilities under the Fair Work Act 2009 (Cth) (i.e. the individual flexibility arrangement powers) to line mates' pockets at the expense of the Australian taxpayer, particularly when it is alleged that the selection decisions were not based on merit, but on "whom people knew", is corruption.

Specifically:

a) the APS recognises that the usual basis for engagement is as an ongoing APS employee: Public Service Act 1999 (Cth), s 10A(1)(b); and

b) the APS makes decisions relating to engagement and promotion that are based on merit: Public Service Act 1999 (Cth), s 10A(1)(c); and

c) a decision relating to engagement is based on merit if all eligible members of the community were given a reasonable opportunity to apply to perform the relevant duties: Public Service Act 1999 (Cth), s 10A(2)(a); and

d) refer to:

i) subsections 13(1), 13(2), 13(7), 13(8) and 13(10) of the Public Service Act 1999 (Cth), which constitute provisions of the Code of Conduct; and

ii) the allegations in Richard Ackland's article in Justinian, which strongly tend to suggest that those provisions of the Code of Conduct were contravened by APS employees in the Federal Court.

**Do you have evidence/additional information?:** No

*Personal Details*

**First Name:**

**Surname:**

**Organisation:**

**Phone Number:**

**Email:**

**Address:**

**To the best of your knowledge is the information you have provided on this form true and accurate:** Yes