

# APS Induction Fact Sheet

## APS Values and Code of Conduct



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## APS Values and Relationships

The APS Values provide the philosophical underpinning of the Australian Public Service and articulate its culture and operating ethos. They reflect public expectations of the relationship between public servants, and the Government, the Parliament and the Australian community. The APS Values are set out in section 10(1) of the *Public Service Act 1999*. Although the Act does not group or prioritise the Values (or the Code), it is helpful to consider them in terms of relationships and behaviours:

### ***Relationship with Government and Parliament***

- The APS is apolitical, performing its functions in an impartial and professional manner
- The APS is openly accountable for its actions, within the framework of ministerial responsibility to the Government, the Parliament and the Australian public
- The APS is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs

### ***Relationship with the public***

- The APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public
- The APS provides a reasonable opportunity to all eligible members of the community to apply for APS employment

### ***Workplace relationships***

- The APS is a public service in which employment decisions are based on merit
- The APS provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves
- The APS establishes workplace relations that value communication, consultation, cooperation and input from employees on matters that affect their workplace
- The APS provides a fair, flexible, safe and rewarding workplace
- The APS focuses on achieving results and managing performance
- The APS promotes equity in employment
- The APS provides a fair system of review of decisions taken in respect of APS employees



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### *Personal behaviour*

- The APS has the highest ethical standards
- The APS has leadership of the highest quality
- The APS is a career-based service to enhance the effectiveness and cohesion of Australia's democratic system of government

## APS Code of Conduct

The APS Code of Conduct sets out the standard of conduct required of APS employees, including that an employee must 'at all times' behave in a way that upholds the APS Values and the integrity and good reputation of the APS'. The Code of Conduct is designed to protect the integrity of the APS and thereby maintain public confidence in public administration. It is set out in section 13 of the Public Service Act.

The Code of Conduct requires that an employee must:

- behave honestly and with integrity in the course of APS employment
- act with care and diligence in the course of APS employment
- when acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment
- when acting in the course of APS employment, comply with all applicable Australian laws
- comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction
- maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff
- disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment
- use Commonwealth resources in a proper manner
- 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
- not make improper use of:
  - inside information, or
  - the employee's duties, status, power or authorityin order to gain, or seek to gain, a benefit or advantage for the employee or for any other person



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- at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS
- while on duty overseas, at all times behave in a way that upholds the good reputation of Australia
- comply with any other conduct requirement that is prescribed by the regulations

## Roles and responsibilities

### **An APS employee must:**

- comply with the Code of Conduct
- at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS
- meet minimum requirements for upholding each of the APS Values which are set out in Chapter 2 of the Public Service Commissioner's Directions 1999
- inform himself or herself about the Public Service Act, the Public Service Regulations and the Directions

### **A Senior Executive Service (SES) employee must additionally:**

- promote the APS Values and compliance with the Code of Conduct by personal example and other appropriate means

### **An agency head must:**

- uphold and promote the APS Values
- comply with the Code of Conduct
- establish procedures for determining whether a breach of the Code has occurred
- meet minimum requirements for upholding each of the APS Values which are set out in Chapter 2 of the Public Service Commissioner's Directions
- meet further requirements in chapters 3 and 4 of the Public Service Commissioner's Directions about diversity and merit
- establish procedures for dealing with a report of a breach, or alleged breach, of the Code of Conduct made by an APS employee under section 16 of the Public Service Act



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## Whistleblowing

### (statutory scheme for reporting breaches of the Code of Conduct)

Section 16 of the Public Service Act is titled 'Protection for Whistleblowers'. It prohibits victimisation of or discrimination against an APS employee because they report a breach or alleged breach of the APS Code of Conduct to an agency head, the Public Service Commissioner or the Merit Protection Commissioner, or a person authorised by them. The protection from victimisation extends to people performing functions 'in or for' an agency, which means that contractors and labour hire employees, as well as 'core' employees, are covered by the provision.

The Public Service Regulations 1999 (Division 2.2) require agency heads to establish procedures for dealing with reports made under section 16 of the Public Service Act. As well as ensuring that people making reports are provided with information about the protections available under section 16 of the Public Service Act, the regulations provide other rights, including that agency procedures must:

- provide that an employee may make a report directly to the Public Service Commissioner or the Merit Protection Commissioner where either Commissioner agrees that the report relates to an issue that would be inappropriate to report to the agency head
- enable an employee to refer a report to either Commissioner where the employee is not satisfied with the outcome of the agency head's investigation of the report.

## After-hours conduct

APS employees are also citizens and like all other employees are entitled to a private life. Many elements of the Code of Conduct apply 'in the course of APS employment'. This can cover behaviour in work-related contexts, such as work functions/Christmas parties and business trips etc., depending on factors such as:

- whether the activity was sponsored or organised by the employer
- where and when the behaviour occurred e.g. did it occur at the workplace or during agreed working hours, did a work function have a clear finishing time?
- whether the person was 'on duty' e.g. acting in a representational capacity.



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Also, a number of elements of the Code of Conduct are not limited in their application to conduct in the course of employment – for example, the duty to use Commonwealth resources in a proper manner. In particular, section 13 (11) requires that employees *at all times* behave in a way that upholds the APS Values and the integrity and good reputation of the APS. The Australian Industrial Relation Commission has upheld termination of employment in circumstances where:

- there was a clear connection between the employee's out of hours conduct and their employment
- the conduct was incompatible with the employee's duty as an employee or was likely to cause serious damage to the employment relationship.

## Agency values

Many APS agencies have developed and actively promote their own values, principles or behaviours to reflect and support the way in which their agency functions. While there are often business grounds for focusing on particular issues or a subset of the APS Values, agency-specific values cannot displace the statutory APS Values or the Code of Conduct for all APS employees.

