

# Enhancing ethical awareness in the APS



Australian Government  
Australian Public Service  
Commission

## Reflecting on the Vodcast

### Vodcast 1—The Tender Trap

Conflicts of interests can be real or perceived. Confidence in the public service may be jeopardized if the community perceives a conflict of interest between a public servant's employment and their private interests.

In particular, care needs to be taken when working with organisations that have a contractual relationship with an agency.

It is not necessarily wrong, or a breach of the Code, to have a conflict of interest. In our modern working environment conflicts can arise fairly frequently. And it's not always practical to avoid them. What is important is that conflicts of interest are disclosed so they can be managed.

The nature of the work in the public service and the relationship with external clients and stakeholders in business, in other jurisdictions, non-government organisations and international organisations has changed considerably in recent years. At times, particularly for senior employees, acceptance of offers of entertainment or hospitality can provide valuable opportunities for networking with stakeholders.

The main risk of accepting a gift or benefit is that it may result in an actual or perceived conflict of interest. At the extreme, it could be perceived as a bribe.

Accepting gifts or benefits from a person or company will not usually be appropriate if they are involved in a tender process with the agency.

### Relevant Values and elements of the Code of Conduct

- The APS is apolitical, performing its functions in an impartial and professional manner (s10(1)(a) of the Public Service Act).
- The APS has the highest ethical standards (s10(1)(d) of the Public Service Act).
- An APS employee must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment (s13(7) of the Public Service Act).
- An APS employee must not make improper use of (a) inside information; or (b) the employee's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee or any other person (s13(10) of the Public Service Act).
- An APS employee must behave honestly and with integrity in the course of APS employment (s13(1) of the Public Service Act).
- An APS employee must act with care and diligence in the course of employment (s13(2) of the Public Service Act).

## **Key issues**

Tina's brother-in-law's employment with Gynoma: Does Tina have an interest in ensuring her brother keeps his job? If so, could that have influenced her dealings with Gynoma? Is this a conflict of interest that should have been disclosed and if so, when?

Accepting lunch and a box at the rugby/tender process: Has Tina created a situation where an obligation is owed, or the perception of an obligation? How might others view her actions? Does her behaviour amount to a breach of the Code of Conduct? If so, why? What should she have done? What are the likely consequences of Tina's dealings with Gynoma?

What is Arthur's role in this situation? How could he have managed the situation better? Has Arthur breached the Code of Conduct?

## **Tips**

- As soon as you think you may have a conflict of interest raise the issue with a supervisor.
- Find out what your agency's policies are on accepting gifts and benefits.
- Know your risk areas as a manager in relation to ethical issues.
- Good induction processes by managers can often head off problems.

## **Useful references**

APS Values and Code of Conduct in Practice: a guide to official conduct for APS employees and agency heads (Chapters 7, 11 and 12)

[www.apsc.gov.au/values/conductguidelines.htm](http://www.apsc.gov.au/values/conductguidelines.htm)

In whose interest?: preventing and managing conflicts of interest in the APS

[www.apsc.gov.au/ethics/whoseinterest.html](http://www.apsc.gov.au/ethics/whoseinterest.html)