

Enhancing ethical awareness in the APS



Australian Government
Australian Public Service
Commission

Reflecting on the Vodcast

VODCAST 3—SISTER ACT

The public service holds substantial information about the public and APS employees.

Some personal information is very sensitive and it could also be confidential.

Inappropriate disclosure of information can result in embarrassment, disadvantage and even physical harm.

How we manage that information is critical to how we are perceived by the public and the confidence they have in public administration.

We must also be careful to avoid real or perceived conflicts of interests. We all have private interests—we have families, social relationships, financial interests, political views and we may belong to a club or society. Although we are public servants we are also part of the community and that provides the scope for conflicts of interest to arise.

However, it can be difficult sometimes to know which hat to wear.

Relevant APS Values and elements of the Code of Conduct

- The APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public (s10(1)(g) of the Public Service Act).
- The APS has the highest ethical standards (s10(1)(d) of the Public Service Act).
- An APS employee, when acting in the course of APS employment, must comply with all applicable Australian laws (s13(4) 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 comply with any other conduct requirement that is prescribed by regulations (s13(13) of the Public Service Act). Public Service Regulation 2.1 imposes a duty on an APS employee not to disclose certain information without authority (i.e. information communicated in confidence or where disclosure could be prejudicial to the effective working of government). The full text of regulation 2.1 can be found at www.comlaw.gov.au.

Other relevant law

Management of use of personal information is governed by the *Privacy Act* and the *Freedom of Information Act*.

The Criminal Code also covers unauthorized access to and modification of restricted data. And there may be agency specific legislation covering non-disclosure of particular information.

Key Issues

Conflict of interest/complying with the law: What are the tensions and what are Sally's conflicting interests? What are her responsibilities and role? Has Sally breached the Code of Conduct? How could she have managed things differently?

Tips

- Find out what your agency's policies are on accessing information or using IT facilities.
- Get to know well the legislation that applies to your daily work.
- When your instinct tells you that something is not quite right, discuss the matter with your supervisor or a respected colleague (remember that advice from a colleague is not authority to act), use the *Reflect* model or contact the Ethics Advisory Service.
- Other useful sources of specific advice are agency Freedom of Information and Privacy contact officers.

Useful references

APS Values and Code of Conduct in Practice: a guide to official conduct for APS employees and agency heads (Chapters 4 and 11)

www.apsc.gov.au/values/conductguidelines.htm

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

www.apsc.gov.au/ethics/whoseinterest.html