

Enhancing ethical awareness in the APS



Australian Government
Australian Public Service
Commission

Reflecting on the Vodcast

Vodcast 4 - Passion

Conflicts of interest

It is quite acceptable for APS employees to participate in political or community activities as part of their life within the community. However, APS employees are expected to separate their personal views from the performance of their official APS duties. When an employee's official APS duties are connected with their outside activities there is scope for an actual or perceived conflict of interest to arise.

All APS employees need to be aware that their private interests, both financial and personal, could conflict with their official duties. This may include memberships, affiliations and unpaid voluntary work. The Code of Conduct requires APS employees to disclose, and take reasonable steps to avoid, any real or perceived conflict of interest in connection with their APS employment. If an employee has any doubt about whether outside activities could present a real or perceived conflict of interest they should seek guidance from their agency.

Apolitical, impartial and professional

The role of the APS is to serve the Government of the day: to provide the same standard of policy advice, implementation and professional support, irrespective of which political party is in power. APS employees must be impartial in performing their official duties.

Disclosure of information

Openness is at the core of Australia's modern system of government. Public access to government information provides the public with the opportunity to contribute to policy development and decision making. However, inappropriate disclosures have the potential to damage the relationship of trust between the government of the day and its public service advisers. It may also reduce the capacity of the public service to have its views and experience taken into account in the policy development process.

Australian Public Service (APS) employees must not disclose certain information without authority i.e. information communicated in confidence or where it is reasonably foreseeable that the disclosure could be prejudicial to the effective working of government, including the formulation of policies and programs (APS employees should familiarise themselves with the full text of the relevant regulation which can be found at www.comlaw.gov.au). As well, APS employees must not make improper use of inside information i.e. using information obtained in an official capacity in order to gain or seek to gain, a benefit or advantage for themselves or others.

If there is any doubt about whether official information can be disclosed in different circumstances and situations APS employees should consult their agency's instructions and guidelines and, if necessary, take up the matter with their supervisor.

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).
- When acting in the course of APS employment treat everyone with respect and courtesy, and without harassment (13(3) of the Public Service Act).

Key issues

Kelly's involvement with Environment Now

Does Kelly have an obligation to declare her involvement with Environment Now? If so, what would have been the likely effect on the situation?

Suzanne's reaction towards Kelly:

Does Suzanne have all the facts? Is her reaction to the Ministerial ambush justified? If not, how could she have handled it better? If Kelly had made an early disclosure of her involvement with Environment Now what could Suzanne have done to ensure that the conflict was managed appropriately? What help is available to her?

Tips

- Bear in mind that it is not only senior people who may face a conflict of interest. Apply the 'accountability or sunlight test'—what would this look like to a member of the public?
- If in doubt about whether to declare an outside interest, consult someone in authority in the agency.
- Use the [REFLECT](#) decision-making model if you have a gut feeling that something is not quite right? www.apsc.gov.au/ethics/bookmarkeas.pdf
- As a manager ensure that staff are regularly reminded of agency expectations and guidelines and policies.

Useful references

APS Values and Code of Conduct in Practice: a guide to official conduct for APS employees and agency heads (Chapters 3, 11, 13 and 15)

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

Circular 2009/4: Disclosure of official information

www.apsc.gov.au/circulars/circular094.htm

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

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

Respect: Promoting a culture free from harassment and bullying in the APS (management chapter) www.apsc.gov.au/ethics/respect.html