

# Enhancing ethical awareness in the APS



Australian Government  
Australian Public Service  
Commission

## Reflecting on the Vodcast

### Vodcast 6—Political Pull

The APS must serve the government of the day, working within, and to implement, the elected government's policies and outcomes. Ministers and the APS share an objective of achieving better outcomes for the Australian community.

The principles of good public administration, embodied in the APS Values, lie at the heart of the democratic process and the confidence the public has in the way public servants exercise authority when meeting government objectives.

Building and maintaining a constructive relationship with Ministers and their Offices is a key responsibility of APS employees. In matters that are politically sensitive, it is especially important for the APS to provide Ministers with advice that is accurate, comprehensive, timely, and, above all, factual. The duty of the APS to advise government can sometimes include providing 'bad news'.

The APS should never engage in party political activity on behalf of Ministers. Nor should it engage in any undertaking that has the appearance of such activity.

To maintain public confidence in government administration, all government processes should be conducted, and have the appearance of being conducted, without bias or inappropriate influence. Decisions about procurement must be made impartially and must follow the legislative framework, in particular, the *Public Service Act 1999* and the *Financial Management and Accountability Act 1997*.

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

- The APS is apolitical, performing its functions in an impartial and professional manner (s.10(1)(a) of the Public Service Act).
- The APS has the highest ethical standards (s.10(1)(d) of the Public Service Act).
- The APS is openly accountable for its actions, within the framework of ministerial responsibility to the Government, the Parliament and the Australian public (s.10(1)(e) of the Public Service Act).
- 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 (s.10(1)(f) of the Public Service Act).
- An APS employee must act with care and diligence in the course of APS employment (s.13(2) of the Public Service Act).
- An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff (s.13(6) of the Public Service Act).
- An APS employee must use Commonwealth resources in a proper manner (s.13(8) of the Public Service Act).
- An APS employee must at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS (s.13(11) of the Public Service Act).

Service Act).

### **Key issues**

#### The tender process:

Was the tender process conducted appropriately? Would it appear to an outside observer to have been conducted appropriately? Would the situation be different if an independent evaluation panel had not been used? Is the value of the procurement relevant? Is there a real likelihood of a conflict of interest?

Should the tender process be recommenced? If so, why? Are there any legitimate grounds for excluding Hugtree from a new tender process?

Can Les show that the tender process complied with all relevant legislative and procedural requirements? Has he kept proper records of the process?

#### Working with the Minister's Office:

Did Les handle Kylie's comment at the Christmas drinks appropriately? What (if any) other action could he have taken? Did Les have an obligation to pursue the matter further?

What advice should Les, or his department, provide to the Minister in light of the FOI request and the Opposition's claim that the tender process was biased?

#### The announcement:

Was Les right to be concerned about the announcement being made in Brenda's electorate? Should Les have voiced his concerns—and, if so, to whom? Is it relevant that Brenda's electorate is a marginal one?

What will it look like if the launch goes ahead? And what will it look like if it does not? Whose decision should it be?

### **Tips**

Agencies and Ministers' Offices should maintain open communication that would allow potentially problematic situations to be raised (and managed) promptly and without hesitation.

Employees at all levels should be aware of the options and resources available to them for advice on sensitive issues—for example, senior management, their Agency Head, and the Ethics Advisory Service.

Delegates for procurement processes should make themselves aware of any potential conflicts of interest (real or perceived) that tenderers may have, and might wish to stipulate that tenderers declare any potential conflict of interest as part of the tender process.

All employees should keep thorough and accurate records, in line with their agency's recordkeeping policy. In developing these policies, agencies should be guided by the National Archives of Australia.

### **Useful references**

*APS Values and Code of Conduct in Practice: a guide to official conduct for APS employees and agency heads* (Chapters 2 and 7)

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

*Reinvigorating the Westminster Tradition: Integrity and accountability in relations between the Australian Government and the APS*

[http://www.apsc.gov.au/ethics/reinvigorating\\_the\\_Westminster\\_tradition.pdf](http://www.apsc.gov.au/ethics/reinvigorating_the_Westminster_tradition.pdf)

Code of Conduct for Ministerial Staff

<http://www.apsc.gov.au/circulars/circular087.htm>