

Senate Community Affairs Legislation Committee

ADDITIONAL BUDGET ESTIMATES - 16 FEBRUARY 2012 ANSWER TO QUESTION ON NOTICE

Human Services Portfolio

Topic: DHS Staff Volunteering

Question reference number: HS 12

Senator: Fifield

Type of question: Hansard page 105

Date set by the committee for the return of answer: 29 March 2012

Number of pages: 4

Question:

Senator FIFIELD: An article appeared in the *Sydney Morning Herald* last year, which stated that DHS staff were directed that they had to seek permission before committing to volunteer work. I think there was an email circulated to staff. That policy was later reversed.

Senator FIFIELD: Would you be able to table—take on notice, if you will—a copy of the original email that might have caused confusion and the subsequent clarification?

Ms Campbell: The original email may have been quite isolated, but we will be able to provide you with the clarifying email.

Senator FIFIELD: It was not a general email to the department?

Ms Campbell: I do not think it was a general email.

Ms Bennett: No, not an email.

Ms Campbell: It was just some interpretation. But we can table the clarifying email and guidelines.

Answer:

There is no need for departmental staff to seek permission to undertake volunteer work. On 12 December 2011 the department updated its guidelines (**Attachment A**) to reflect this more clearly.

The department clarified the outside employment policy and guidelines via an all staff email on 12 December 2011 (**Attachment B**).

Outside Employment Guidelines

These guidelines provide support for the application of the Outside Employment policy

Guidance on outside employment

Outside employment is any paid, unpaid or voluntary work undertaken for another employer or organisation while employed by the department. This includes times when the employee is absent from duty on paid or unpaid leave.

Outside employment can include:

- Paid employment such as:
 - running a business;
 - maintaining a professional practice;
 - being the director or partner of an organisation or company;
 - accepting or holding an office in or under any state/territory government or any public or municipal corporation; or
 - working as a tax agent, financial counsellor, lawyer or accountant.
- Voluntary work including:
 - working for charitable or not-for-profit organisations; or
 - undertaking general community based activities.

General

Employees are able to perform work outside the department provided this work does not conflict or interfere with the performance of their official duties, or bring the department or APS into disrepute.

Employees must obtain permission from their manager before engaging in outside employment.

Employees must not engage in any employment outside the department which:

- may be detrimental to the performance of their official duties;
- could lead to a clash of loyalties; or
- could be construed by the public as involving a conflict of interest.

Permission to engage in outside employment is not required for unpaid volunteer work. However, employees should advise their manager when undertaking voluntary work. This will ensure that managers are able to assist employees with managing any real or perceived conflict of interest. You do not need to complete the application to engage in outside employment form for volunteer work. However, you do need to have a record of your conversation with your manager, which may be an email.

Considering implications

When applying for approval for outside employment, employees should consider whether it will:

- impact on availability and efficiency in performing departmental responsibilities;
- exacerbate a work related or compensable injury;
- have any relevance to confidential or other information they access in departmental employment; or
- involve departmental time, resources or intellectual property.

When considering applications for outside employment, there is a strong emphasis on:

- avoiding real or perceived conflict of interest situations including any business relationship with the department;
- ensuring customer privacy;
- safeguarding individual or organisational information; and
- ensuring the employment type does not bring the department into disrepute.

Employment during leave

Applications to undertake outside employment during periods of accrued leave will not normally be approved if this is the primary purpose for taking leave. This is to ensure that leave is being used for its intended purpose.

Employees are not able to work for the APS in any capacity during career break purchased leave.

Disclosing information

It is a criminal offence for an employee to use or disclose personal or confidential information they became aware of through their official employment or to use their duties, status or power as an APS employee to improperly influence others, in order to gain a benefit. This includes seeking to use their APS position or confidential department knowledge to improve their private sector employment prospects.

Avoiding conflict of interest

Departmental employees have an obligation under the APS Code of Conduct to ensure they avoid any real or perceived conflict of interest.

Some categories of DHS employment are likely to have a greater potential for conflict of interest. This is largely related to the significant amount of personal information held by the department and employees who have access to that information.

Where an employee is considering a directorship consideration needs to be given to the following:

- Whether the company is in, or in the process of entering into a contract with the Commonwealth or its authorities, or is in receipt of government assistance.
- The primary purpose of the company is to lobby ministers, members of parliament, government departments and authorities on matters related to the employee's responsibilities.
- There is a business relationship between the company and the department.
- Granting approval gives another business reasonable grounds for believing a conflict exists.

Attachment B

**CLARIFYING THE OPERATION OF THE DHS OUTSIDE EMPLOYMENT
POLICY – 12 DECEMBER 2011**



Hello everyone

In recent days there has been some confusion about the department's policy and guidelines on outside employment, specifically as it applies to volunteering. It has been suggested that the department discourages staff from undertaking voluntary work.

This is not true.

DHS encourages, and is proud, that our staff participate in volunteering activities.

In order to clarify our policy, we will make changes to the DHS Outside Employment Policy and Guidelines to make it clear that staff do not need to seek their Manager's approval to undertake voluntary work. Rather what we are asking is that you let your Manager know so that if any real or perceived conflict of interest arises we can assist you in managing this. In addition, you are not asked to inform your Manager about 'one-off' volunteering roles or for an employee to provide assistance to a school their child attends.

The new guidelines will make this clear.

Again I confirm that the department supports and encourages all staff to undertake the voluntary work which is so important within our communities.

Regards

Barbara Bennett
Deputy Secretary
Enabling Services