



Australian Government
Australian Public Service Commission

Dr Patrick Hodder
Committee Secretary
Parliamentary Joint Committee on Corporations and Financial Services
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Dr Hodder

I am writing to follow up on my appearance before the Committee on 28 April.

The Committee asked for further information on two points:

1. *Referrals of public interest disclosures alleging agency head misconduct from the Ombudsman's office* - I advised the Committee that we had received two referrals from the Ombudsman in 2015-16 and six in the year to date. Each of those referrals was considered personally by the Australian Public Service Commissioner. In each case the Commissioner decided that it would not be in the public interest to conduct an inquiry.

The Commissioner may form such a view having regard to a number of factors prescribed by Public Service Regulation 6.3. I have enclosed a copy of that regulation for the information of the Committee.

2. *APS employee census questions concerning confidence in the grievance process in the Australian Public Service* – in its census for the years 2012/13 to 2015/16 the Australian Public Service Commission asked employees to indicate their level of agreement with the following statement:

I have confidence in the processes that my agency uses to resolve employee grievances

Data received during those years showed little variation, and the question has not been included in subsequent censuses. For the information of the Committee, in 2015/16 78% of employees indicated that they agreed, or neither agreed nor disagreed, with this statement.

Yours sincerely

Stephanie Foster PSM
Deputy Public Service Commissioner

12 May 2017

Public Service Regulation 6.3

Circumstances in which Australian Public Service Commissioner may decline to conduct, or may discontinue, inquiry into alleged breach of Code of Conduct by Agency Head

- (1) For paragraphs 41A(3)(a) and (b) of the Act, a circumstance in which the Australian Public Service Commissioner may decide to decline to conduct, or to discontinue, an inquiry is that the Australian Public Service Commissioner concludes that conducting or continuing the inquiry is not in the public interest.
- (2) In deciding to decline to conduct, or to discontinue, an inquiry into an alleged breach of the Code of Conduct, the Australian Public Service Commissioner may have regard to the following:
 - (a) whether the allegation is vexatious, frivolous, misconceived, or lacking in substance;
 - (b) whether sufficient detail about the allegation has been provided;
 - (c) whether the allegation refers to specific decisions or actions by the Agency Head;
 - (d) whether the allegation identifies conduct which, if proven, would constitute a breach of the Code of Conduct;
 - (e) whether the allegation relates to a decision properly taken, or to policy properly adopted, by the Agency Head, with which the person making the allegation disagrees;
 - (f) whether the cost of conducting an inquiry is justified in the circumstances.