

13

REPORT OF THE DECISION MAKER ON
SUSPECTED BREACH OF THE CODE OF CONDUCT
BY [Section 22 / 47F]

- I. As selected in accordance with paragraph 2 of the Procedures for Determining Breaches of the Code of Conduct (the Code of Conduct Procedures), by Mark le Dieu, National Manager, People Services Branch, and as referred to me by [S 22 / 47F] Area Manager, [S 47F], I am required to:
- A. investigate an allegation that you may have breached the Australian Public Service Code of Conduct;
 - B. determine whether you did breach the Code of Conduct; and
 - C. in the event that I found that you did breach the Code of Conduct, make a recommendation on what, if any, sanction(s) should be imposed.

SUSPECTED BREACH OF THE CODE OF CONDUCT

- II. It is suspected that you may have breached the Code of Conduct by acting inappropriately when under declaring income to maintain your entitlement to an income support payment. The matter was identified through a computer data match exercise conducted by IAS (Internal Assurance Section) which was designed to identify Centrelink employees in receipt of [Section 47F]. This highlighted your record. Further analysis of the Centrelink customer record showed you were not correctly reporting employment income.
- III. My task is to establish whether your suspected conduct occurred and if so, whether it was a breach of the Code of Conduct.
- IV. I suspect that your conduct may be in breach of the following elements of the Code of Conduct:
- (1) An APS employee must behave honestly and with integrity in the course of APS employment.
 - (2) An APS employee must act with care and diligence in the course of APS employment.
 - (4) An APS employee, when acting in the course of APS employment, must comply with all applicable Australian laws.
 - (11) 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.

LEGISLATION/POLICY

- V. In conducting this investigation I have had regard to the following legislation and policy:
- A. APS Values, section 10(1) of the *Public Service Act 1999* (the Act). The APS Values have applied since 5 December 1999 and underpin the behaviours expected of APS employees and their relationships with the government and parliament, the public, and each other.
 - B. The APS Code of Conduct, section 13 of the *Public Service Act 1999* (the Act). The Code of Conduct has applied since 5 December 1999 and sets out the standards of conduct required of APS employees.

EVIDENCE AND OTHER MATERIAL

- VI. In the course of my investigation I have considered the following evidence and material:
- A. You are currently employed as an APS 5 in the [Section 47F]. You have been employed by Centrelink since 2004. [Section 47F]
 - B. Wording outlined on the Centrelink form [Section 47F]

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- C. Screen dumps of documents on your customer record as provided by IAS
- D. IAS report
- E. Notes from our interview on [Section 47F]

- VII. Centrelink's form [Section 47F] states: "What you must report for the Centrelink Reporting Period – The gross amount you (and/or your partner) earned (BEFORE tax or other deductions) in the period."
- VIII. I have reproduced the above quote to show that you were made aware of your responsibilities as a customer.

YOUR SUSPECTED CONDUCT

- IX. On [Section 47F], I was provided with an IAS report which outlined details of your under declaration or earnings which maintained your entitlement to [47F].

- X. In the course of my investigations I have considered the IAS report, the evidence before me and the discussion we had on [S 47F].

In reference to section (1) of the APS Code of Conduct, following the discussion we had on [S 47F] and referring to the evidence I have, I believe that you did make attempts to seek information from Centrelink as a customer concerning your ongoing entitlement to [47F]. You were open in saying that you did manipulate your circumstances to retain your entitlement to [47F] (having a lower income every [S 47F]) and although this could be deemed to be unethical, it is not illegal. I believe that you sought information about your reporting requirements and reported accordingly. You acknowledged that you should have paid more attention to the information written on your [Section 47F] however you assumed that when you provided your payslips to Centrelink on more than one occasion, you would be advised if you were not reporting correctly. There is no evidence on your Centrelink customer record, even following a visit to a FIS Officer at which time you provided your payslips, to state that you were advised you were reporting incorrectly. I am satisfied that you were honest in your dealings with Centrelink as a customer and as an employee.

In reference to Section (2) of the APS Code of Conduct, I acknowledge that you received your [S 47F] as a customer however did not always read them. As stated above however, you sought information as a customer to determine if you were reporting correctly. I am satisfied that you acted with care when seeking information about your entitlements.

In reference to Section (4) of the APS Code of Conduct, as stated above, I am satisfied that although your behaviour to manipulate your entitlement to [47F] could be deemed to be unethical, it is not illegal, and you have sought the appropriate information regarding your reporting requirements. I am satisfied that you have acted in accordance with the law.

In reference to Section (11) of the APS Code of Conduct, I do not believe that your actions could bring Centrelink into disrepute. I believe that you took all steps to ensure you were reporting correctly and acting in accordance with the law. I believe that you may have been given incorrect information in your dealings with Centrelink as a customer, but at no time were dishonest about your income details.

14. Based on the evidence as outlined and discussed above, it is my conclusion that you did not breach the APS Code of Conduct.

Please contact me on [S 47F] if you have any questions.

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S 22 / 47F
HR Team Leader

S 47F
8th September 2010
