

FOI

From: Ethics Advisory Service
Sent: Thursday, 6 February 2020 11:53 AM
To: S. 22
Subject: RE: request for guidance [SEC=OFFICIAL]

OFFICIAL

Good morning

Thank you for your enquiry to the Ethics Advisory Service (EAS). What follows is general advice about matters you may wish to consider before disclosing information to a journalist, and avenues that may be available for reporting suspected corruption in the Commonwealth. Under the terms of our [Service Charter](#), the EAS cannot provide legal advice or accept reports of suspected misconduct.

1. Considerations in providing information to the media

Australian Public Service (APS) employees are subject to a range of confidentiality requirements that restrict the type of information they may lawfully disclose. Comprehensive guidance on APS employees' duties in regard to official information is available in Section 4 of [APS Values and Code of Conduct in Practice](#). It is open to you to seek independent legal advice specific to your circumstances in relation to disclosing information obtained in the course of your employment.

2. Reporting suspected corruption by a public servant

Suspected misconduct may be reported to the head of the agency in which the public servant is employed. If the agency in question employs staff under the *Public Service Act 1999* (a list of these agencies is [here](#)), all of its employees, including SES, are bound by the APS [Code of Conduct](#). APS agency heads are responsible for investigating suspected misconduct by their employees.

Alternatively, you may wish to make a disclosure under the *Public Interest Disclosure Act 2013*. Disclosures made under this Act confer on the discloser certain protections and immunities. The Act also sets out the circumstances in which these protections may apply to an 'external disclosure', which includes disclosures to the media. Further information is available from the [Office of the Commonwealth Ombudsman](#).

3. Reporting suspected corruption by a Minister

Ministers are subject to the [Statement of Ministerial Standards](#) issued by the Prime Minister. If you believe that a Minister has not complied with these standards, it is open to you to report this to the Prime Minister. Information about contacting the Prime Minister is available [here](#). Alternatively, it is open to you to bring your concerns to the Department of the Prime Minister and Cabinet.

I hope this information is of assistance.

Regards

Ethics Advisory Service

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From: S. 22
Sent: Saturday, 1 February 2020 11:08 AM
To: Ethics Advisory Service <Ethics@apsc.gov.au>
Subject: request for guidance

Dear APSC

A couple of years ago I was involved in a project assessing applications for funding. s. 22

Similar to what seems to have occurred in the current sports rorts corruption issue, the Minister discarded most of our recommendations and instead allocated the funding according to what were clearly politically based considerations rather than on the basis of merit (including by allocating funding to liberal party donors and applicants who weren't eligible because they didn't have the required insurance in place). When I've tried to mention s. 22 that the process was corrupted but that if we wanted to keep our jobs we should keep quiet about it.

It's been playing on my mind in recent weeks and obviously the Australian public has a right to know about this and so I've got in touch with a journalist who has advised me how to provide evidence of the corruption (I've got about ten emails including from the MO that prove the corruption) without implicating myself so the corruption can be made public. I'm ready to send the evidence to the journalist but before I do are there any ethical implications I should be aware of? And given that I've attempted to discuss it with management who acknowledged the corruption but advised me to keep quiet, is there anyone else I can go to other than the media?