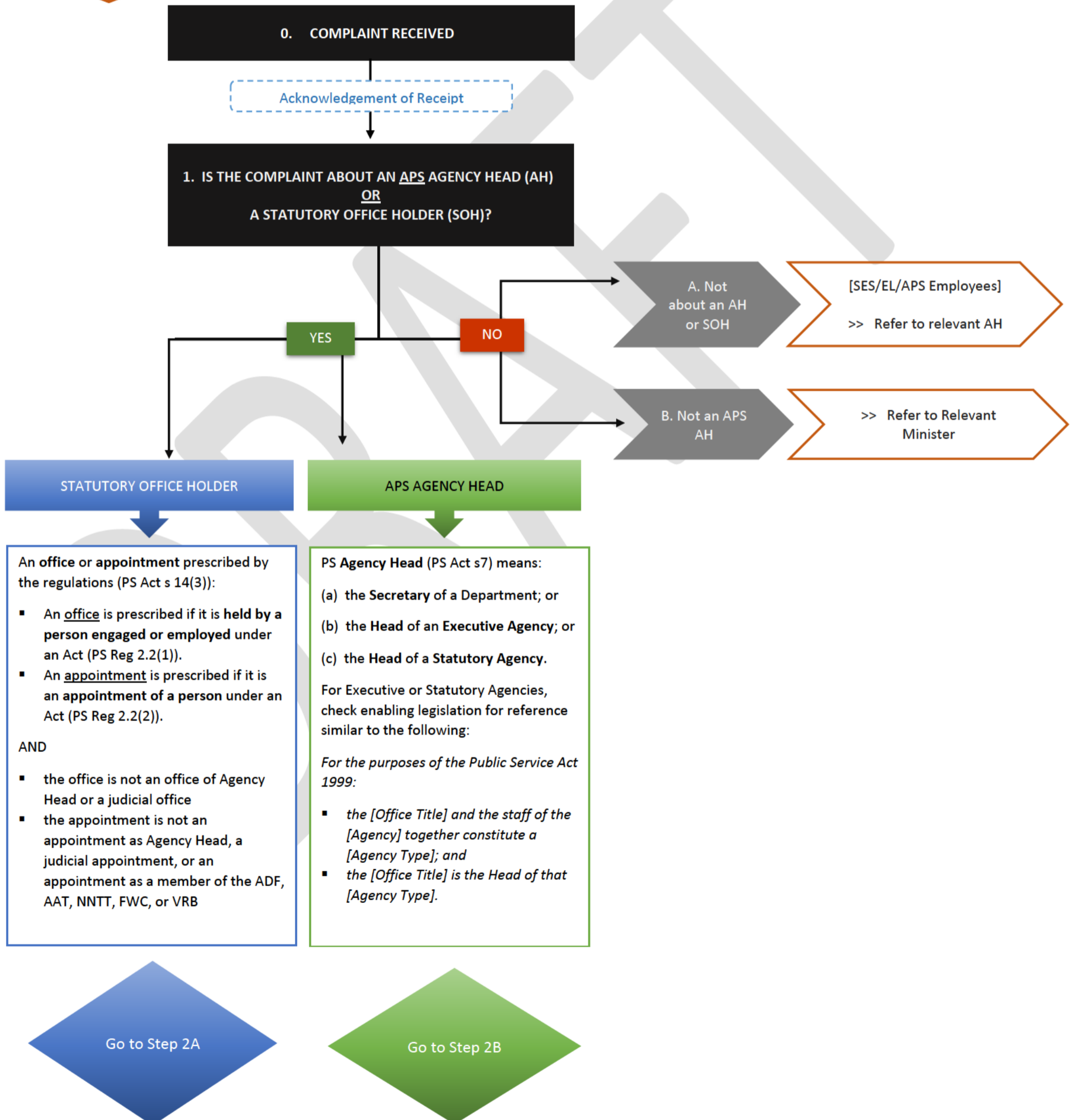


AGENCY HEAD & STATUTORY OFFICE HOLDER COMPLAINTS

PROCESS FLOWCHART

INITIAL CHECKS & HANDLING



PRELIMINARY CONSIDERATIONS

STATUTORY OFFICE HOLDERS ONLY

2A. Does the complaint relate to interactions between the SOH and APS employee(s) that they have a day to day working relationship with?

YES

NO

The Code only applies to SOHs in their dealings with APS employees—NOT in relation to all their statutory functions.

CHECK: for any inconsistencies between the requirement of the Code of Conduct and an Australian law that relates to the SOH's office/appointment?

The Code does not bind the SOH to the extent of the inconsistency.

2B. Are the allegations aligned to the APS Code of Conduct requirements, and supported by / proportionate to the facts/evidence (excluding any 'inconsistent provisions' for SOH's)?

NO

CHECK: Is further information required?

YES

3. Is the outcome the complainant is seeking proportionate and consistent with the commissioner's statutory functions / powers?

NO

YES

4. Can the matter be resolved informally?

YES

NO

See Att. TBC

5. Is conducting a s.41A inquiry in the public interest?

YES

NO

Consult Legal

Brief AC IPEP

Brief Commissioner

Appoint investigator

Advise:
A. Agency Head
B. Complainant

Reporting (statutory/other)

Brief AC IPEP [verbally and/or in writing]

Brief Commissioner

Advise Complainant

Advise other relevant parties, e.g. Agency Head, Minister

Step 2B. Factors to Consider:

- (a) what the allegation is about?
- (b) do the allegation relate to behaviours covered by the APS Code of
- (c) are the claims supported by and proportionate to the facts/evidence?
- (d) if proven, would the behaviour likely constitute a breach? If so how serious would the breach likely be considered?

FURTHER CONSIDERATIONS

Step 4. Factors to Consider:

s 22

RECOMMENDATIONS AND REPORTING

Step 5. Consider Reg. 6.3(2)

- (a) vexatious, frivolous, misconceived, lacking in substance?
- (b) sufficient detail provided?
- (c) specific decisions/ actions by AH?
- (d) conduct which if proven would be a breach?
- (e) proper AH decision/policy?
- (f) is the cost justified?