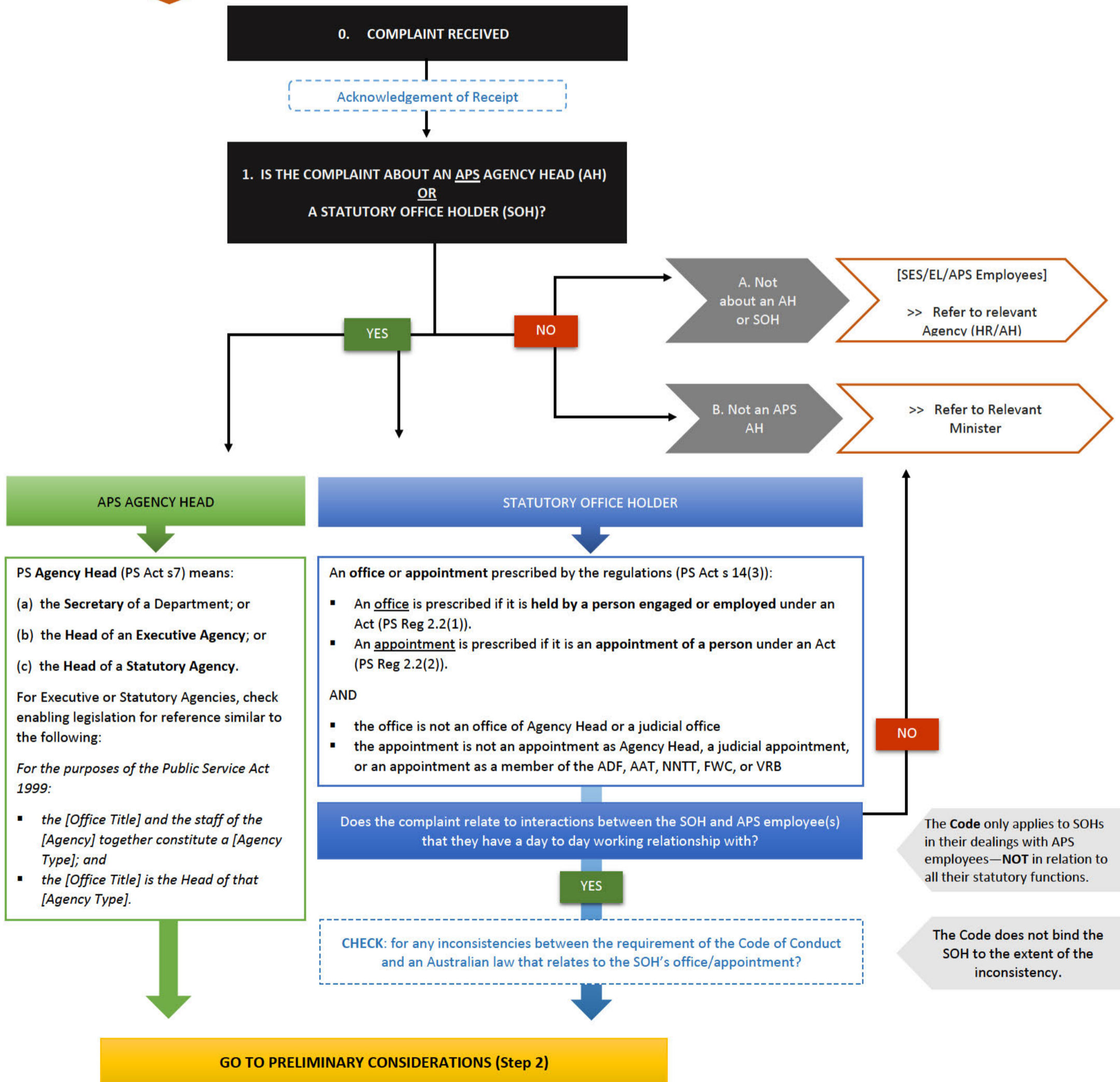


AGENCY HEAD & STATUTORY OFFICE HOLDER COMPLAINTS

PROCESS FLOWCHART

INITIAL CHECKS & HANDLING



PRELIMINARY CONSIDERATIONS

Step 2. Factors to Consider:

- A) Are the allegations:
 - i. Clearly defined and understandable?
 - ii. Aligned to one or more of the APS Code of Conduct requirements?
- B) Does the evidence (if provided) relate to the allegations?
- C) Would a reasonable observer consider there to be some substance to the allegations?

SOH Specific Considerations:

- (a) whether the subject matter of the inquiry is addressed in another law relating to the SOH?
- (b) whether the SOH is bound by rules that require behavioural standards similar to those required by the Code of Conduct;
- (c) any existing reporting and inquiry mechanisms that apply to the SOH?

2. Are there allegations relating to the AH/SOH's compliance with the APS Code of Conduct that may warrant further consideration, based on the available facts? (excluding any 'inconsistent provisions' for SOH's)?

NO

CHECK: Is further information required?

YES

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

NO

YES

4. Is conducting a inquiry justifiable in all the circumstances?

CHECK: For SOHs, see 'Specific Considerations'

Public Interest Considerations:

- (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?

Consider Att C (Public Interest)

RECOMMENDATIONS AND REPORTING

YES

NO

Consult Legal

CONSIDER INFORMAL APPROACH (SEE ATT C)

Brief AC IPEP

Brief Commissioner

Appoint investigator

Advise:

A. Agency Head

B. Complainant

Reporting (statutory/other)

[More Detailed Process & Notes TBC]

Brief AC IPEP [verbally and/or in writing]

Brief Commissioner

Advise Complainant

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

- ⇒ For Agency Heads: PS Act s.41A(2).
- ⇒ For SOHs: PS Regs sub-reg 6.1A.