



Australia PSC hosts virtual meeting with lead Government investigators on handling misconduct in the Public Service

The Australian Public Service Commission (APSC) hosted a virtual meeting with the Office of the Public Service Commission (PSC) in handling suspected misconducts and investigations last Tuesday, 9 February 2021. This was part of the ongoing support from the Government of Australia and the APSC in particular, towards institutional strengthening programs for government agencies, coordinated and facilitated through the Public Administration Sector Coordination Division of the Samoa PSC.

The meeting focused primarily on the respective roles and functions of the Services Australia and the Merit Protection Commission (MPC), the two main agencies responsible for conducting investigations and review of employment related decisions respectively.

Acting Director for Conduct and Reviews, Ms Gemma Hogben presented on how Services Australia manages or responds to complaints and allegations of misconduct amongst the 31,753 employees within the Australian Public Service. According to Ms Hogben the Conduct and Reviews Committee investigated a total of 291 cases in 2019-2020 which accounted for approximately 1 percent of employees in the service.

In summary, Ms Hogben outlined a 9-stage process followed by Services Australia whilst conducting their investigations i.e. Detection/Trigger, Consideration, Consultation, Investigation, Report and Review, Sanction, Outcome, Finalise and Documentation. Underpinning this process are the principals of accountability (procedural fairness/ natural justice, standard of proof, privacy) and continuous improvement (feedback).

Director for Review and Casework, Mr Mark Davidson presented on the important role the Merit Protection Commission plays in reviewing employment related decisions made by other agencies. The MPC provides an impartial, independent and fair system of review of employment actions, including Code of Conduct decisions and promotions.

The ACEO Legal and Investigation Services, Mr Maiavatele Timothy Fesili commended the work carried out by both agencies and acknowledged the importance of the information shared to help draw a comparative analysis of the Samoa's current processes with our international partners and to ensure consistency with international standards.

He says, "In this line of work, we often deal with disciplinary matters that are highly sensitive and controversial, so when opportunities arise it is always important to learn, participate and draw on the experiences of our international partners to help inform and strengthen our own policies and procedures in managing misconducts and investigations in the public service. It was a great benefit and exposure for all our participants to listen and learn from the experiences of the APSC.

He says further, “I also acknowledge APSC, Mark Colwell (Director International), and our Public Administration Sector Coordination Division, ACEO Osana Liki-Ward and her team, for their tireless efforts and determination in making this meeting a reality. The meeting was a continuation of initial consultations in September of 2020 between the two agencies to discuss the APSC’s overarching framework in managing the Code of Conduct.”

Lastly, the issues and difficulties we face in managing the Code of Conduct and investigations were also shared by Services Australia especially in cases where parallel investigations run simultaneously.

The general consensus from the meeting was that laws governing the administration and handling of alleged misconduct in our public service such as the Public Service Act 2004 and Public Service Regulations 2008 is resolute and very much in line with the principals and processes administered by the APSC.

Caption: Office of the Public Service Commission – Commission Delegates, Charging Officers and Investigating Officers



From Left: Naomi Harris, Aruna Lolani, Cheryl Lei-Sam, Grace Taulealo, Merina Gae'e-Afoa, Salilo Margraff, Maiavatele Timothy Fesili, Beverly Smith, Tracy Warren, Jolly Papalii, Cesco Tasi, Virginia Hazelman, Tofilau Alex Stanley.

For more information on handling misconduct in the Public Service, please do not hesitate to contact Maiavatele Timothy Fesili at tfesili@psc.gov.ws and Grace Taulealo at gtaulealo@psc.gov.ws .