



AMBASSADOR AND
PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION
TO THE WTO

17 December 2013

Dr Miranda Brown
Geneva
SWITZERLAND
(delivered by hand)

Dear Dr Brown

I refer to your email of 5 September 2013 and my response of 19 September 2013.

You will recall that in my response I stated that the allegations you had raised regarding Dr Gurry had already been investigated by WIPO. I understand that the result of those investigations was a finding that there is no evidence of any wrongdoing by Dr Gurry.

I further suggested to you that any concerns you continued to hold about matters relating to WIPO should be communicated to WIPO through the appropriate channels in WIPO and the United Nations system.

Reports have since come to my attention alleging that you may have been engaged in activities outside of the appropriate channels aimed at discrediting Dr Gurry and his campaign for re-election to the position of Director General of WIPO.

Re-election of Dr Gurry is a priority for the Australian Government

You are also aware that the Australian Government supports the campaign to re-elect Dr Gurry as Director General of WIPO, and that his re-election is a significant priority for the Australian Government. Any attempt to discredit Dr Gurry, his reputation, or to undermine his re-election is an action against the Australian national interest.

Compliance with APS Code of Conduct

As Ambassador and Permanent Representative to World Trade Organization, I am the senior representative of the Australian Government in Geneva, in relation to trade matters. I have overarching responsibility for all staff conduct and welfare issues in that context, including in relation to you.

In that capacity, I draw your particular attention to the following provisions of the Australian Public Service Code of Conduct:

- An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment.
- An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.
- An APS employee must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment.
- An APS employee must at all times behave in a way that upholds:
 - the APS Values and APS Employment Principles; and
 - the integrity and good reputation of the employee's Agency and the APS.

You are directed to cease and refrain from any activity that may compromise or undermine, or seeks to compromise or undermine, Dr Gurry's re-election as Director General of WIPO, including any attempt to discredit Dr Gurry or impugn his professional or personal reputation.

Any activity, either alone or in concert with others, that operates to or intends to undermine Dr Gurry's re-election as Director General of WIPO would *prima facie* be a breach of the above provisions of the APS Code of Conduct, by which you are bound.

Consequences of non-compliance

Any failure to comply with the APS Code of Conduct, including non-compliance with this direction, may result in the department's imposing one or more of the following sanctions against you, in accordance with the Public Service Act:

- termination of employment;
- reduction in classification;
- re-assignment of duties;
- reduction in salary;
- deduction from salary, by way of fine;
- a reprimand; or
- suspension.

If you have any concerns relating to WIPO matters, the correct avenue to address them (as I advised you on 19 September 2013) is to communicate them through the appropriate channels in WIPO and the UN system only.

Yours sincerely

Hamish McCormick