

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program: General**

**Question No. AE16/125**

**Senator Ludwig asked the following question at the hearing on 9 February 2016:**

Since the change of Prime Minister on 14 September, 2015:

1. Please provide a copy of the departmental staff code of conduct.
2. Have there been any identified breaches of this code of conduct by departmental staff?
  1. If yes, list the breaches identified, broken by staffing classification level.
  2. If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
  3. If yes, when was the breach identified? By whom? When was the Minister made aware?
  4. If yes, were there any legal ramifications for the department or staff member? Please detail.

**The answer to the honourable senator's question is as follows:**

1. The APS Code of Conduct is available at: <http://www.apsc.gov.au/working-in-the-aps/your-rights-and-responsibilities-as-an-aps-employee/code-of-conduct>

The Australian Federal Police Code of Conduct is available at:

<http://www.afp.gov.au/~media/afp/pdf/a/afp-code-of-conduct-2011-11.pdf>

ACC specific procedures in relation to the APS Code of Conduct are available at:

<https://crimecommission.gov.au/integrity-australian-crime-commission>

The High Court of Australia's Code of Conduct is attached.

2. No breaches of the APS Code of Conduct were determined between 14 September 2015 and 9 February 2016 for the portfolio, excluding the agencies listed in the table below.

In the case of the AFP, a summary of professional standards issues is published as part of the AFP Annual Report which is available at: <http://www.afp.gov.au/media-centre/publications/annual-reports.aspx#afp>

In the case of the ACC, a summary of professional standards issues is published as part of the ACC Annual Report which is available at:

<https://crimecommission.gov.au/sites/default/files/ACC%20AR%202014-15.pdf>

The Minister for Justice is not routinely notified by AFP or ACC of conduct issues.

Department/ Agency	Level of employee	Identified breach	Management of breach	Date identified	Date plan commenced	Has the minister been briefed	Legal ramification
<b>Attorney- General's Department</b>	APS	Sections 13(1), (2), (3), (5) and (9) of the APS Code of Conduct.	Managed in accordance with department's procedures established under ss15(3) of the <i>Public Service Act 1999</i>	Reported 6 August 2015. Investigation commenced 18 August 2015. Breaches determined 26 October 2015.	Employee ceased as employee before sanction imposed.	No	Nil
<b>Attorney- General's Department</b>	SES	Sections 13(3) and (11) of the APS Code of Conduct.	Managed in accordance with department's procedures established under ss15(3) of the <i>Public Service Act 1999</i>	Reported 30 March 2015. Investigation commenced 26 May 2015. Breaches determined 23 September 2015.	Employee ceased as employee before sanction imposed.	No	Nil
<b>CrimTrac</b>	APS	Sections 13 (1), (3), (8) and (11) of the APS Code of Conduct.	Reprimand Issued	14 August 2015	17 December 2015	No	Nil
<b>CrimTrac</b>	APS	Sections 13 (1), (3), (8) and (11) of the	Reduction in classification from APS4 to	14 August 2015	31 December 2015	No	Nil

		APS Code of Conduct.	APS3				
<b>CrimTrac</b>	APS	Sections 13 (1), (3), (8) and (11) of the APS Code of Conduct.	Salary reduction by one increment point	14 August 2015	31 December 2015	No	Nil
<b>CrimTrac</b>	APS	Sections 13 (1), (3), (8) and (11) of the APS Code of Conduct.	Salary reduction by one increment point	14 August 2015	31 December 2015	No	Nil

## **HIGH COURT OF AUSTRALIA CODE OF CONDUCT**

### **A. YOUR GENERAL RESPONSIBILITIES**

In the course of your employment, you are required to:

1. behave honestly and with integrity;
2. act with care, skill and diligence, using authority in a fair and unbiased manner;
3. treat everyone with respect and courtesy, with sensitivity to their rights, duties and aspirations, and without harassment;
4. comply with all applicable Australian laws, observing legislation, regulations, determinations and instructions that relate to your official duties;
5. comply with any lawful and reasonable direction given by someone in the Court who has authority to give the direction; and
6. at all times behave in a way that upholds the values, integrity and good reputation of the Court.

### **B. CONFLICT OF INTEREST**

If you find that you have some personal, financial or other interest that might appear to affect the way you perform your official duties, you must discuss the matter with your supervisor, and take whatever action is necessary to avoid a conflict of interest (real or apparent).

### **C. USE OF COURT RESOURCES**

You are required to use Court money, property, goods or services economically and only for official purposes.

### **D. MANAGING OFFICIAL INFORMATION**

1. You must not make improper use of information gained through your employment with the Court.
2. You must not provide false or misleading information in response to a request for information that is made for official purposes.
3. You need to have the approval of the Chief Justice, a Justice or the Chief Executive & Principal Registrar to make any official statement in public. If you are making a statement on an official matter as a private citizen, you must declare this to your audience.

## **E. USE OF YOUR OFFICIAL POSITION**

You are not permitted to use your official position (ie. your duties, status, power or authority) in order to gain, or seek to gain, a benefit or advantage for yourself or for anyone else. Nor can you use your official position to harass or oppress another person.

## **F. ACCEPTING GIFTS OR BENEFITS**

You are not permitted to accept gifts or benefits related to the performance of your official duties, you need the approval of the Chief Executive & Principal Registrar.

## **G. OUTSIDE EMPLOYMENT**

Before you undertake work for another employer or outside your official duties, you need the approval of the Chief Executive & Principal Registrar.

## **H. DRESS AND APPEARANCE**

Your dress and appearance need to be appropriate to your official duties. Where the Court provides a uniform or protective clothing, you should wear it in the manner prescribed.

## **I. EMPLOYMENT AFTER YOU LEAVE THE HIGH COURT**

1. When leaving the High Court for other employment, you must not use your official duties or confidential information gained during your employment with the Court to:
  - (a) advantage your prospective employer or any other person; or
  - (b) disadvantage the High Court in commercial or other relationships with your prospective employer or any other person.
2. You should consult the Chief Executive & Principal Registrar before you engage in new employment where there could be a conflict of interest.

## **BREACHES OF THE CODE OF CONDUCT**

1. If you do not follow the code of conduct outlined in the previous section, the question of misconduct may arise and you could be liable to disciplinary action.
2. You should also be aware of the possibility of criminal charges under the Commonwealth Crimes Act where serious breaches of the code have occurred.