



DPP

From the Director

TO: ALL STAFF

Attached are the Guidelines on Official Conduct for all Staff of the DPP, the Code of Conduct for staff of the DPP and the Values which apply.

These documents form the basis for the employment and behaviours of all staff. As such they are one of the foundations for working for the DPP.

I ask that you spend some time reading and thinking about them and that you put them into practice in all your dealings for and on behalf of the Office.

Damian Bugg QC
Director

GUIDELINES ON OFFICIAL CONDUCT FOR ALL STAFF OF THE DPP

The Office of the Commonwealth Director of Public Prosecutions has very important responsibilities to the community, Government, and other Law Enforcement agencies.

As such, the Office handles work that is sensitive, both in the terms of privacy and in some cases to national security.

It is therefore the responsibility of every staff member to protect the integrity and reputation of this Office, by protecting its information and assets.

This means that the official conduct of the staff of this Office be not only beyond reproach but also perceived by the public as being beyond reproach. At times it may be in the interest of some individuals in the community to compromise or attempt to compromise the integrity and reputation of this Office. Without great diligence on the part of all of us we may provide opportunities for that risk to be realised.

With the increasing use of new technology, the ability of staff to access sensitive information is growing rapidly. It is essential that such information be carefully protected and used only for official purposes and that the integrity of the Office not be compromised by the wilful or negligent misuse of such information.

The independence of the prosecution decision making process is the fundamental reason for the existence of the DPP. It is therefore of critical importance that prosecution decisions are made strictly in accordance with the Prosecution Policy of the Commonwealth.

We must all undertake our duties impartially, uninfluenced by fear or favour and to be seen to be doing so. We must be careful not to succumb to extraneous pressures from any sector of the community.

These Guidelines are complemented by the Code of Conduct for Australian Public Servants, the Australian Public Service Values and an explanation of the Code and Values as they particularly apply to DPP employees.

EXPLANATION AND APPLICATION OF THE GUIDELINES TO DPP STAFF

The information that follows is intended to bring practical meaning to the Guidelines, the Values and Code of Conduct.

DPP Staff must:

- As a Commonwealth officer, provide assistance to members of the public to enable them to understand their entitlements and obligations (Value g, Code reference 1, 2, 3 & 11).
- Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with your employment with the DPP (Value d, Code reference 1, 7 & 11); This means you must:
 - ❖ Avoid situations in which private interests, whether pecuniary or otherwise, conflict or might reasonably be thought to conflict with a public duty;
 - ❖ Disclose to your Deputy Director any interest, whether possessed directly or indirectly, or association which conflicts or might reasonably be thought to conflict with your responsibilities as a CDPP employee;
 - ❖ Disclose to your Deputy Director any interest, whether possessed directly or indirectly, or association which has the potential to or might reasonably be seen to have the potential to influence your conduct as a CDPP employee;
 - ❖ Disclose to your Deputy Director any interest or association involving immediate family members, to the extent that they are known by you, that has or potentially may have an impact or might be perceived as having an impact on the work of the office;
 - ❖ Disclose to your Deputy Director any proceedings commenced against you, civil or criminal, which may give rise to a conflict of interest or that might reasonably be thought to conflict with your public duty and responsibilities;
 - ❖ Disclose to your Deputy Director any new or additional facts of a material nature that emerge after an initial disclosure has been made;
 - ❖ Abide by the professional rules of conduct essential to a legal environment;
 - ❖ Immediately notify the Director, in writing, if you intend to accept a business appointment after leaving the DPP, where such an appointment could give rise to a conflict of interest. The notification should outline any relationship between your official duties and the proposed appointment.

If you possess an interest which conflicts with the duties of the Office you should divest yourself of the interest, be removed from the duties in question, or obtain the authorisation of your Deputy Director to continue to discharge the duties.

- Seek the prior approval of the Director or his delegate before engaging in employment outside of official duties (Code reference 7, 8, 10 & 11). Approval will only be granted in accordance with the Director's Personnel Instruction on Outside Employment (No. 30) and will adhere to the following principles:
 - ❖ It shall not affect the efficiency or performance of your official duties;
 - ❖ It must be performed wholly in your own time using your own resources and equipment;
 - ❖ It should not place you in a conflict of interest situation or potential for such.

- Report suspected improper or fraudulent activity to your Executive Officer, Branch Head or Deputy Director. If the matter is of such gravity that it cannot be handled within your Office it should be referred to a member of the Audit Committee for consideration (Value d, Code reference 1, 8, 10 & 11). The members of the DPP Audit Committee are the First Deputy Director (Chair), Deputy Director, Legal and Practice Management Branch and the Deputy Director, Corporate Management.
- Treat everyone with respect and courtesy, and without harassment (Value c, d & g, Code reference 3, 4 & 11);
- Comply with all conditions of engagement and employment whether implicit or explicit to the employment relationship (Code reference 1, 4, 5 & 11);
- Comply with any other conduct requirement that is issued as an Instruction by the Director (Code reference 11 & 13).

DPP Staff must NOT:

- Solicit or accept from any person any remuneration, benefit, gift, hospitality, concessional travel or promise of further advantage for the discharge of the duties of your office apart from your official remuneration, unless you obtain specific written approval from your Deputy Director or delegate. This requirement applies equally to your family or any associated business concern or trust where there is a clear link with your official duties. An exemption applies to modest gifts of a seasonal or customary nature. If you are unclear about whether a particular circumstance is covered by the exemption provision you should seek advice from your Executive Officer (Value d, Code reference 1, 10 & 11).
- Use information obtained in the course of official duties to gain directly or indirectly an advantage, pecuniary or otherwise, for anyone, including yourself (Value d, Code reference 1, 8, 10 & 11).
- Use frequent flyer points or other awards earned during official travel, or through accommodation while on official travel, for private purposes. These points or other awards shall only be used for further official travel or other official purposes (Value d, Code reference 1, 8 10 & 11).
- Allow the pursuit of private interest to interfere with the discharge of public duties (Code reference 1, 7, 10 & 11).
- Intentionally provide false or misleading information at any time, in connection with, or in the course of your employment (Values d & f, Code reference 1, 2, 4, 9 & 11).
- Disclose, directly or indirectly, any information about official business or anything of which you have official knowledge except in the course of your duties or with the Director's express authority (Value d, Code reference 1, 4, 6, 11 & 13).

The following Director's Instructions and policies underpin and expand on the DPP's Guidelines on Official Conduct:

- DPI on Outside Employment;
- DPI on Acceptance of Gifts;
- DFI on Reporting Suspected Improper or Fraudulent Activity;
- Security Policy;
- IT Policy including Internet and Email Policy;
- Elimination of Workplace Harassment Policy.

You are required to familiarise yourself with, and adhere to the principles and practices advocated and promoted by these Instructions and policies. The material is available through the Intranet or from your Manager or Executive Officer.

CODE OF CONDUCT

The Code of Conduct for Australian Public Servants is contained in Section 13 of the Public Service Act and applies equally to myself as an Agency Head and Statutory Office Holder, and to all staff of the Office. Based on that code:

Employees of the DPP MUST:

- 1) Behave honestly and with integrity in the course of APS employment;
- 2) Act with care and diligence in the course of APS employment;
- 3) When acting in the course of APS employment, treat everyone with respect and courtesy, and without harassment;
- 4) When acting in the course of APS employment, comply with all applicable Australian laws;
- 5) Comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction;
- 6) Maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff;
- 7) Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment;
- 8) Use Commonwealth resources in a proper manner;
- 9) Not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment;
- 10) Not make improper use of:
 - (a) inside information, or
 - (b) the employee's duties, status, power or authority,In order to gain, or seek to gain, a benefit or advantage for the employee or for any other person;
- 11) At all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS;
- 12) While on duty overseas, at all times behave in a way that upholds the good reputation of Australia; and
- 13) Except in the course of his or her duties as an APS employee or with the Agency Head's express authority, not give or disclose, directly or indirectly, any information about public business or anything of which the employee has official knowledge.

APS VALUES

The APS Values contained in Section 10 of the Public Service Act are an integral part of the DPP Guidelines on Official Conduct. The Values are as follows:

The Australian Public Service:

- a) Is apolitical, performing its functions in an impartial and professional manner;
- b) Is a public service in which employment decisions are based on merit;
- c) Provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian Community it serves;
- d) Has the highest ethical standards;
- e) Is openly accountable for its actions, within the framework of Ministerial responsibility to the Government, the Parliament and the Australian Public;
- f) Is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;
- g) Delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public;
- h) Has leadership of the highest quality;
- i) Establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- j) Provides a fair, flexible, safe and rewarding workplace;
- k) Focuses on achieving results and managing performance;
- l) Promotes equity in employment;
- m) Provides a reasonable opportunity to all eligible members of the community to apply for APS employment;
- n) Is a career – based service to enhance the effectiveness and cohesion of Australia's democratic system of Government;
- o) Provides a fair system of review of decisions taken in respect of APS employees.

RELEVANT REFERENCES

The rights and responsibilities of employees of the DPP in respect of official conduct are derived from many sources including:

- Public Service Act 1999
- Public Service Regulations 1999
- Public Service Commissioner's Directions
- Auditor-General's Act 1997
- Financial Management and Accountability Act 1997 and related Finance Regulations and Finance Minister's Orders.
- Crimes Act 1914
- DPP Guidelines and Directions Manual
- DPP Security Management Plan including the DPP Security Policy and Procedures
- Director's Personnel Instructions
- Director's Financial Instructions
- DPP Administrative Instructions
- Commonwealth Procurement Guidelines

These guidelines are to be read and acknowledged by all DPP employees, including those working on secondment or contract, on commencement with the Office. It is the responsibility of Deputy Directors to ensure that this happens, and that each individual acknowledges having read this document.

BREACH OF THE CODE OF CONDUCT

Employees who breach the APS Code of Conduct or the DPP Guidelines on Official Conduct may be subject to the procedures for managing misconduct set down by the Office of the Commonwealth Director of Public Prosecutions Workplace Agreement 2006-2009. In some circumstances a breach of the APS Code of Conduct may also constitute an offence under the Crimes Act 1914.

I acknowledge that I have read, understood and agree to abide by the DPP Guidelines on Official Conduct.

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Signature

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Date