

Suspected breaches of the APS Code of Conduct

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General Information

Section 15(3) of the *Public Service Act 1999* (*PS Act*) requires Agency Heads to establish procedures for determining breaches of the APS Code of Conduct (the Code).

Employees of the Museum of Australian Democracy at Old Parliament House are employed by the entities legal name of 'Old Parliament House' (OPH).

This procedure/guideline provides advice and guidance to managers and employees on determining whether an employee has breached the Code.

It sets out the legislative requirements and basic procedures to be followed which will inform any decision regarding a breach.

This procedure/guideline applies to:

- A person who is an Australian Public Service (APS) employee in OPH;
- A former APS employee who was employed by OPH at the time of the suspected misconduct; and
- Has breached the APSC Code of Conduct (the Code) in section 13 of the *PS Act*.

This guideline does not apply to volunteers however, equivalent standards of values and conduct are expected through their volunteer agreements that outline the process for dealing with suspected breaches of the Code.

This guideline only applies in cases where a breach of the Code is suspected and a determination needs to be made. Not all suspected breaches of the Code need to be dealt with by way of a determination of sanction. Where a suspected breach appears minor in nature, a warning may be sufficient, noting that a repeat of similar conduct could lead to an investigation.

The HR Manager and/or other suitable delegate can assist in determining if an action or behaviour is a suspected breach of the Code.

In all instances where this policy is misaligned to legislation relevant to this subject, the legislation will be the guidance for minimum requirements.

Availability of Procedures/Guidelines

These procedures are made publicly available on OPH's website in accordance with subsection 15(7) of the *PS Act*.

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Guiding Principles

OPH is committed to creating and maintaining a workplace that upholds the APS Values, Employment Principles and the Code.

Copies of the APS Values, Employment Principles and the Code of Conduct can be found at Attachment A B and C respectively or on the Australia Public Service Commission's website: Working in the APS | Australian Public Service Commission (apsc.gov.au)

All suspected breaches of the Code will be dealt with swiftly and with the formality required in consideration to the severity of the suspected breach.

Procedural fairness must be maintained.

A breach occurs when an APS employee's conduct does not comply with the standards outlined in the Code. This includes conduct or action:

a) within or outside working hours
b) within or outside the workplace
c) in any medium, inclusive of online social media
d) at any work location in Australia or overseas.

A number of sections of the Code have several elements within them. It is not necessary for the employee to have breached all elements of a particular section of the Code in order for a breach to be determined.

Expected behaviour under the Code can be linked to APS employment in three ways:

a) in connection with employment
    i. conduct directly associated with, and expected of, an employee at work. This includes employer related functions such as a Christmas party or other work social gatherings.
b) in connection with APS employment
    i. addresses situations where an employee's actions or behaviour may have some influence on how they perform their duties.
c) at all times
    i. broader application to conduct which occurs outside work hours but may impact the workplace or the employment relationship.

The Code may apply as long as there is a connection between the behaviour and its effect on:

a) the workplace
b) employees or others
c) the reputation of MoAD, the APS or the Commonwealth.

Employees must behave at all times in a way that upholds the APS Values and the integrity and good reputation of the APS. 'At all times' includes conduct unrelated to the performance of duties and the use of online platforms, including social media.

Employees can, during working hours, access APS-wide ethics advisory services and attend agency mandated training about integrity.

Subsection 13(11) of the PS Act may determine whether an employee found guilty of a criminal offence has also breached the Code. An assessment would consider:

a) whether the criminal behaviour has compromised the integrity and good reputation of the APS
b) the extent to which the behaviour has adversely affected the employee's position in the workplace.

The nature or severity of the suspected breach and potential damage caused will establish whether a formal or informal investigative process should apply.

In any complaint process, there are four primary persons:

a) The Delegate
    i. appoints the investigator, and decides if a breach of the Code has occurred and what sanction is applied

b) The Investigator
    i. investigates the complaint and produces a report to the Delegate

c) The Complainant/s
    i. initially raised the complaint

d) The Respondent/s
    i. the suspected perpetrator/s of the potential Code breach.

In addition to the above, there may be many other stakeholders throughout the process.

Should any stakeholder refuse to participate in the process, an APS employee can be given a lawful direction to participate by their line management under subsection 13(5) of the PS Act.

Failure to comply with a lawful and reasonable direction under the PS Act may constitute a breach of the Code.

Procedural Fairness

MoAD considers procedural fairness to be essential and requires processes to be fair and impartial for employees affected by APS-wide or agency decisions.

The principles of procedural fairness have three key 'rules':

a) the 'hearing' rule
    i. allows for people with interests or rights at stake to have an opportunity to be heard.
b) the 'no bias' rule
    i. requires an investigator to act without bias or self-interest.
c) the 'evidence' rule
    i. requires that a decision be based on compelling or logically based evidence.

Procedural fairness requires that a person whose interests may be adversely affected by a decision will:

a) be informed of the allegation in as much detail as possible to enable them to understand what the allegation is (this may not include every detail)
b) be provided with reasonable time to respond in writing (at least seven calendar days)
c) have their response taken into account in the decision-making process.

Procedural fairness also requires that:

a) no person judges their own case or a case where they have a direct interest
b) all parties to the matter must be heard and all relevant responses must be considered where there are competing interests.

Duty of care

The *Work Health & Safety Act 2011* imposes general duties of care on employers. Supervisors have a duty of care for the health, safety and welfare of employees. This may mean that supervisors need to act if they suspect a breach of the Code or if an alleged breach is brought to their notice.

Reporting suspected breaches

A suspected breach of the Code can be reported by anyone including:

a) managers
b) work colleagues
c) private citizens
d) contractors or consultants.

In the first instance suspected breaches may be discussed with, or reported to:

a) direct managers
b) Human Resources
c) Head, Chief Financial Officer, Finance and Human Resources
d) a Workplace Harassment and Diversity Officer (WHDO).

Reports can be verbal or written and should contain specific details about the suspected breach. The report should include details about:

a) the behaviour or actions
b) the people involved
c) dates and times
d) locations
e) any supporting evidence.

The Complainant/s desired outcome should be taken into consideration prior to progressing any investigation, inclusive if the Complainant/s wishes not to progress any investigative process. With that said however, MoAD has a duty of care to all employees to take action (formal or informal) if an alleged breach is raised and is of a nature that warrants action.

This must be discussed and explained to the Complainant/s prior to any process beginning.

The agency has a duty of care to ensure allegations are not false or misleading before approaching the staff member who is the subject of a complaint.

Formal action is taken when a Complainant/s formalises their complaint in writing and signs and dates it.

Should the Complainant/s not formalise their complaint in writing, a record of the conversation needs to be drafted by the recipient of the complaint, and sent to the Complainant/s.

The signed statement should:

a) be a true account of what happened
b) clearly identify the employees who have engaged in the suspected misconduct
c) list any relevant witnesses
d) explain how the suspected misconduct affected them and why, if relevant.

All stakeholders are kept informed during the process and notified of outcomes, as far as privacy provisions allow and using the 'need to know' principles.

Victimisation or retaliation

Any employee making a report, or a witness, is protected from victimisation or retaliation by the Code (i.e. being harassed to change their complaint or statement), under subsection 13(3) of the PS Act.

Employees victimising others should be aware that this is serious misconduct and where a breach of the Code is determined, could result in termination of employment.

Where an employee feels they are being victimised or discriminated against after making a report, they should speak to the person they made the initial report to.

Alternatively, the employee can seek assistance from:

a) Human Resources
b) Head, Chief Financial Officer, Finance & Human Resources

Section 16 of the PS Act protects APS employees who make a report under the whistleblowing provisions.

Vexatious claims

Complaints made should be clearly justified.

If a complaint is suspected of being vexatious, an investigation may be undertaken. Should the Delegate determine that a complaint is vexatious, the original Complainant may be subject to sanctions under a breach of the Code.

All employees are expected to adhere to the “need to know’ principles set by the *Privacy Act 1988* (Privacy Act). As such MoAD will not tolerate the spreading of rumours or innuendo about investigation or alleged breaches of the Code. This includes alleged bullying and harassment or gossip about investigations of complaints/allegations. This will result in an investigation of a breach of the Code and may leave employees open to further sanctions.

Probationary employee

Where performance and/or behaviour issues arise with employees on probation, the matters are to be managed in the probationary framework and not as a Code process.

The Code process can be used in relation to probationary employees, however there is a difference between assessing performance to determine future suitability and assessing conduct which may amount to a breach of the Code.

Assessing suspected breaches

Before a formal investigation/misconduct process commences an assessment of the seriousness of the breach is made. Not all suspected misconduct should use formal misconduct procedures.

The matter should be discussed with the Manager, Human Resources to determine the most appropriate approach to take and ensure a consistent application across the agency.

Considerations for informal processes

In less serious cases of misconduct the following informal options may be considered:

a) close monitoring and coaching to improve the employee's awareness of the required standards of conduct
b) providing mediation, conciliation or counselling
c) a written warning, signed by the employee with a copy kept on the employee’s personnel file.

Conducting an informal misconduct process should be as quick as proper consideration and procedural fairness will allow.

Agreed actions and outcomes are documented and signed by the employee and manager. Both parties should retain a copy of the agreed arrangements. The manager monitors behaviour until satisfied the matter has been resolved.

An informal process can progress to a formal process, should the need arise.

Considerations for formal processes

Where the suspected breach is more serious in nature, or if conduct has not improved using informal processes, the manager must refer the matter to the Manager, Human Resources. The manager should attach, or identify, all relevant documentation, including material which:

a) outlines, or provides evidence of, the suspected breach
b) provides relevant information of the employee's work history and (where relevant) records of any prior attempts to address the matters of concern.

If a suspected breach is deemed criminal in nature it should be referred to the police for investigation.

Determination whether a breach has occurred

Notifying the affected employee

The manager discusses the suspected breach with the Manager, Human Resources and/or other appointed delegate.

Where a decision is made to investigate a suspected breach, the Delegate will appoint a suitable person to investigate the allegation and provide a written report. The Investigator may be another APS employee or a qualified consultant, but must be seen to be independent and unbiased.

The Delegate will notify the Respondent/s, in writing, as soon as practicable after a decision has been made to commence an investigation. The notification must be in writing and should explain the following:

a) the misconduct they are suspected of committing
b) the elements of the Code they are suspected of breaching
c) possible sanctions that may apply
d) who will investigate the misconduct
e) the Delegate who will make the determination and decide on sanction
f) how the process will proceed (providing them with a copy of the agency's guidelines)
g) advice that the affected employee is entitled to seek the assistance and support of a suitable person (such as a support person, union representative, etcetera) in responding to the notification and throughout the investigation
h) and drawing attention to:
    1) the rights of employee

2) an invitation to make a statement, within seven days, in response to the allegations
3) the next steps in the process.

Respondent/s right to respond

The Respondent/s is entitled to respond to allegations in a written statement.

Where the Respondent/s may make an oral statement instead of a written statement. A record of conversation must be drafted and a copy given to the Respondent/s (who may correct the statement). Any inconsistency should be noted and clarification sought where necessary.

A support person can be present when a Respondent/s gives a verbal response to the allegation. That person may be anyone the Respondent/ deems suitable, however the support person is not to answer on behalf of the affected employee as the Respondent/s is obliged to answer questions.

The Respondent/s could also receive assistance from a support person in drafting a written response. Where a support person drafts the written response the Respondent/s must agree in writing with the response written on their behalf.

A Respondent/s who is not fluent in English should be interviewed through a competent interpreter.

A Respondent/s can decline to provide a statement. The investigator should not draw any conclusions from this absence. The Respondent/s should acknowledge that the investigator will make their decision based on the information before them.

Any request for an extension of time should be considered on its merits, recognising the:

a) need to be fair to the Respondent/s
b) requirement for timeliness and expedition.

An extension of time will not be approved automatically and the Respondent/s will need to show justifiable reasons to support their request.

Investigating an alleged breach

When a formal investigation is approved to be conducted by the Delegate, MoAD can request for an investigator from the Merit Protection Commissioner (MPC) (refer to section 50A of the PS Act) to undertake the investigation. This requires the written agreement of the Respondent/s or former employee.

Evidence is collected from various sources. In some cases the investigation will be founded on physical evidence, such as computer records, in others it may be founded on witness accounts.

The standard of proof used in determining breaches of the Code is the ‘balance of probabilities’. The delegate must be satisfied that a breach is more probable than not.

Performing the investigation

The investigator should consider the following:

a) any/all facts that are not in dispute
b) any/all facts that are in dispute, and need further investigation
c) any person/s who may have information relevant to the matter
d) any documents they are aware of that could be relevant to the matter
e) any questions they are aware of that need to be answered, and the best person/s to ask
f) any additional information required
g) any gaps in information that have been identified
h) an expected timetable for the investigation, including completion.

The investigator may interview any person they believe may have information relevant to the matter, including the employee suspected of the breach. Any person to be interviewed should, where possible, be provided with 24 hours' notice, and be reminded that all information discussed at the interview is and must remain confidential.

The investigator determines what information needs to be gathered, and from whom, and arranges to take possession of relevant documents, or copies of those documents at the interview.

The investigator should take great care to ensure that irrelevant factors are not taken into account in deciding whether a breach has occurred. The investigator should ensure evidence relied upon is tested. That means validating it against competing claims, if any, and deciding on which to accept or reject.

All employees are to cooperate fully and openly with any requests for information or documents.

Should an employee refuse to participate, then a lawful direction (issued under subsection 13(5) of the PS Act) from their line of management (normally the Delegate) can be issued to ensure their participation. Failure to cooperate could be considered a breach of the Code.

Interviews

- Any interviewee may bring a support person to any discussion/interview.
- Interviews can be in person, by telephone, by videoconference or as an exchange of written correspondence.
- The emotions of the interviewee should be acknowledged and accommodated. An emotional interviewee may not be as focused or accurate in their recollections. Time out from interviews may also be useful. An employee may access the Employee Assistance Program for support if required.
- An in-person or telephone/video interview should be in a private venue where the conversation cannot be overheard. Do not draw attention to the interviewee. It should be made clear that the discussion/interview is confidential and not to be discussed with anyone.

- Detailed notes should be taken, including the date, time and place the interview was conducted. If possible, these notes should include an indication of the interviewee's emotional state/demeanour. The conversation may be recorded by audio only where all parties agree.
- An official record of interview must be prepared as soon as practicable after the interview. The employee should be shown the record and should sign it, to indicate they agree with what was said. Any disputes over the content of the record should be noted and signed by the investigator and the interviewee.
- If the interview is via written correspondence, the investigator should ask all questions in one piece of correspondence, and make the questions clear and direct. The same process for in-person or telephone interviews should be followed.
- More than one interview with an interviewee may be necessary. The documenting procedures for each subsequent interview are the same as for the initial interview.
- All correspondence and notes, electronic or written, must be retained and appropriately stored in the organisations official records management tool.

Searches of official workplace equipment

Only the Director, or their authorised delegate, can request searches of the official workplace equipment by the investigation officer. A search can be requested regardless of where the official workplace equipment is located in the Old Parliament House building.

The employee should be present while the search is conducted and should be given the opportunity to have a witness of their choice present during the search.

Workstations, computers, drawers, cabinets and bookshelves are MoAD’s property and can be searched if there are reasonable grounds for doing so. Although not absolutely necessary, the employee's consent should be requested prior to a search.

If a search is conducted without the employee's consent, personal items located in the workstation cannot be searched unless a search warrant has been obtained and actioned through the Australian Federal Police.

Reaching a finding

Once the investigator considers that the investigation process has been completed in accordance with MoAD’s guidelines and that all relevant evidence has been obtained, a recommendation should be made as to whether or not misconduct has occurred and what sanction would be appropriate.

The investigator must ensure that correct procedure has been followed and be satisfied that the investigation has brought them to a point where a fair, balanced and conscientious decision can be made.

If it has been recommended that there has not been a breach of the Code, the Respondent/s should be notified as soon as possible and given a copy of the recommendation provided to the Delegate.

If the recommendation is that there has been a breach of the Code, the investigator should prepare a written notice of determination outlining the following:

a) the element(s) of the Code breached
b) provide a copy of the investigator's report
c) inform the employee the name of the person who will determine any sanction
d) reiterate the range of possible sanctions
e) outline the next steps of the process
f) notify the employee of their right to seek review.

Employee moves to a different agency/department

An APS employee under investigation must remain in MoAD until the matter is resolved (that is; a determination is made and sanction applied or it is decided that a determination is not necessary) unless the Director and the gaining Agency Head agree otherwise.

This clause applies if:

a) an APS employee in an Agency is suspected of having breached the Code; and
b) the employee has been informed of the matter; and
c) the matter has not yet been resolved.

Unless the Director and the new Agency Head agree otherwise, the movement (including on promotion) does not take effect until the matter is resolved.

For this clause, the matter is taken to be resolved when:

a) determination is made, and sanction applied
b) it is decided that a determination is not necessary.

Resignation during an investigation

Where an affected employee resigns during the investigation, the investigation will continue.

Division 7.3 of the *Public Service Regulations 1999* (the Regulations) provides former non-SES employees with a right of review by the MPC where, after they have left APS employment, they have been found by an Agency Head of the APS to have breached the Code.

Imposing a sanction

A sanction(s) can only be imposed on an employee who has been found by an Investigator to have breached the Code, and that the Delegate has accepted that determination. The Investigator should recommend a sanction(s) to the sanction delegate.

When determining a sanction/s, the recommendation provided by the investigator and the details of the investigation are considered. An alternative sanction/s can be determined by the sanction delegate.

The available sanctions (as outlined in s15 of the PS Act) are:

a) termination of employment
b) reduction in classification
c) re-assignment of duties
d) deduction from salary by way of fine
    1) not more than two per cent of annual salary
e) a reprimand.

The Delegate will advise the Respondent/s, in writing, of the proposed sanction and the reasons. The Respondent/s is able to comment on the proposed sanction.

After considering the employee's comments the Delegate will advise the Respondent/s, in writing, of the final sanction and their rights of review.

More than one sanction may be imposed if the circumstances warrant, but combinations of sanctions should only occur after careful consideration about practicality and fairness.

In deciding what sanction should be imposed, the Delegate should take account of:

a) previous employment and conduct history and general character of the Respondent/s
b) the nature and seriousness of the breach
c) the degree of relevance to the employee's duties and the reputation of the APS
d) any mitigating factors which may assist in deciding the severity of action
e) the effect of the proposed sanction on the Respondent/s
f) any loss of earning already incurred by the Respondent/s as a result of suspension
g) any additional information that might be considered relevant.

The Delegate must be satisfied that the sanction is proportionate to the misconduct.

For employees who have ceased APS employment have the right of review by the MPC. The agency is responsible for providing the former APS employee with information regarding review rights and timeframes.

Advising other parties of the outcome

Consistent with the Privacy Act, the agency will ensure that personal information remains confidential. Information will not be provided to other parties unless it's considered necessary, appropriate and reasonable to do so.

Other people may have an interest in the outcome, particularly the Complainant/s, Respondent/s or employees who provided information to an investigation. These people require sufficient information to provide assurance that the agency:

a) has taken the allegation seriously

b) does not tolerate behaviour that is inconsistent with the Code
c) has imposed an appropriate sanction where a breach has been found
d) has taken steps to ensure the problem does not recur.

Before providing information to Complainant/s, Respondent/s or those employee/s providing information, the Investigator must consider:

a) an individual employees' right to privacy, the protection of personal information about individual employees and the agency's obligations under the Privacy Act
b) the need to be transparent and accountable to other parties involved.

As a general rule, the:

a) Complainant/s receives the information that the process has finalised, and if an outcome was achieved
b) Respondent/s can receive most information (redacted where appropriate) unless the release of that information may cause serious harm to an individual
c) employees providing information receive the information that their contribution has been taken into account.

The Manager, People and Strategy can provide advice on what information is appropriate to release, and to whom.

Confidentiality

Only those with a genuine need to know should be made aware of the report of a suspected breach of the Code.

These may include:

a) employees or others who are responsible for investigating the complaint or are involved in the investigation or in preparing a report
b) a Harassment Contact Officer
c) a manager
d) the Respondent/s and their advisers or support persons (under procedural fairness requirements)
e) witnesses

Suspension or temporary re-assignment of duties

Important: Suspension during an investigation must be for sound reasons and is not a sanction in itself.

Circumstances may arise where the Delegate determines it is appropriate to assign the Respondent/s to other duties or suspended them from duty.

Any action must comply with the procedural framework for suspension set out in section 3.10 of the Regulations.

The affected employee should be notified before a suspension/re-assignment decision is taken, and given an opportunity to make a statement.

Each case should be considered according to the circumstances, but factors relevant to the public, or MoAD's interests may include the:

a) potential seriousness of the possible breach (including where termination of employment may be an outcome)
b) integrity and good reputation of the APS and of MoAD
c) maintenance of a cohesive and effective workforce in the affected employee's particular workplace.

Care should be taken to ensure that a suspension/re-assignment decision is based, and seen to be based, solely on the criteria outlined above. The decision should not appear to prejudge whether the Code has been breached or not.

The Respondent/s must receive a written notice of the decision to suspend as soon as practicable after the decision has been made. The notice should include the:

a) reason for the decision
b) date of effect
c) intervals when the suspension will be reviewed
d) fortnightly monies to be paid (if relevant)
e) employee's right of review.

Suspension may be with or without pay. The Delegate will consider all circumstances of the case and decide whether suspension will be with or without pay.

An affected employee should have access to paid leave as an alternative to suspension without remuneration. Requests to engage in outside employment during suspension without remuneration should be considered on their merits.

Any period of suspension on full remuneration counts as service for all purposes.

Review of suspension/re-assignment decisions

Section 3.10 of the Regulations requires that a suspension decision be reviewed at reasonable intervals. Any reasonable requests for review, by the Respondent/s, should be considered.

Section 3.10 of the Regulations sets out the formal test to be applied when reviewing a suspension decision. The Delegate must end a suspension if it is no longer believed on reasonable grounds that the:

a) employee has, or may have, breached the Code
b) employee's suspension is in the public, or the agency's interest.

A suspension may be lifted where there is a decision that no breach of the Code has occurred. Where some or all of the period of suspension was without remuneration, that remuneration must be restored and paid as a lump sum.

A suspension must end if a sanction is imposed on the employee for the relevant breach of the Code.

Commissioner's functions

PS Act section 41B - Inquiry into alleged breach of Code of Conduct by APS employee or former APS employee.

Request for inquiry

The Commissioner may inquire into and determine whether an APS employee, or a former APS employee, in an Agency has breached the Code if the:

a) Agency Head or the Prime Minister requests the Commissioner to do so

b) Commissioner considers it would be appropriate to do so.

The Prime Minister may make a request in relation to an alleged breach of the Code of which the Prime Minister has become aware as a result of, or in the course of, a systems review or a special review.

Record of determination and sanction

If a determination is made in relation to a suspected breach of the Code by a current or former APS employee in the Commission, a written record must be made of:

a) the suspected breach;
b) the determination;
c) in the case of a current APS employee in the Commission, any sanctions imposed as a result of the determination that the employee breached the Code; and
d) if a statement of reasons was given to the employee or former employee regarding the determination in relation to a suspected breach of the Code, or, in the case of a current employee, regarding the sanction decision, that statement of reasons or those statements of reasons.

Supporting documentation

The legal framework and other resources for the development of this document are:

Privacy Act 1988

Fair Work Act 2009

Public Service Act 1999

Public Service Regulations 1999

Work Health & Safety Act 2011

Old Parliament House Human Resource Delegations, 4 April 2024

Attachment A – Australian Public Service Values

Impartial:

The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence. Advice should be based on factual evidence and guided by the best available facts and data.

Committed to service:

The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Accountable:

The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Respectful:

The APS respects all people, including their rights and their heritage.

Ethical:

The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

Attachment B - APS Employment Principles

The APS is a career-based public service that:

1. makes fair employment decisions with a fair system of review
2. recognises that the usual basis for engagement is as an ongoing APS employee
3. makes decisions relating to engagement and promotion that are based on merit; and
4. requires effective performance from each employee
5. provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued
6. provides workplaces that are free from discrimination, patronage and favouritism
7. recognises the diversity of the Australian community and fosters diversity in the workplace.

Attachment C – Code of Conduct

The Code of Conduct requires that an APS employee must:

- behave honestly and with integrity in connection with APS employment;
- act with care and diligence in connection with APS employment;
- when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment;
- when acting in connection with APS employment, comply with all applicable Australian laws;
- comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction;
- maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff;
- take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest of the employee in connection with the employee's APS employment;
- use Commonwealth resources in a proper manner and for a proper purpose;
- 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;
- not improperly use inside information or the employee's duties, status, power or authority:
    1. to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
    2. to cause, or to seek to cause, detriment to the employee's Agency, the Commonwealth or any other person.
- at all times behave in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of the employee's Agency and the APS;
- while on duty overseas, at all times behave in a way that upholds the good reputation of Australia; and

- comply with any other conduct requirement that is prescribed by the regulations.

The Code of Conduct is set out in section 13 of the Public Service Act 1999-

Glossary of Terms

Term	Definition
Agency	MoAD as a Business or Organisation providing a service on behalf of the Australian Government
Agency Personnel	Permanent and non-ongoing employees and temporary staff
Bequest/Legacy	Disposition in a Will
Bequestor/Legate	Individuals, partners or family who have made a disposition in a Will
Board	Group of appointed individuals who oversee governance of the institution
Contribution	Cash or objects that have been donated to MoAD
Corporate Partner	A corporate entity that MoAD enters into partnership with and who may provide cash or in-kind support
Development team	The MoAD team responsible for raising funds from philanthropy and for delivering fundraising and donor engagement activities and stewarding donors.
DGR Status	Means an institution has been endorsed by the as a *deductible gift recipient* under the Income Tax Assessment Act 1997
Donor	An individual, Foundation or Trust who gives cash, and/or objects to MoAD
HMP	Old Parliament House and Curtilage Heritage Management Plan 2021 – 2026
MoAD	Acronym for the Museum of Australian Democracy and this is the agency name. Also referred to as “the museum” or “the agency”.
Old Parliament House (OPH)	Is the legal name used for MoAD in government documentation/policies.
Senior Management Group (SMG)	Executive staff, including Director, Deputy Director and Heads of Sections.
Supervisor	Director, Deputy Director, Heads of Section or Manager responsible for the workplace management of Agency Personnel
Temporary staff	Any person who conducts work on behalf of the agency and who has a requirement to access the agency information, assets, ICT systems or premises. This includes, but is not limited to: • work experience programs • traineeships • exchange programs • volunteers.