



Code of Conduct

Flow chart for the investigation of a suspected breach of the Code of Conduct as set out in section 13 of the *Public Service Act 1999*

The process for determining whether an APS employee has breached the Code of Conduct must be carried out with as little formality and as much expedition as a proper consideration of the matter allows.



OFFICIAL



The breach decision maker will review the investigator's report and the employee's statement (if one is made) and make a determination as to whether the employee has breached the Code of Conduct.

Depending on the circumstances, the breach decision maker may advise the employee of their preliminary views about the alleged breach and give the employee further opportunity to make a statement before a final decision is made.

Where a breach has been determined the breach decision maker will advise the employee in writing of the determination and the range of sanctions that may be imposed. The employee will also be advised of their right to seek review of the determination under section 33 of the *Public Service Act 1999*.

The breach decision maker will then refer the matter to the sanction delegate* to determine an appropriate sanction to be imposed.

*Generally, the sanction delegate is appointed with reference to the HR delegations.

Note: section 3.5 of the Procedures does not prevent the breach decision maker from being the sanction delegate in the same matter.

Where the employee is found not have breached the Code of Conduct, a written record of the determination will be made, and a copy given to the employee.

Note: this would conclude the Code of Conduct investigation.

Having regard to the breach decision maker's determination and report of the investigation, the sanction delegate will determine an appropriate sanction to be imposed. The sanction delegate will consider any sanctions in accordance with section 15 of the *Public Service Act 1999*.

The sanction delegate will inform the employee in writing of the sanctions being considered and provide the employee with at least 7 calendar days (or longer if agreed) to make a statement. The sanction delegate will consider the employee's statement before finalising the sanction decision.

The sanction delegate will advise the employee, in writing, the sanction to be imposed and when the sanction will take effect. The employee will also be advised of their right to seek review of the sanction decision under section 33 of the *Public Service Act 1999*.

Note: this would conclude the Code of Conduct process.

Version control

Version	Date	Author	Approver
1.0	06/09/2024	Navin Sundara Rajah	Liza Pegorer