

## CHAPTER 3: CONDUCT

### 3.1. CODE OF CONDUCT

- (1) An APS employee must behave honestly and with integrity in connection with APS employment.
- (2) An APS employee must act with care and diligence in connection with APS employment.
- (3) An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment.
- (4) An APS employee, when acting in connection with APS employment, must comply with all applicable Australian laws. For this purpose, *Australian law* means:
  - (a) any Act (including this Act), or any instrument made under an Act; or
  - (b) any law of a State or Territory, including any instrument made under such a law.
- (5) 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.
- (6) An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- (7) An APS employee must:
  - (a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and
  - (b) disclose details of any material personal interest of the employee in connection with the employee's APS employment.
- (8) An APS employee must use Commonwealth resources in a proper manner and for a proper purpose.
- (9) An APS employee must 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) An APS employee must not improperly use inside information or the employee's duties, status, power or authority:
  - (a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or

- (b) to cause, or seek to cause, detriment to the employee's Agency, the Commonwealth or any other person.
- (11) An APS employee must at all times behave in a way that upholds:
  - (a) the APS Values and APS Employment Principles; and
  - (b) the integrity and good reputation of the employee's Agency and the APS.
- (12) An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.
- (13) An APS employee must comply with any other conduct requirement that is prescribed by the regulations.

### **3.2. PROTECTION OF INFORMATION**

APS employees are required to handle a wide variety of information, most of which is of a sensitive nature. Although at times it is clear what those sensitivities are, not all sensitivities will necessarily be apparent. For that reason, employees are required to handle *all* information that they obtain or generate in connection with their APS employment with due care. This includes correct classification and storage of information, along with ensuring that they do not disclose information to others – either within or external of ACIAR – unless authorised to do so.

#### **Information in Confidence**

An employee must not disclose without authority information they obtain or generate in connection with their APS employment if the information was, or will be, communicated in confidence within government or was received in confidence from outside government.

Information must be communicated in confidence within government where an employee is given information on the understanding that it should not be disclosed, except in the course of official duties.

#### **Leaking of Information**

Leaking information can damage Australia's international security or reputation and put the lives of Australian officials and others at risk. It can also damage the trust between the government, its public service advisers and the community.

Regulation 2.1 of the *Public Service Regulations 1999* (the PS Regulations) provides that an employee must not disclose information, without authority, which is obtained or generated in connection with APS employment if:

1. that information is communicated in confidence
2. it is reasonably foreseeable that the disclosure of the information could be prejudicial to the effective working of government

Unauthorised disclosure of official information may breach section 70 of the Crimes Act. This section makes it an offence for a Commonwealth officer to publish or communicate any fact or document, except where authorised to do so, which comes into their knowledge or possession and which it is their duty not to disclose.

### Proper use of Information

APS employees must not make improper use of information obtained in their official capacity in order to gain, or seek to gain, a benefit or advantage for themselves or others, or to cause, or seek to cause, a detriment to their agency, the Commonwealth or any other person.

Employees must have appropriate authorisation before obtaining, accessing or using information about another person. The *Criminal Code Act 1995* makes it an offence for a Commonwealth officer to use official information to obtain a benefit for themselves or another person dishonestly or to cause detriment to another person. These provisions also apply to former Commonwealth public officials in relation to information obtained while employed by the Commonwealth.