



Australian Government
Independent Parliamentary
Expenses Authority

PROCEDURES FOR DETERMINING BREACHES OF THE APS CODE OF CONDUCT

I, Christina Grant, Chief Executive Officer (CEO) of the Independent Parliamentary Expenses Authority (IPEA), establish these procedures under subsection 15(3) of the *Public Service Act 1999* (the Act).

These procedures supersede the previous procedures made under subsection 15(3) of the Act.

A handwritten signature in black ink, appearing to read 'C Grant'.

Christina Grant

25 August 2025

1. Application of procedures

- 1.1. These procedures apply in determining whether a person who is an Australian Public Service (APS) employee in IPEA, or who is a former APS employee who was employed in IPEA at the time of the suspected misconduct, has breached the APS Code of Conduct (the Code) in section 13 of the Act.
- 1.2. These procedures also apply in determining any sanction to be imposed on an APS employee in IPEA, in accordance with subsection 15(1) of the Act, where a breach of the Code has been determined.
- 1.3. Where a decision was made, prior to the signed date of this procedure, to begin an investigation into whether there was a breach of the Code, the procedures which were in place at the time of that decision will apply. These procedures, as they apply to determining any sanction for a breach of the Code, apply where a sanction decision is under consideration on or after the date of this signed procedure.
- 1.4. In these procedures, a reference to a breach of the Code by a person includes a reference to a person engaging in conduct set out in subsection 15(2A) of the Act in connection with their engagement as an APS employee.

2. Availability of procedures

- 2.1. As provided for in subsection 15(7) of the Act, these procedures are publicly available on the IPEA website.

3. Breach decision-maker and sanction delegate

- 3.1. When a suspected breach of the Code has been identified, and the CEO or a person authorised by the CEO has decided to deal with the suspected breach under these procedures, the CEO or that person will appoint a decision-maker (the breach decision-maker) to make a determination under these procedures. This must occur as soon as practicable after the identification of the suspected breach.
- 3.2. The role of the breach decision-maker is to determine in writing whether a breach of the Code has occurred.
- 3.3. The breach decision-maker may undertake the investigation or seek the assistance of an investigator. The investigator may investigate the alleged breach, gather evidence and make a report of the findings to the breach decision-maker.
- 3.4. The delegate determining whether a sanction is to be imposed on an APS employee who is found to have breached the Code (the sanction delegate) will be a person holding a delegation of the powers under subsection 15(1) 28 of the Act and section 14 of the Public Service Regulations 2023 to impose sanctions.
- 3.5. These procedures do not prevent the breach decision-maker from being the sanction delegate in the same matter.

4. Person or persons making breach determination and imposing any sanction to be independent and unbiased

- 4.1. The breach decision-maker and the sanction delegate must be, and must appear to be, independent and unbiased.
- 4.2. The breach decision-maker and the sanction delegate must advise the CEO or the person authorised by the CEO to appoint the breach decision-maker, in writing if they consider they may not be independent and unbiased or if they consider they may reasonably be perceived not to be independent and unbiased; for example, if they are a witness in the matter.

5. The determination process

- 5.1. The process for determining whether a person who is, or was, an APS employee in IPEA, has breached the Code must be carried out with as little formality, and with as much expedition, as a proper consideration of the matter allows.
- 5.2. The process must be consistent with the principles of procedural fairness.
- 5.3. A determination may not be made in relation to a suspected breach of the Code by a person unless reasonable steps have been taken to:
 - 5.3.1. inform the person of:
 - 5.3.1.1. the details of the suspected breach of the Code (including any subsequent variation of those details), and
 - 5.3.1.2. where the person is an APS employee, the sanctions that may be imposed on them under subsection 15(1) of the Act, and
 - 5.3.2. give the person a reasonable opportunity to make a statement in relation to the suspected breach.
- 5.4. The statement may be a written or oral statement and should be provided within 7 calendar days or any longer period that is allowed by the decision-maker.

- 5.5. A person who does not make a statement in relation to the suspected breach is not, for that reason alone, to be taken to have admitted to committing the suspected breach.
- 5.6. For the purpose of determining whether a person who is, or was, an APS employee in IPEA has breached the Code, a formal hearing is not required.

6. Sanctions

- 6.1. The process for imposing a sanction must be consistent with the principles of procedural fairness.
- 6.2. If a determination is made that an APS employee in IPEA has breached the Code, a sanction may not be imposed on the employee unless reasonable steps have been taken to:
 - 6.2.1. inform the employee of:
 - 6.2.1.1. the determination that has been made, and
 - 6.2.1.2. the sanction or sanctions that are under consideration, and
 - 6.2.1.3. the factors that are under consideration in determining any sanction to be imposed, and
 - 6.2.2. give the employee a reasonable opportunity to make a written statement in relation to the sanction or sanctions under consideration.
- 6.3. The statement may be a written or oral statement and should be provided within 7 days or any longer period that is allowed by the sanction delegate.

7. Record of determination and sanction

- 7.1. If a determination is made in relation to a suspected breach of the Code by a person who is, or was, an APS employee in IPEA, a written record must be made of:
 - 7.1.1. the suspected breach, and
 - 7.1.2. the determination, and
 - 7.1.3. any sanctions imposed as a result of a determination that an APS employee in IPEA has breached the Code, and
 - 7.1.4. if a statement of reasons was given to the APS employee or former employee regarding the determination in relation to suspected breach of the Code, or, in the case of an employee, regarding the sanction decision, that statement of reasons or those statements of reasons.

8. Appropriate procedures if an employee moves to a different Agency

- 8.1. This clause applies if:
 - 8.1.1. an ongoing IPEA employee is suspected of having breached the Code; and
 - 8.1.2. the employee has been informed of the details of the suspected breach of the Code and the sanctions that may be imposed under subsection 15(1) of the Act; and
 - 8.1.3. the matter has not yet been resolved; and
 - 8.1.4. a decision has been made that, apart from this clause, would result in the movement of the employee under section 26 of the Act to another Agency (including on promotion).

- 8.2. Unless IPEA's CEO and the new Agency Head agree otherwise, the movement (including on promotion) does not take effect until the matter is resolved.
- 8.3. For this clause, the matter is taken to be resolved when:
- 8.3.1. a determination in relation to the suspected breach is made; or
 - 8.3.2. it is decided that a determination is not necessary.
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