CLIMATE CHANGE AUTHORITY

Code of Conduct Procedures

v1.0 June 2026

Australian Government
Climate Change Authority

Contents

I, Kath Rowley, Chief Executive Officer (CEO), Climate Change Authority (the Authority), have established the Code of Conduct Procedures (the Procedures) in accordance with section 15(3) of the Public Service Act 1999 (the Act).

The Procedures contained in this document commence on 24 June 2026.

Signed by Kath Rowley

Date: 24 June 2026.

These Procedures supersede all previous procedures and the previous Code of Conduct Policy and Guidelines made under section 15(3) of the Act.

Where the Procedures conflicts with any applicable law, regulation, or mandatory organisational requirement, the latter prevails.

Introduction

1. The *Public Service Act 1999* (the Act) prescribes the standards of behaviour and conduct expected of all Australian Public Service (APS) employees. These are expressed in the APS Code of Conduct (the Code), the APS Values (the Values) and the APS Employment Principles (the Employment Principles).

2. The Code provides the behaviours expected of individual APS employees. The Values set out the standard and outcomes that are required of APS employment, while the Employment Principles broadly guide employment and workplace relationships. Together, these standards shape the culture of the APS, and that of an APS organisation.

3. Section 15(3) of the Act requires Agency Heads to develop and make readily available, written procedures for determining whether an APS employee (or former employee) of the organisation has breached the Code, and the sanction (if any) that is to be imposed on an employee where a breach has been determined. The procedure must also comply with basic procedural requirements set out in *Australian Public Service Commissioner's Directions 2022* (the Directions) and have due regard to procedural fairness.

Scope

4. The Code of Conduct Procedures (the Procedures) apply to all employees covered by the Authority's Enterprise Agreement 2024-2027 (EA), to all Senior Executive Service (SES) Officers working at the Authority, and to former APS employees who were employed at the Authority at the time of the suspected misconduct. The Procedures also apply to conduct by these persons prior to their commencing with the Authority, as set out in section 15(2A) of the Act.

5. The Procedures do not apply to the Authority CEO, or to Authority Members (including the Chair). Suspected misconduct involving any of these persons will be managed under the specific mechanisms and frameworks that apply to their roles.

6. The Procedures do not apply to persons engaged in Authority work who are considered 'workers' for the purposes of the *Work Health and Safety Act 2011* (WHS Act) but are not APS employees. This may include contractors, subcontractors, apprentices or trainees, work experience students and employees of a labour hire company placed within our organisation. While the Code, the Values and the Employment Principles may apply to these persons, their behaviours or actions will be managed under contract, WHS obligations, or other applicable frameworks.

7. Nothing in the Procedures prevents an employee from using the dispute resolution procedures in the EA including referring a matter to the Fair Work Commission or to Authorised Officers in accordance with the Public Interest Disclosure (PID) Procedures.

Role of the Code of Conduct Procedures

8. The Procedures apply in determining:

    a. whether an APS employee, or a former APS employee who was employed at the Authority at the time of the suspected misconduct, has breached the Code as outlined in section 13 of the Act (including any other conduct requirement prescribed by the *Public Service Regulations 2023* (the Regulations)).

    b. any sanction to be imposed on an APS employee at the Authority who has been found under the Procedures to have breached the Code.

Additional procedural requirements for Senior Executive Service employees

9. If a SES employee is suspected of breaching the Code, the CEO must comply with section 64 of the Directions by:

    a. consulting with the APS Commissioner on the process for determining whether the employee has breached the Code; and

b. if considering imposing a sanction, consulting with the APS Commissioner before imposing the sanction.

Availability of the Code of Conduct Procedures

10. This document is made publicly available on the Authority's website in accordance with section 15(7) of the Act.

Principles

11. This document is underpinned by the following principles:
    a. All employees have a responsibility to behave in a manner that upholds the Values, Employment Principles and Code.
    b. We are committed to providing safe, supportive and respectful workplaces.
    c. We do not accept or tolerate workplace discrimination, harassment (including sexual harassment) or bullying.
    d. We value transparent, fair and accountable systems of management and decision-making.
    e. We are committed to procedural fairness, ensuring employees are informed of their rights and responsibilities, and processes.
    f. We are committed to maintaining the confidentiality of persons who raise complaints about inappropriate workplace behaviours, or who are the subject of a related investigation, so far as reasonably possible, having appropriate regard to the action that may need to be taken in response to any complaints.
    g. Employee concerns are addressed impartially, fairly and in a timely manner.

APS Code of Conduct

12. All employees have a responsibility to adhere to the Code, the Values and Employment Principles at all times. An APS employee, or former APS employee, whose conduct does not comply with an element of the Code can be found to have breached the Code. This is known as 'misconduct'.
13. The aim of taking action in cases of suspected misconduct is to uphold the integrity and reputation of the APS, maintain public confidence in public administration and ensure proper standards of conduct. Sanctions are intended to be proportionate to the nature of the misconduct, to be a deterrent to others and to confirm that misconduct is not tolerated in our organisation.
14. Section 13 of the Act provides the behaviours expected of APS employees. It requires that an APS employee must:
    a. behave honestly and with integrity in connection with APS employment
    b. act with care and diligence in connection with APS employment
    c. when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment
    d. when acting in connection with APS employment, comply with all applicable Australian laws
    e. comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction
    f. maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff
    g. 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
    h. use Commonwealth resources in a proper manner and for a proper purpose

i. 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
j. not improperly use inside information or the employee's duties, status, power or authority:
    i. to gain, or seek to gain, a benefit or an advantage for the employee or any other person, or
    ii. to cause, or to seek to cause, detriment to the employee's Agency, the Commonwealth or any other person
k. 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
l. while on duty overseas, at all times behave in a way that upholds the good reputation of Australia, and
m. comply with any other conduct requirement that is prescribed by the regulations.

15. Section 15(2A) of the Act further provides that a person who is, or was, an APS employee is taken to have breached the Code if the person is found (under procedures established under section 15(3) of the Act) to have, before being engaged as an APS employee:
    a. knowingly provided false or misleading information to another APS employee, or to a person acting on behalf of the Commonwealth
    b. wilfully failed to disclose to another APS employee, or to a person acting on behalf of the Commonwealth, information that the person knew, or ought reasonably to have known, was relevant, or
    c. otherwise failed to behave honestly and with integrity in connection with the person's engagement as an APS employee.
16. The Code also includes a duty not to disclose confidential information (see section 7 of the Regulations).
17. Sections 25 to 29 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) impose a set of general duties for officials of Commonwealth entities including:
    a. Duty of care and diligence
    b. Duty to act honestly, in good faith and for a proper purpose
    c. Duty in relation to use of position
    d. Duty in relation to use of information, and
    e. Duty to disclose interests.
18. The duties in the PGPA Act are consistent with duties in the Code. For APS employees, following the Code will ordinarily meet the requirements of the PGPA Act duties. However, these duties do not limit duties contained in other Commonwealth laws or any principles or rules of common law or equity.

Consequences of breaching the Code

19. Where a breach or breaches of the Code have been determined, one or more sanctions may be imposed. Under section 15(1) of the Act, the available sanctions are:
    a. termination of employment
    b. reduction in classification
    c. re-assignment of duties
    d. reduction in salary
    e. deductions from salary, by way of fine
    f. a reprimand.

Reporting suspected misconduct

20. The Directions require APS employees to report and address misconduct and other unacceptable behaviour by other APS employees in a fair, timely and effective way. In some circumstances, particularly for employees with managerial responsibilities, it may be a breach of the Code if an employee does not report suspected misconduct by another APS employee, particularly where the misconduct may also place other employees' health or safety at risk.
21. Misconduct is any action or behaviour that is in breach of the Code. The action or behaviour does not generally require intent to be present in order for it to be considered a breach. It may arise out of actions including but not limited to:
    a. behaviours an employee exhibits in the course of their employment
    b. providing false or misleading information
    c. wilfully failing to disclose relevant information, or
    d. failing to act with honesty and integrity in connection with engagement as an APS employee.
22. Misconduct processes are not a substitute for managing challenging behaviours that may be more appropriately managed as unsatisfactory performance in accordance with the Performance Development Framework.
23. Employees can report suspected misconduct by speaking with their manager, the HR & Security team or the Fraud and Corruption Control Officer. Reports can be made either verbally or in writing. In most cases it is desirable, although not essential, for a report of suspected misconduct to include an outline of the alleged incidents and events suspected to have occurred and any supporting documentation or material.
24. Employees can also report suspected misconduct via Whispli. Reporting via Whispli can be completely anonymous.
25. While employees are expected to report suspected misconduct, they should be aware that making frivolous or vexatious reports may result in misconduct action being taken against them.

Public interest disclosure and referral to the National Anti-Corruption Commission

26. Employees reporting certain matters (including suspected corrupt conduct, maladministration, perverting the course of justice, wastage of public money or conduct that is a danger to health, safety and the environment) to authorised officers within the Authority may be subject to the protections offered by the *Public Interest Disclosure Act 2013* (PID Act).
27. A report made to a manager, supervisor, authorised officer or the CEO may be considered a disclosure per the PID Act. Reports may be made via the anonymous reporting tool Whispli.
28. If the matter is considered to be serious or suspected corrupt conduct it may need to be referred to the National Anti-Corruption Commission (NACC).
29. More information on Public Interest Disclosures and referral to the NACC is available on the intranet and the Commonwealth Ombudsman and NACC websites.

Protection against reprisal

30. Employees are strongly encouraged, and should feel supported, to report any suspected breach of the Code without fear of recrimination or repercussion.
31. Employees who report suspected misconduct are legally protected from discrimination and victimisation.
32. Employees who have reported breaches and/or made a statement in relation to suspected misconduct should report any detrimental action they consider has been taken as a consequence to their manager or the HR team.

33. Disciplinary action may be taken against an employee who victimises or otherwise retaliates against other employees in response to making a complaint or participating in the consideration or investigation of that complaint.

Confidentiality

34. The identity of the employee or persons reporting suspected misconduct, and the identity of an employee accused of the suspected misconduct will be treated confidentially as far as is reasonably practicable, consistently with a proper consideration of a matter (including confirming details, taking steps set out in these Procedures, and seeking advice on the matter as needed).

35. Where necessary, including to ensure procedural fairness, the person accused of misconduct may be provided with a copy of the original complaint or a summary of its contents. In some cases, evidence that could reveal the identities of complainants and witnesses may be disclosed to the accused person. Decisions regarding the disclosure of such evidence will be guided by the need to protect sensitive information, uphold the privacy of all parties involved, respect the rights of the accused person, and preserve the integrity of the investigation.

36. While the Authority may determine that it is not necessary to disclose the identities of complainants and witnesses during its investigation, such identities could be revealed on external reviews by the Merit Protection Commissioner or the Fair Work Commission, in related criminal proceedings, or in the context of a legal challenge to the decision. Disclosures under any such processes will occur according to the specific rules applicable to them.

Assessment of a report of suspected misconduct

37. Not all reports alleging misconduct need to be addressed by formal investigation.

Preliminary investigation and the appointment of a breach decision maker

38. As soon as practicable after a suspected breach of the Code has been identified, the CEO or one of the following Authority employees:

    a. Deputy CEO
    b. General Manager, Corporate Branch
    c. Manager, Human Resources

    will consider if it is appropriate for a preliminary assessment to be conducted to assess whether the suspected breach of the Code should be formally investigated under the Procedures.

39. During the preliminary investigation information may be obtained from the complainant or other employees or witnesses and from other sources to make an informed decision about the most appropriate action to take.

40. Depending on the circumstances, a decision may be made following initial assessment or after a preliminary investigation that some action other than a formal investigation is more appropriate (for example counselling, mediation or retraining). Where a decision is made that local management action is appropriate, the HR team will consult with the employee's manager, General Manager or other relevant senior manager about that decision.

Process of formal investigation of a suspected breach of the Code

41. If a decision is made to formally investigate the suspected breach under the Procedures the CEO or employee detailed in clause 38 above, will appoint a person ('the breach decision maker') to make a determination under the Procedures.

42. The breach decision maker can be an APS employee from outside the Authority, and, if the Public Service Commissioner's consent is obtained, from outside of the APS.

43. The breach decision maker must be, and must appear to be, independent and unbiased, have an open mind about the matters under investigation, and weigh the evidence fairly and dispassionately.

44. The Procedures do not prevent the CEO, or a person listed above, from appointing themselves as the breach decision maker.

Breach determination process

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

46. The process must be consistent with the principles of procedural fairness.

47. 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:

    a. inform the person of:

        i. the details of the suspected breach of the Code (including any subsequent variation of the details); and

        ii. where the person is an APS employee, the sanctions that may be imposed on them under section 15(1) of the Act

    b. give the person a reasonable opportunity (usually 7 calendar days) to make a written or oral statement in relation to the suspected breach.

    Note: This is designed to ensure that by the time the breach decision maker comes to make a determination, reasonable steps have been taken for the person suspected of breach to be informed of the case against them. It will generally also be good practice to give the person notice at an early stage in the process of a summary of the details of the suspected breach that are available at that time and notice of the elements of the Code that are suspected to have been breached.

48. If an employee resigns from the APS after being notified of a suspected breach of the Code, the breach decision maker may choose to continue to investigate and make a determination whether the employee had breached the Code, but no sanction will be applied. The breach decision is reviewable by the Merit Protection Commissioner.

49. A transfer or promotion (internally or externally) of an employee who is suspected of breaching the Code (and has been informed of the suspected breach and possible sanctions) will generally not take effect until the matter is resolved.

50. Any employee will be provided reasonable work time to participate in the investigation (for example, time to prepare for and attend an interview).

51. 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.

52. A breach decision maker will inform the person in writing whether they have determined that a breach of the Code has occurred.

53. A determination that a person has breached the Code may result in a decision to impose a sanction – see below.

    Note: Appointment as a breach decision-maker under the Procedures does not empower the breach decision-maker to make a decision regarding sanction. Only the CEO or a person who has been delegated the power under section 15 of the Act and related powers may make a sanction decision.

External investigations

54. If the breach decision maker determines it appropriate to engage an external investigator, the breach decision maker will take reasonable steps to provide the employee with notification that includes:

a. the purpose of the investigation (for example, details of a suspected breach of the Code)
b. external investigator details
c. terms of reference
d. option for a support person in any interviews or discussions
e. Employee Assistance Program (EAP) contact details.

55. The method of the investigation will be agreed between the external investigator and the breach decision maker in advance of the investigation commencing and may be varied by agreement during the investigation as appropriate.

56. On completion of the investigation, the external investigator will prepare an investigation report and provide that to the breach decision maker. The investigation report will contain:

a. the method undertaken in the investigation
b. relevant stakeholders (for example, employees involved, witnesses, additional sources of information)
c. evidence reviewed
d. findings and relationship to legislative or policy frameworks
e. any recommendation that the external investigator may have been asked to make.

Timeframes

57. Any investigation will be conducted with as much expedition as a proper consideration of the matter allows.

Right to a support person

58. Any employee participating in an investigation relating to suspected breaches of the Code is entitled to have a support person present at any discussion relating to the investigation.

Behaviour and conduct

59. At all times during the investigation, all employees participating in the process (including as a witness or support person) are required to uphold the APS Values and the Code. This includes acting with honesty, integrity and treating others with respect and courtesy.

60. A failure to uphold these conditions may result in disciplinary action in accordance with the Procedures.

Access to the Employee Assistance Program (EAP)

61. At any time, an employee may access the confidential EAP for support.

Suspension or reassignment of duties

62. A current APS employee in the Authority who is under investigation for a suspected breach of the Code may be:

a. reassigned to alternative duties, either for a temporary period or on an ongoing basis, under section 25 of the Act
b. suspended from duty under section 28 of the Act and section 14 of the Regulations.

63. To remove any doubt, this section also applies to SES employees.

64. Employees may be suspended, with or without remuneration, where the CEO or their delegate ('the suspension decision maker') believes on reasonable grounds that an employee may have breached the Code and where suspension is in the public interest or the Authority's interests.

65. The suspension decision maker is required to review the suspension at reasonable intervals.

66. If the suspension is to be without remuneration, the period without remuneration must not be more than 30 days unless exceptional circumstances apply.

67. A suspension decision maker may make necessary inquires to decide whether suspension is appropriate in the circumstances.

Sanction decision maker

68. The CEO or their delegate ('the sanction decision maker') has the power to impose a sanction in relation to a breach of the Code. The Authority will take reasonable steps to ensure that the person who determines any sanction to be imposed is, and appears to be, independent and unbiased.

    Note 1: in relation to SES employees, the CEO is required under section 64 of the Directions to consult with the APS Commissioner prior to imposing a sanction.

69. The Procedures do not prevent the breach decision maker from being the sanction decision maker in the same matter where this is considered appropriate.

Sanction determination process

70. The process for imposing a sanction must be consistent with the principles of procedural fairness.

71. If a determination is made that an APS employee has breached the Code, a sanction may not be imposed on the APS employee unless reasonable steps have been taken to:
    a. inform the APS employee in writing of:
        i. the determination made with respect to breach of the Code; and
        ii. the sanction or sanctions that are under consideration in accordance with section 15(1) of the Act; and
        iii. the factors that are under consideration in determining any sanction to be imposed; and
    b. give the APS employee reasonable opportunity to make a statement in relation to the sanction(s) under consideration (usually 7 calendar days or any longer period as allowed by the decision maker).

72. A sanction cannot be imposed on a former APS employee.

Record of determination and sanction

73. If a determination is made in relation to a suspected breach of the Code by an APS employee, or former APS employee, a written record must be made of:
    a. the suspected breach;
    b. the determination;
    c. any sanctions imposed as a result of the determination that the APS employee has breached the Code; and
    d. if a statement of reasons was given to the APS employee or former APS employee regarding the determination in relation to a suspected breach of the Code, or, in the case of a current APS employee, regarding the sanction decision, that statement of reasons or those statements of reasons.

Movement between agencies

74. These clauses apply if an APS employee seeks to move to another APS agency after they have been formally notified that they are suspected of breaching the Code but before a determination of a breach or a sanction is decided.

75. In line with the *Privacy Act 1988* and the *Public Service Regulations 2023*, the CEO may disclose Code-related information to another Agency Head where the CEO is satisfied that the disclosure is reasonably necessary for, or relevant to, the exercise of their employer powers.

76. Any move between APS agencies, including moves on promotion, will generally be deferred, under section 46 of the Directions, until after a decision has been made about whether or not the APS employee has breached the Code.

77. Where an APS employee moves to another APS agency with the agreement of both agency heads before a decision has been made about whether or not the APS employee has breached the Code, the gaining agency may initiate an investigation in accordance with that agency's section 15(3) procedures.

78. Where an APS employee moves to another APS agency after the determination of a breach but before the imposition of a sanction, a sanction decision maker in the gaining agency may impose a sanction in accordance with that agency's section 15(3) procedures.

Privacy

79. All personal information is collected, stored, used and disclosed in strict confidence and in accordance with the Privacy Act.

80. The information collected regarding the conduct of the employee will be used to assist the breach decision maker and sanction decision maker (as the case may be) to determine whether an alleged breach of the Code has occurred, and if so, form a view of an appropriate sanction to be applied.

81. Personal information may be disclosed (where necessary and appropriate) to people to verify statements and information obtained. These people may include, but are not limited to:

    a. witnesses
    b. the security and ICT cyber security team
    c. supervisors/managers
    d. SES officers.

82. Personal information about an employee may be collected from current and previous employees or other people, or from within documentary records held by the Authority or other sources. The purpose of collecting personal information is to manage the employment relationship by providing a factual basis for determining whether an employee has breached the Code and, if so, determining what (if any) sanction to apply to the employee.

83. If a formal investigation has commenced, an employee's personal information may also be disclosed to an APS agency to which the employee has moved or seeks to move in the future.

84. Personal information may also be disclosed where otherwise required or authorised by law. This includes release of information for, or relevant to, the exercise of employer powers under the Regulations (reg 103). Disclosure may also occur to comply with reporting obligations under the Australian Government Protective Security Policy Framework.

85. At all times during the process, employees are required to adhere to the Privacy Act and Australian Privacy Principles ensuring that information disclosed or discussed is relevant and consistent with the purpose of the investigation.

Review of action

86. Non-SES employees are entitled to apply for a review of:

    a. a determination that the affected employee's conduct has breached the Code
    b. a sanction imposed for breach of the Code, and/or

c. a decision to suspend an employee or assign different duties while a Code investigation is underway. (This decision can be reviewed by the CEO in the first instance).

87. Any application for review must be directed to the Merit Protection Commissioner. More information on this review mechanism is set out in section 33 of the Act and is available from the office of the Merit Protection Commissioner.

88. Decisions relating to termination of employment are not reviewable under the Review of Action framework. In the event that the sanction imposed is termination of employment, the review application must be made to the Fair Work Commission, pursuant to the *Fair Work Act 2009*.

Contact and support

89. The HR team can provide advice and assistance about employee conduct within the Authority.

90. For further assistance, contact via email at hr@cca.gov.au and indicate you are seeking advice on employee conduct matters.

Related legislation

- *Australian Public Service Commissioner's Directions 2022* (the Directions)
- *Fair Work Act 2009*
- *Public Governance, Performance and Accountability Act 2013* (PGPA Act)
- *Public Interest Disclosure Act 2013* (PID Act)
- *Public Service Act 1999* (the Act)
- *Public Service Regulations 2023* (the Regulations)
- *Work Health and Safety Act 2011*

Document review

91. This document will be reviewed:

- at least every 2 years
- upon the establishment of a new EA
- following significant amendment to relevant legislation or government policy, or
- following a significant change to the Authority's operating environment.

Document control

Name	Code of Conduct Procedures
Version	1.0
Approval	Approved by Kath Rowley, CEO on 24 June 2026
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Review date	June 2028
Policy owner	Manager, HR, Corporate Branch

Change and approval history

Version	Date	Position	Revision/approval
1.0	Jun 2026	CEO	New Procedure. Replaces Code of Conduct Policy and Guidelines.

Contact

For any questions, proposed changes or further information, please contact:
HR team hr@cca.gov.au