



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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25 November 2020

Mr Phillip Sweeney

By email: From: [foi+request-6836-5ce2750d@righttoknow.org.au](mailto:foi+request-6836-5ce2750d@righttoknow.org.au)

Dear Mr Sweeney

**Notice of Freedom of Information Decision – Ref 211-2020**

I refer to your email received by the Australian Securities and Investments Commission (**ASIC**) on 26 October 2020 in which you make a request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

You state in your request:

*Prior to 1 July 2019 ASIC Commissioners, including the Chairman, and ASIC staff were subject to the APS Code of Conduct {Section 13 of the Public Service Act 1999}.*

*Subsection 15(3) of the Public Service Act 1999 provides*

*(3) An Agency Head must establish written procedures in accordance with this section for determining:*

*(a) whether an APS employee, or a former APS employee, in the Agency has breached the Code of Conduct (including by engaging in conduct referred to in subsection (2A)); and*

*(b) the sanction (if any) that is to be imposed under subsection (1) on an APS employee in the Agency who is found to have breached the Code of Conduct (including by engaging in conduct referred to in subsection (2A)).*

*The document I seek is a copy of the written procedures in force up until 1 July 2019 pursuant to Subsection 15(3) of the Public Service Act 1999.*

**Decision**

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

**Information considered**

I have taken the following material into account in making my decision:

- the FOI Act;

- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act, and
- document searches conducted by relevant ASIC staff.

Searches were conducted by ASIC's People and Development team for documents falling within the scope of your request. The result of those searches was that one document was identified as falling within the scope of your request. The document identified is an ASIC document titled "People and Development Code of Conduct Policy".

I have decided to grant access in full to this document. The document is **attached**.

### **Review Rights**

I provide you with the following information as required by section 26 of the FOI Act.

In the event that you are dissatisfied with my decision:

1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for an internal review of my decision under section 54B of the FOI Act. This review is an independent process conducted by a Senior Freedom of Information Officer at ASIC. This request should be addressed to the Senior Manager, Freedom of Information, GPO Box 9827, Brisbane QLD 4001 or by email to [foirequest@asic.gov.au](mailto:foirequest@asic.gov.au).
2. You may within 60 days after the day on which you have been notified of this decision, apply in writing to the Office of the Australian Information Commissioner (OAIC) for a review of my decision under section 54N of the FOI Act. You may contact the OAIC by post at GPO Box 5218 Sydney NSW 2001, by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or by telephone on 1300 363 992.

### **Right to complain**

You may lodge a complaint with the OAIC in relation to the conduct of ASIC in the handling of this request. You may contact the OAIC as set out above.

Yours faithfully



Mirijana Soldatic  
Authorised decision maker under section 23(1) of Freedom of Information Act