



Australian Government

Australian Public Service Commission

Conflict of Interest Management Plans

A user toolkit



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Conflict of Interest Management Plans

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Purpose

The purpose of this toolkit is to explore common types of conflicts of interest that can arise for APS employees, and provide practical examples of how to manage them. The guide supports APS employees and their managers to work through the risks posed by real and apparent conflicts of interest and to establish effective management plans.

A conflict of interest exists when a public official or other person has a personal interest, or another duty, that could affect or be affected by how the public official or person performs their public or official functions or duties.

While conflicts of interest are a common ethical issue for APS employees at all levels and are sometimes unavoidable, complying with obligations to identify conflicts of interest, avoid them if possible, and disclose and manage them when they are unavoidable, is vital to maintaining confidence and trust in the integrity of the APS.

All APS employees are required to take reasonable steps to avoid conflicts of interest, and to declare personal interests that could come into conflict with their APS responsibilities. Employees and their managers have a joint responsibility to ensure that conflicts of interest are managed appropriately.

For further information about conflicts of interest please refer to:

- The [APSC's Conflict of Interest Better Practice Model](#), which provides operational guidance and practical information to support APS agencies to implement effective

conflict of interest processes and policy arrangements for their employees, tailored to each agency's responsibilities and risk appetite.

- The [Department of Finance's Resource Management Guide 208 – Managing conflict of interest and confidentiality](#), which outlines the 4 risk-based principles for managing conflicts of interest and confidentiality, and the 6 common strategies for applying risk-management controls
- The [National Anti-Corruption Commission's \(NACC\) Conflicts of Interest and Corrupt Conduct: A Guide for Public Officials](#), which outlines common definitions and considerations for identifying conflicts of interest to prevent corrupt conduct.

Additional information and resources relating to conflict of interest management are located on the [APSC's website](#).

What is a conflict of interest management plan?

While it is an employee's responsibility to declare personal interests that could give rise to a conflict, it is a shared responsibility between the employee and their agency to assess the interest and manage any conflicts that arise from it.

Managers play a vital role in this risk management process by providing advice and approval to employees and facilitating assurance to the agency through conflict of interest management plans.

A conflict of interest management plan is a document that identifies a specific conflict of interest and sets out the actions that will be taken to manage the risks arising from the conflict. Having a management plan in place ensures there is a shared understanding and agreement between the employee and their manager—and any other affected parties—about how the conflict will be managed, and helps maintain trust in the integrity of the agency and the APS.

A management plan does not have to follow a particular format or be overly detailed, although your agency may have a specific template that should be used. The agreed plan should be recorded centrally to enable appropriate oversight, monitoring, and assurance.

Managing a conflict of interest is an active process. Management plans are not 'set and forget' documents—they should be reviewed at regular intervals and updated if the situation changes. Regular check-ins are helpful (at a minimum annually), as is reviewing conflict risks at the start of any project or [high-risk activity](#). A conflict management plan should specify the manager who is responsible for monitoring and evaluating the plan.

Is there a real, apparent or potential conflict?

Knowing whether a conflict of interest is real, apparent or potential will help you assess the risks of the conflict and determine an appropriate management plan.

- A **real conflict of interest** exists where you have a personal interest or competing duty that could affect or be affected by the way you perform your public or official functions or duties.
- An **apparent conflict of interest** exists where a reasonable person might think that you have a personal interest, relationship or competing duty that could affect, or be affected by, the way you perform your public or official functions or duties, even though there is no real conflict of interest.
- A **potential conflict of interest** is where there is a real possibility that you will have a personal interest, relationship, or competing duty that could affect or be affected by the way you perform your public or official functions or duties in the future.

A **personal interest** includes financial and non-financial interests, including personal and professional relationships and associations as well as competing public or official functions or duties.

A **material personal interest** is an interest that can sensibly give rise to a real or apparent conflict of interest. Personal interests do not give rise to a conflict of interest unless there is a real or sensible possibility of conflict (not simply a remote or theoretical possibility of conflict).

The **appearance of a conflict** can be just as damaging to public confidence in the integrity of the APS as an actual conflict. This means that both real and apparent conflicts of interest must be declared and managed appropriately.

For further details on each type of conflict of interest, please refer to the [NACC's Conflicts of Interest and Corrupt Conduct: A Guide of Public Officials](#).

Know the risks

Understanding the risks that conflicts of interest can pose to your agency's business, your team's functions, and your role or duties will help you identify them when they arise, and put in place management plans when they cannot be avoided.

When making or reviewing a conflict of interest declaration and considering appropriate mitigation strategies for the management plan, the following questions are useful for employees and managers to think about when assessing risk:

- What is the nature of the personal interest?
 - Is it 'material', or remote or theoretical?
 - Is it significant to the person (like secondary employment or a valuable financial investment)?
 - Is it unavoidable or pre-existing (like a personal or professional relationship)?
- What is the person's role, or their specific duties?
 - Are they in a position that is highly visible or relates to an integrity function?
 - Do their duties involve high-conflict risk activities all the time, or only occasionally?

- What are the agency's functions, enterprise risks, and risk appetite?
 - Is the person's personal interest or conflict an identified risk that requires specific controls to be applied (such as regulatory duties requiring strict information and external engagement controls)?
- Is the conflict risk real or apparent?
 - Does the conflict actually impact the person's ability to perform their duties?
 - Could an outside observer reasonably perceive the conflict to impact the person's ability to perform their duties?
- What is the likelihood of a conflict of interest arising?
 - Could the material personal interest affect the person's ability to perform their duties right now, or at some point the future?
 - Would the risk increase if circumstances change?
- What are the consequences of not managing conflict risk effectively (e.g. legal, financial, reputational, etc.)?
 - What are the adverse impacts or damage that could reasonably be foreseen to occur?
 - Can the consequence(s) be prevented, and, if so, how?

It's also useful to understand your agency's risk profile, which is usually outlined in enterprise risk assessment register and control documents. Do those documents consider conflict of interest risk specifically? If so, are there minimum requirements for how they should be managed across the agency, or for specific agency functions?

Integrity and regulatory agencies may have a lower risk tolerance and a higher need for conflict of interest risk controls to be in place for all employees, regardless of their particular roles or duties. Likewise, individuals and teams that manage high-conflict risk activities on a day-to-day basis—not just occasionally—would be expected to pay close attention to managing their conflicts of interest; and their managers would be expected to review the identification of personal interests and proposed management strategies carefully to effectively manage risk.

Develop a management plan

Decisions about appropriate management plans should be made in consultation between employees and managers, and other relevant areas of the agency if necessary, according to the risk assessment. In submitting a conflict declaration and management plan for their manager's review, employees must turn their mind to what steps they will take to manage the conflict.

In turn, managers have an obligation to ensure that the proposed management actions are practical, lawful, compliant with agency policy and other legislation, can be supported by

agency systems, and are able to be monitored and, if necessary, enforced through performance management processes or conduct actions.

Common management strategies

There are six common strategies used to manage conflicts of interest based on the level of risk. These are known as the 6 Rs:

Register the material personal interest to create visibility and awareness.

Restrict an employee's access to information or participation in a process.

Recruit a third party to provide oversight to a process, activity or stream of work.

Remove an employee from a task or reassign them to alternative duties.

Relinquish or divest a personal interest to ensure the conflict is resolved.

Resign from a position or specific role to resolve the conflict.

These strategies can be used separately or in combination to mitigate the risks posed by different conflicts of interest and support the integrity of decisions and processes.

For more information about the 6 Rs and their application, please consult the [Department of Finance's Resource Management Guide 208 – Managing conflict of interest and confidentiality](#).

What these strategies look like in management plans will vary depending on the nature and context of the conflict. Common mitigation and management activities can include:

- Taking no further action but continuing to monitor the conflict
- Advising colleagues (or stakeholders) of the conflict and any management strategies that are in place
- Reminding employees of their obligations around the use or disclosure of confidential information
- Limiting the employee's access to information about the matter-for example, by restricting access to files or ensuring the employee steps out of a meeting when the interest is discussed
- Restricting duties to an advisory role with no decision-making or financial delegation
- Agreeing not to communicate with particular parties (at all, or about specific matters) for the duration of the employee's role or a particular activity (e.g. a procurement or recruitment process)
- Implementing closer oversight, review, or supervision of duties

- Involving additional staff in decision making on the matter—for example, by having a colleague in another team peer review or a panel make a decision instead of one individual
- Including an independent third party to oversee part or all of a task or process
- Engaging a subject matter expert to review work
- Reallocating a task or decision to someone else
- Changing the employee's duties within the team
- Transferring the employee to a different team, either temporarily or permanently
- Declining or resigning from secondary employment (paid or unpaid)
- Relinquishing ownership or control of a financial interest (and providing appropriate evidence)

Ongoing conflict management

Once a management plan has been put in place, managers must identify an appropriate review date so the plan can be assessed and amended if required—synchronising conflict declarations and management plan reviews to the performance management cycle or financial year are practical options. Any reviews conducted, or updates to plans, must be recorded, attached to the original conflict of interest declaration and management plan.

Keeping declarations and management plans in centralised agency recordkeeping systems is the best way for employees, managers and agency integrity teams to maintain records, and actively monitor, review and update declared conflicts and management plans over time.

Appropriate system access controls can be applied to ensure personal privacy where necessary, but remember that transparency of individuals' declared conflicts and management strategies can itself be an appropriate and effective risk control.

Managers should seek advice from a range of internal or external sources when they feel unsure about discussing conflicts of interest with their direct reports or teams, or if they have concerns when assessing conflict declarations and management plans. In the first instance employees, should seek advice from their supervisor or next level manager, or the corporate team responsible for managing the agency's conflict of interest policy.

Other sources of advice include agency Integrity Champions, Ethics Contact Officers, and the APSC's [Ethics Advisory Service](#).

Themes and Scenarios

This guide identifies common conflicts of interest themes that can arise for APS employees in connection with their work. Scenarios are provided to give examples of how conflicts in these situations can be mitigated, and the range of management strategies that can be put in place.

All the scenarios in this guide use the Department of Finance's four risk-based principles for managing conflicts of interest:

Principle 1 – Know

Conflicts of interest are common and can arise in many different contexts. Employees must understand the objective of the role/activity they are performing, as well as their own personal interests and competing duties.

Principle 2 – Disclose

Any material personal interests or competing duties relating to the affairs of the agency must be disclosed to allow a conflict to be identified.

Principle 3 – Assess

Understand disclosed material interests and how they relate to the role/activity being performed. The nature of any personal relationships must be considered.

Principle 4 – Manage & Review

Declared conflicts must be actively managed and reviewed to ensure any material personal interest or conflicting duties do not impact the integrity of an agency or its functions.

Theme 1: Regulation and Policy

Things to think about:

- Do employees working in a regulatory or policy environment have any financial interests that could—or could reasonably be seen to—directly or indirectly affect their decision making? This can include investments, shares, etc.
- Do employees have any past or present business or personal relationships with individuals or entities, including current or potential clients or suppliers to government, which may have a vested interest in the agency's activities?
- Does the agency have regular conflict of interest declarations or checks embedded for high-conflict risk activities, such as procurement, recruitment and regulatory activity, to ensure potential conflicts of interest are being identified, avoided or managed?

Scenario 1: Regulatory Oversight

What's the situation?

Katie works in the finance team at an APS service delivery agency and has a number of shares in an investment company, Mountain Edge Limited. When Katie first joined the agency, she declared the shares in her onboarding conflict of interest declaration. It was considered there was no actual or perceived conflict between her duties and her personal financial interest.

Katie has been offered a new role in another agency, in a team that has regulatory oversight of investment companies' compliance with financial reporting obligations, and she is concerned that her shares in Mountain Edge Limited now give rise to a conflict of interest. Katie is not keen to sell her shares at this stage due to the amount of money she has invested in the company, but the new role is a great opportunity to develop her skills and build her APS career.

Principle 1 - Know

What is the context?

Regulators play an important role in ensuring services are delivered to the public in a safe and accountable manner. They must demonstrate that they are operating fairly and impartially. If a conflict of interest is not appropriately identified or managed, it can undermine the effectiveness of the regulator's role, as well as public confidence in the regulator and in the integrity of the APS.

Conflicts of interest in a regulatory context often pose a high risk, especially if there is a direct link between the regulator and a regulated entity, given the degree of harm that could result if the integrity of the regulator is compromised.

Principle 2 - Disclose

What is the material personal interest?

Katie has shares in Mountain Edge Limited (a personal financial interest).

Is there a need to declare?

Yes. Katie's personal financial interest has the potential to give rise to a real or apparent conflict with her possible new role. If Katie keeps her shares, she may be—or may reasonably be seen to be—biased in favour of Mountain Edge Limited, which could compromise the integrity of her assessments, recommendations, and decisions as a regulator.

Katie will need to update her conflict of interest declaration if she moves to the new agency, and reassessing her personal interests in the context of her new responsibilities will need to be done as a matter of routine practice. Discussing the potential conflict of interest of the Mountain Edge Ltd shares with her new manager before she accepts the role is the right thing to do.

Principle 3 - Assess

What are the risks?

If Katie does not declare her financial interest, or manage the conflict between that interest and her new role, her ability to remain impartial as a regulator could reasonably be called into question. Katie's personal financial interest could affect—or could reasonably be perceived to affect—the performance of her duties to confer improper advantage on Mountain Edge Limited.

Katie's conflict of interest poses a high risk to her agency. Failure to manage a conflict of this nature is likely to compromise the regulator's effectiveness and undermine public trust in the integrity of financial regulation.

Principle 4 – Manage & Review

Katie discusses a potential management strategy with Yasmin, the manager who has offered her the new role. Katie explains that she does not want to sell the shares, due to the amount of money that she has invested. She believes that she will be able to remain impartial by withdrawing from decisions affecting Mountain Edge Limited.

However, Yasmin's view is that this would not sufficiently mitigate the conflict, as Katie may still have the ability to indirectly influence decisions that could affect Mountain Edge Limited. In addition, this strategy is unlikely to mitigate the perceived conflict, as Katie may reasonably be viewed as being able to exert improper influence over the regulatory process.

Katie and Yasmin conclude that Katie will need either to sell her shares to resolve the conflict of interest, or retain the shares and stay in her current role. Katie takes some time to weigh

up her options and chooses to sell the shares so that she can take up the exciting new APS role.

Management Plan

- Katie will divest her shares and provide confirmation to Yasmin that the shares have been sold before she commences in the new role.
- Katie will review any other financial interests she may have, and discuss these with Yasmin, to ensure there is no conflict of interest (real or apparent) with her new duties.
- Yasmin will provide Katie with information relating to potential conflicts of interest that may arise with her new duties, as well as specific confidentiality requirements for the regulatory functions of her new agency.

Follow-up Actions

- The conflict of interest declaration is signed by Katie and Yasmin, and Katie's decision to divest the shares is documented as part of her onboarding process.
- No review date is required, as the management plan resolves the conflict; however, Yasmin and Katie will regularly discuss conflict of interest obligations relevant to Katie's work as they arise.
- The declaration, management plan and other evidence is recorded centrally within the agency.

Scenario 2: Previous Employment and New Duties

What's the situation?

Skyla has been working in a policy team in the Department of Education for almost 6 months. As part of this role, she will need to consult a range of stakeholders in the private sector to inform policy development. Skyla has worked in the private sector in the past—including a role at Education Reform 180 Corp—which is a key stakeholder in education policy and has been highly engaged in previous consultation processes with the department. Skyla left Education Reform 180 Corp two years ago to work in the community services sector.

Skyla was required to complete a conflict of interest declaration as part of her onboarding process, but at the time was not sure whether all her previous employment could give rise to a conflict of interest – her most recent employment did not. She didn't know she might be required to engage with her old employer as part of her new duties, so she left it out of her declaration.

Principle 1 - Know

What is the context?

When commencing work at a new agency, employees must consider whether their previous employment could give rise to a real or apparent conflict with their new role. Previous employment can be a material personal interest, as an employee's relationships or knowledge arising from their previous role could affect, or could reasonably be perceived to affect, the performance of their duties in the APS. This type of conflict can be common when individuals have worked in a particular field, a profession, or an area of specialisation, in multiple organisations—within or outside the APS.

Declaring all relevant previous employment at the time of onboarding at an agency is best practice. This ensures that management is aware of any previous employment that could give rise to a real or apparent conflict of interest in the future, and they can put in place management plans as needed. However, conflict declarations can be updated at any time, and should be done promptly when a real or apparent conflict arises or is identified.

Principle 2 - Disclose

What is the material personal interest?

Skyla has a previous work history with Education Reform 180 Corp, which is a key stakeholder in her team's policy development work.

Is there a need to declare?

Yes. Skyla's new role involves interactions with her old employer as part of the policy consultation process. Skyla's work history could raise concerns about her impartiality in engagements with Education Reform 180 Corp. The risks may be low given the time that has elapsed since Skyla's employment with Education Reform 180 Corp, and her limited decision-making role in either entity, but there is still a real or apparent risk of bias or influence which may affect the integrity of relevant stakeholder activities.

Skyla must update her conflict of interest declaration which was made upon commencement in her role. She will now need to include her previous employment for her manager's awareness, so that the risks can be assessed. If Skyla is unsure about whether any other previous employment gives rise to a real or apparent conflict of interest, she can include it in her declaration – **if in doubt, declare.**

Principle 3 - Assess

What are the risks?

Skyla worked at Education Reform 180 Corp for 18-months, over two years ago, in a relatively junior role. While she left the organisation on good terms, she has not stayed in touch with former colleagues, and her most recent role was in a community organisation. Skyla does not have knowledge or relationships from her previous employment that could improperly influence her in performing her own APS duties—however, the relative recency of her employment there could create a perception of bias towards Education Reform 180 Corp, especially in the event that policy decisions are favourable to the organisation.

Principle 4 – Manage & Review

Skyla discloses her previous role in Education Reform 180 Corp to her manager, Winona. They discuss the risks and decide that a management plan is needed to mitigate the perceived conflict of interest. This includes being transparent with the rest of the team about Skyla's work history; and ensuring peer review and oversight of Skyla's engagement with Education Reform 180 Corp.

Management Plan

- Skyla will let her team know she has a conflict arising from her previous employment with Education Reform 180 Corp.
- Winona will ensure that another senior employee is included in any engagement with Education Reform 180 Corp attended by Skyla. Winona or one of the Assistant Directors in the team will attend the relevant virtual and in-person meetings; be present on calls; and will be copied into emails.
- Winona will ensure that Skyla's work is peer reviewed by another team member if it relates to Education Reform 180 Corp.

Follow-up Actions

- The management plan is documented and endorsed by Winona, with a review date set for three months' time.
- The team is advised of the strategies in place to manage Skyla's conflict of interest.
- A peer review framework is set up to ensure any future work with Education Reform 180 Corp can be appropriately oversighted.

Theme 2: Personal and Professional Relationships

Things to think about:

- How close is the employee's relationship with the other person or organisation? A family, spouse/partner, household, friendship or intimate personal relationship may be more likely to give rise to a real or apparent conflict of interest than one with a distant acquaintance.
- Think about other complexities in context of the agency's functions or the employee's role or duties – what impacts could kinship, cultural or other community ties, regional and remote localities, or specialist professions have on the likelihood that conflicts of interest can be avoided? Many conflicts that arise from personal and professional relationships are unavoidable. How to manage them should be considered with sensitivity and cultural capability.
- When considering past employment relationships, think about how long it has been since the employee worked at the organisation or had professional contact with an individual. In this context, loyalties, knowledge and working relationships tend to fade over time. Consider how long the person worked for their past employer and how senior they were. Someone who was in a very senior role for a long time may be seen as conflicted for longer.
- Will the employee be making decisions that impact the person or organisation they have a relationship with? If so, what oversight processes are in place to make sure decisions are fair, and are these sufficient to mitigate the conflict?

Scenario 3: Investigations and Relationships

What's the situation?

Louise works in the integrity unit within her agency and has been allocated a potential internal fraud complaint for investigation. She has read through the contents of the complaint and is drawing up an investigation plan. She notes that her friend and former flatmate, Kristy, is a member of the team under investigation, and whilst Kristy is not the subject of the investigation, she will need to be interviewed as a witness. Louise does not know anyone else identified in the complaint and has had no other dealings with the team in question.

Principle 1 - Know

What is the context?

Managing conflicts of interest during investigations and complaint handling processes is essential to the integrity of these processes. Investigators and complaint handlers must always be mindful of any personal or professional relationships that could compromise—or could reasonably be perceived to compromise—their objectivity. If conflicts of interest arising from these relationships are not managed appropriately, it could lead to reviews or challenges based on perceived procedural flaws or deficiencies in the process—and ultimately could undermine confidence in the integrity of investigation and complaints processes. Louise needs to consider whether her relationship with Kristy gives rise to a real or apparent conflict of interest, and if so, how it can be managed.

Principle 2 - Disclose

What is the material personal interest?

Louise has a personal relationship with Kristy—they don't work together in the agency, but they are close friends outside of work and see each other socially a few times a month.

Is there a need to declare?

Yes. Investigators should complete a conflict of interest declaration at the commencement of an investigation to demonstrate they have considered any real or apparent conflicts which could arise. Louise's relationship with Kristy has the potential to introduce real or apparent bias into Louise's investigation and decision-making processes—especially if the investigation reveals further information that could implicate Kristy in the alleged conduct. The nature of their relationship may make it difficult for Louise to remain impartial, or to be perceived to be impartial.

Louise needs to detail the personal relationship in her conflict of interest declaration form and turn her mind to possible management plans to control the risk. If Louise is unsure about whether the relationship could give rise to a conflict, it would still be appropriate to include the relationship in the declaration – **if in doubt, declare**.

Principle 3 - Assess

What are the risks?

The nature of the friendship between Louise and Kristy is close, and it is reasonable to assume that Louise has a sense of loyalty towards Kristy, and a strong interest in maintaining the friendship. This personal interest could reasonably call into question Louise's capacity to be objective or rigorous in interviewing Kristy, or assessing Kristy's evidence or any evidence that may implicate Kristy or be contrary to her evidence. Failure to obtain sufficient evidence, or properly consider and evaluate evidence, can undermine the integrity

of an investigation process and the validity of the outcome. A reasonable person may also perceive risks to Louise's ability to maintain proper confidentiality about the investigation in her interactions with Kristy.

Principle 4 – Manage & Review

Louise discusses the conflict of interest with her manager, Phil. Together they decide to bring in a second investigator, Violet, to conduct Kristy's interview and record her evidence. Kristy will not be advised that Louise is leading the investigation, and Violet will be the contact point for Kristy during the investigation process. Phil also decides to increase his own oversight of this investigation to ensure all evidence is considered appropriately, including regular check-ins with Louise and Violet, approval of any changes to the investigation plan, and review of draft reports. Louise agrees to sign a confidentiality agreement with a specific requirement not to discuss the matter outside the integrity unit.

Management Plan

- A second investigator, Violet, will conduct Kristy's interview, record her evidence and be the main contact point for the investigation.
- Kristy will not be advised that Louise is leading the investigation
- Phil will provide additional oversight of the investigation, including through regular check-ins; approving any changes to the investigation plan; and reviewing draft reports.

Follow-up Actions

- Louise will sign a confidentiality agreement undertaking not to discuss the matter outside of the team.
- The management plan and confidentiality agreement will be recorded with the conflict of interest declaration in the investigation file on the agency's central recordkeeping system.
- The conflict of interest management plan will be reviewed by Phil during the investigation to ensure the risks continue to be managed appropriately.

Scenario 4: Internal Personal Relationship

What's the situation?

Kyle leads a Finance team at the Australian Taxation Office. His wife, Selina, recently joined the agency in the Learning and Development (L&D) area in an EL1 role. Their relationship was declared during Selina's recruitment process, but no management plan was required as there was no connection between their roles. During a quiet period, Kyle takes the time to develop a training proposal for his team that would involve a two-day workshop facilitated by

the L&D team. His manager endorses the proposal, and forwards it to the L&D team for approval. Selina is assigned the proposal to review and consider for approval.

Principle 1 - Know

What is the context?

Selina's role is to review training proposals submitted by line areas and decide whether they should be actioned, having regard to factors including the benefits to the agency and the community; the resource impact on the L&D team; and the potential costs if an external training provider is needed. These decisions ultimately concern the use of Commonwealth resources, which include staff time as well as public money, and therefore must be—and must be seen to be—impartial and evidence-based. Employees in these roles must be aware of personal interests that could compromise their actual or perceived objectivity, and must remain mindful of any new conflicts that could arise. A change in an employee's circumstances—such as a transfer, a restructure, a change of roles, or a new activity—can give rise to a conflict that may not have been present before. In this instance, Selina's relationship with Kyle has previously been declared—however, Kyle is now undertaking a new activity that could give rise to a real or apparent conflict between Selina and Kyle's official duties and their personal relationship.

Principle 2 - Disclose

What is the material personal interest?

Selina and Kyle are married and work in the same agency—the relationship is a material personal interest for both employees.

Is there a need to declare?

Selina and Kyle's relationship has the potential to introduce real or apparent bias into Selina's decision-making process. It would be reasonable for other teams in the agency, or members of the broader community, to form the view that Kyle may not be impartial in developing this training proposal, or that Selina may not be impartial in considering it. Others may reasonably consider that Kyle has designed proposal to advantage Selina professionally in her new team, or that Selina may provide approval of the proposal to advantage Kyle in his role. Either way, there may be a perception their relationship may improperly influence the agency's decisions about the proposal, regardless of its merits.

Both employees in this situation have an obligation to declare the conflict of interest. Selina and Kyle will each need to update their conflict of interest declarations and suggest a possible management plan. The management strategies may need to be different for each person's plan, in line with their respective roles.

Principle 3 - Assess

What are the risks?

Given that Selina and Kyle are a couple, it is reasonable to assume that they have a strong sense of loyalty towards one another, discuss their work roles and activities outside the office, and are in a position to be able to influence each other's decisions. If this conflict is not managed appropriately, the integrity of the approval process will be compromised, and can undermine trust in both the Finance and L&D teams, and the agency.

Principle 4 – Manage & Review

Selina first discusses her conflict of interest with her manager, Wayne, and then shares it with the rest of the L&D team. It is decided that she will have no involvement in assessing Kyle's training proposal, and will not have access to any information relating to the proposal. The proposal will be assessed by another team member, and Wayne will ensure that the decision-making process is documented appropriately. Selina will be able to review other training applications unrelated to Kyle's, and will not be involved in any matters relating to his team in the future.

Management Plan

- Selina will have no involvement in assessing Kyle's training proposal or any others for the Finance team.
- Kyle's proposal will be assessed by another team member reporting to Wayne.
- Selina will have her access to information about any proposals/applications relating to Kyle restricted.
- Selina acknowledges in writing that she is not to discuss any proposals/applications with Kyle in a personal capacity.

Follow-up Actions

- The management plan is documented and endorsed, and lodged centrally in the agency's system.
- A process is set up to ensure any future proposals/applications received from Kyle or his team are allocated to another member of the L&D team.

Scenario 5: External personal relationship

What's the situation?

Gwen is a government lawyer working in a legal team in a small APS agency. From time to time, her team engages external legal providers to assist with complex or specialised matters. At a family function, she catches up with one of her cousins, Miguel, who recently graduated from law school. Miguel tells Gwen that he has been offered a job at Webster Drummond, a law firm that has performed work for Gwen's team on several occasions and is highly regarded by the agency.

Principle 1 - Know

What is the context?

When engaging suppliers, APS employees must ensure that their actions and decisions are, and appear to be, objective and impartial. This is critical to the procurement process—but it is also relevant to the agency's ongoing management and assessment of a supplier's work. Employees must be mindful of personal relationships that could compromise—or could reasonably be perceived to compromise—their agency's procurement processes or contract management activities, or which could otherwise confer an improper advantage on one supplier over others. Even if an employee is not a decision-maker themselves, their role or influence could nonetheless give rise to a real or apparent conflict of interest.

If a conflict of interest arising in these circumstances is not managed appropriately, it could compromise agency processes and decisions, and could undermine trust in the integrity of the agency and the APS.

Principle 2 - Disclose

What is the material personal interest?

Gwen has a personal relationship with her cousin, Miguel, who is about to start working in a law firm that supplies legal services to Gwen's team.

Is there a need to declare?

Gwen's family relationship with Miguel has the potential to give rise to a real or apparent conflict with her role. Even though Gwen is not the decision-maker for her team's procurement processes, as an experienced member of the team she is in a position to influence decisions, and her relationship with Miguel could confer an unfair advantage on Webster Drummond—or could reasonably be perceived to do so.

Gwen will need to complete a conflict of interest declaration identifying the family relationship and indicate a possible management plan for her manager, Jessica, to approve.

Principle 3 - Assess

What are the risks?

The nature of the relationship between Gwen and Miguel is significant given that they are family members. The actual relationship between them is warm, but not close—they are at different stages of their lives and generally only catch up at family functions. Nevertheless, family relationships are perceived to be close regardless of the actual circumstances, and it would be reasonable to believe that Gwen has a sense of loyalty to Miguel because of other family relationships, and she would have an interest in seeing him succeed in his career.

If the conflict is not appropriately managed, it could reasonably call into question the agency's integrity in procurement and contract management, and could undermine trust in the integrity of the APS.

Principle 4 – Manage & Review

Gwen discusses the conflict of interest with Jessica. They agree that the relationship should be disclosed to the team to ensure transparency; and that Gwen will not be involved in procurement processes in which Webster Drummond has submitted a quote, or be responsible for contract management where it is supplying services.

Jessica reminds Gwen of her obligations to maintain proper confidentiality of information relating to her work. Jessica also considers that in future requests for quotes, legal suppliers will be asked to provide further details about potential conflicts of interest the firm or their personnel may have—including personal or professional relationships with staff at the agency.

Management Plan

- Gwen will be excluded from any procurement processes in which Webster Drummond has submitted a quote, and will not be responsible for any related contract management.
- The team will be made aware of the existing conflict to support transparency.
- Gwen acknowledges in writing her obligations to maintain confidentiality of information relating to her duties, and this is included in the management plan.

Follow-up Actions

- The management plan is documented and approved, and filed centrally in the agency recordkeeping system.
- Gwen and Jessica's regular one-on-one management catch-ups will include a discussion of whether the management plan is working.
- Jessica will amend the standard request for quote template to ensure suppliers provide more detail about potential conflicts of interest with the agency.

Theme 3: Recruitment Activity

Things to think about:

- Merit-based recruitment supports an apolitical and professional public service, and is fundamental to maintaining public trust in the integrity of the APS.
- Do employees participating in recruitment activities have personal or professional relationships with any applicants for the role? If so, how close is the relationship or connection? Some relationships (like immediate family members or partners) may be too close for the employee to be involved in the recruitment process.
- Can all panel members bring an objective view to the assessment of candidates? Prior professional relationships may carry with them settled views—positive and negative—which are hard to shift, and could lead to bias or perceptions of bias in a selection process.
- Even if a conflict of interest can be managed during the recruitment process, can it also be managed in the long term, if the person is appointed? Some close relationships can create a potentially unmanageable conflict of interest—for example if relatives hold two of the most senior positions in an agency or if someone will be reporting directly to a relative.

Scenario 6: Recruitment Process

What's the situation?

Asta is an Assistant Director in an IT team of his agency and she has been asked to sit on a three-person recruitment selection panel for a vacant APS 6 position within the branch. When the shortlisting process starts, Asta becomes aware that one of her former APS 5 direct reports, Shun, has applied for the role. Asta understands that she will need to inform the other panel members that she used to be Shun's supervisor but she is now apprehensive about how to undertake her role on the panel because as Shun's supervisor she had some performance concerns. She does acknowledge that some time has passed since then. Asta has valuable expertise to contribute through membership of the selection panel, given her significant experience in the work area, but she's not sure she can be sufficiently objective.

Principle 1 - Know

What is the context?

Selection panel members in a recruitment process must be able to assess all candidates consistent with the merit principle, and must be—and be reasonably perceived to be—objective and unbiased. If a panel member has any relationship with an applicant that might

give rise to a conflict of interest (real or apparent), it must be declared and effectively managed—otherwise, the integrity of the recruitment process can be undermined.

Conflicts of interest can arise not only from personal relationships, but also from professional relationships, including relationships between supervisors and their direct reports. As a member of the recruitment panel, Asta needs to turn her mind to how to effectively manage her real or apparent conflict of interest in relation to Shun, beyond simply declaring it to the panel chair.

Principle 2 - Disclose

What is the material personal interest?

Asta has a professional relationship with Shun and worked with him for two years. Although they no longer work together, Asta had formed a view about Shun's performance in that previous supervisory relationship.

Is there a need to declare?

Yes. Recruitment is a high-conflict risk activity, and all selection panel members must complete a conflict of interest declaration at the start of any recruitment process.

As a panel member, Asta is in a position to influence the outcome of the recruitment process. Her professional relationship with Shun, and the views she already has about him, might unfairly disadvantage Shun in relation to other candidates—or might reasonably be perceived to do so.

Asta must complete a conflict of interest declaration identifying her material personal interest and suggest a possible management plan to the panel chair, noting that she is aware she may have apprehended bias about one of the applicants.

Principle 3 - Assess

What are the risks?

The relationship between Asta and Shun is professional, not personal, and it is not current—but they worked together for a substantial period. Shun will be conscious that Asta may bring her previously held view about Shun's performance to the recruitment process, even though time has passed and that view may now be outdated. If the conflict is not managed, and Shun is an unsuccessful applicant, the probity of the recruitment process, and the merits of its outcome, could reasonably be called into question.

Principle 4 – Manage & Review

Asta discusses the conflict of interest with the panel chair, Rudi. Rudi decides that, while Asta's expertise is desirable, there is a high risk that Asta's pre-conceived views about Shun may influence the merit based selection process, so Asta's continued participation on the panel will need to be actively managed. Rudi suggests a *proposed* strategy to escalate to the delegate Patsy, so that Asta can remain on the panel to provide her expertise. Asta would be

excluded from all assessment stages of Shun's application, and would not provide views about his inclusion in the shortlist. If Shun proceeds to the interview stage, Asta would not be present. The other two panel members will conduct the interview and record their assessment against the selection criteria. Asta would also not review the panel's assessment of Shun relative to the other candidates, or provide any rating or recommendation for Shun's suitability for the role.

Asta agrees she is not to discuss the recruitment process with Shun, and that if Shun seeks any information about the process he should be directed to Rudi as the panel chair.

Rudi agrees to take the proposal for managing Asta's conflict to Patsy. Rudi advises Asta that Patsy might ultimately decide, to maintain the integrity of the process, that Asta should be replaced with a different panel member for the whole recruitment process, to eliminate the conflict and ensure the merit selection is objective and free from bias or apprehended bias.

Management Plan – Proposed

- Rudi will tell the other panel member about Asta's connection to Shun.
- Asta will be excluded from the assessment of Shun's application for shortlisting.
- If Shun proceeds to interview, Asta will remain on the panel for the other candidates but will not participate in Shun's interview or other stages of assessing him as a candidate.
- Asta is to refrain from discussing any part of the recruitment process with Shun.
- Rudi will answer any questions about the process with Shun.
- Rudi will further discuss the proposed management plan with the delegate, who may determine that Asta be removed from the panel and replaced with someone else.

Follow-up Actions

- Patsy considers Rudi's proposed plan as panel chair and factors in the expertise required for the panel to find the right person to fill the vacancy, and the timeframe the vacancy can be left open, are also relevant to her decision.
- On balance, Patsy agrees to the proposal to enable Asta to continue on the panel. In her view, if Asta had been the panel chair or the hiring manager for this vacancy, she would have to withdraw from the panel and be replaced, as the conflict risk would have been unacceptable.
- Patsy endorses the proposed conflict management plan and her decision, in writing.
- Asta provides written acknowledgement of her obligation not to discuss the recruitment process with Shun.
- All documents – the declaration, the management plan, and Patsy's decision – are recorded on the file.
- Rudi will review the plan if there is any change in circumstances during the recruitment process.

Theme 4: Secondary Employment

Things to think about:

- Does the secondary employment conflict with the person's role or agency functions? This includes things like the responsibilities owed to each organisation, the information the staff member has access to, and whether it is clear to others which role the person is undertaking.
- Are there risks that work resources could be used for secondary work or volunteer work?
- Is there overlap in the subject matter of the employee's role, or people and organisations they work with? Is there a risk they could use, or could reasonably be seen to use, work information for their secondary or voluntary employment?
- Do agency policies or its Enterprise Agreement set out any requirements around secondary employment that need to be considered?

Scenario 7: Volunteer role outside of APS

What's the situation?

Nina works as an APS 5 for an agency responsible for wildlife policy. Her role is in the agency's outreach and education team and involves promoting a national wildlife strategy.

Recently, the local animal shelter in Nina's neighbourhood has had an influx of unwanted animals. The shelter advertised for more volunteers to assist with managing the day-to-day care of large number of dogs, cats, and birds. As Nina is passionate about animal welfare, she applied for the volunteering role but she is not sure whether working at the shelter will create a conflict of interest given her role in her agency.

Principle 1 - Know

What is the context?

In general, APS employees can engage in secondary employment—including paid or volunteer activities—if it does not conflict with their official duties. A conflict of interest can arise if there is a connection between an employee's APS role and their secondary employment that could compromise—or could reasonably be perceived to compromise—their ability to perform their duties impartially and professionally. In deciding whether it is appropriate for an employee to engage in outside employment, a balance needs to be struck between the agency's interests and those of the employee—however, the overriding principle is the need to maintain public confidence in the integrity of the APS.

Nina consults the secondary employment policy as well as the conflict of interest policy at her agency. It says that prior approval is required before she can take up the secondary role, and a conflict of interest declaration and management plan is part of the approval process.

Principle 2 - Disclose

What is the material personal interest?

Nina's proposed secondary employment at an animal shelter is a personal interest that could give rise to an apparent conflict with her official duties. Domestic animal control and welfare is addressed in the national wildlife strategy and the shelter is an organisation that may be subject to elements of the strategy.

Is there a need to declare?

Yes. Secondary employment is a potential high-conflict risk activity. Conflict of interest declaration and management is an important part of ensuring that any secondary or outside employment an APS employee undertakes does not adversely impact their APS role and duties.

As the voluntary role is indirectly related to Nina's APS duties, she must be mindful of the influence or perceived influence that her volunteering role at an animal shelter could have on the tasks she undertakes as part of promoting the wildlife strategy. **If in doubt, declare.**

Nina will need to disclose the secondary employment to her manager, Theo, and discuss with him how to assess the risk of conflict and any possible mitigation strategies. She will also need to complete a conflict of interest declaration and management plan in writing before Theo can provide secondary employment approval.

Principle 3 - Assess

What are the risks?

If Nina accepts the position at the animal shelter, she may acquire a personal interest in the shelter's ongoing operation and success. This personal interest may influence her opinions on how animal shelters might be impacted by the wildlife strategy. However as a part-time volunteer in animal care tasks, Nina would have no role or influence in how the shelter implements the wildlife strategy.

Nina is also a junior officer in the education team, and she is not involved in developing policy or oversight activities in relation to the implementation of the wildlife strategy. She is however involved publicly promoting the strategy, and a reasonable person might consider she speaks for the agency on matters concerning the impact of domestic animals on wildlife, as it is addressed in the strategy.

Nina's conflict of interest risks in accepting the volunteer position are quite low, but must still be managed.

Principle 4 – Manage & Review

Nina discusses possible conflict of interest management strategies with Theo. He considers that because the secondary employment activity is low risk, Nina can undertake the voluntary role at the shelter but her conflict of interest management plan should include directions about confidentiality, to ensure that any information she obtains in her APS role is not disclosed to the shelter's staff or management.

The management plan will also be reviewed every six months to ensure Nina's conflict is being appropriately managed. Nina is made aware of her obligation to notify Theo if her circumstances change in any way, including if her voluntary activities extend to managing aspects of the organisation of the shelter, or if she takes on a paid role, or ceases her involvement with the shelter.

Management Plan

- Theo reminds Nina of her obligations not to disclose any information she obtains in her APS role to the shelter's staff or management.
- Nina is made aware of her obligation to notify her manager if her circumstances change in any way, including changes to her role at the shelter and payment for her duties.

Follow-up Actions

- The declaration and management plan is documented and endorsed by Theo, and filed centrally in the agency recordkeeping system.
- Theo's discussion with Nina regarding her confidentiality obligations is confirmed by email, and a copy is attached to the management plan.
- A review date for the management plan is set for three months' time, with ongoing review every six months after that to ensure Nina's conflict is being appropriately managed.
- Nina will monitor the secondary employment and update Theo if her circumstances change.

Theme 5: Procurement Activity and Grants Selection

Things to think about:

- Does anyone involved in a procurement or grant selection process have financial interests (e.g. shares, investments, etc.) or personal or professional relationships that could undermine the real or perceived integrity of the process?
- What is the relationship between a potential supplier to government, or potential grant recipient, and the agency? This can include past, present, and potential funding arrangements or contracts with government.
- How would an external stakeholder perceive an identified relationship between a potential supplier or grant recipient and a staff member? Would a reasonable person believe that a member of the selection team can remain impartial and unbiased throughout the process?

Scenario 8: Procurement

What's the situation?

Noelle is in the web services tender team in her agency's Procurement area and has recently been asked to assist with a tender for IT services for the agency's website redesign. A company called IT Services 360 has tendered for the project. Noelle recalls that a former work colleague, Dario, left his APS role to work for IT Services 360. She saw him a month ago at a work function when he turned up to say hello to his former colleagues. He mentioned at the function that he was working on tender applications for IT Services 360, but did not mention any specific tenders.

Principle 1 - Know

Procurement activities are high-risk areas for conflict of interest. Employees involved in procurement should be aware of any relationships they have with potential suppliers to government, as these relationships can compromise the actual or perceived integrity of a procurement process. Before she assesses any tender bids, Noelle will need to consider whether she has any relationships with people or organisations that have applied for the tender which could give rise to a real or apparent conflict of interest. This includes relationships with current suppliers that might be tendering for new work, or relationships with individuals who might work for potential tenderers.

Failure to manage a conflict of interest during a procurement process can have significant consequences. Integrity defects in tender processes can have legal, financial, business and

reputational consequences for an agency, and can undermine confidence in the integrity of the APS.

Principle 2 - Disclose

What is the material personal interest?

Noelle has a professional relationship with her former colleague, Dario, who now works for a potential supplier to government.

Is there a need to declare?

Yes. Employees engaging in a procurement activity should complete a conflict of interest declaration at the start of the process, or once all tenders have been submitted and the potential suppliers are known. Even if an employee has no identified conflicts of interest, real or apparent, they must still complete a declaration confirming that they have considered all possible conflicts and none have been identified.

Noelle is in a position to influence the outcome of the procurement activity, as her role will be to assess the tenders and make recommendations to the delegate. Noelle's relationship with Dario has the potential to call into question Noelle's impartiality, and to undermine the actual or perceived integrity of the procurement process.

Noelle will need to complete a conflict of interest declaration identifying the professional relationship, and suggest a possible management plan.

Principle 3 - Assess

What are the risks?

The nature of the relationship between Noelle and Dario is friendly, but not close—they are former colleagues and social acquaintances. While Noelle doesn't have a strong sense of loyalty to Dario, or a personal interest in his financial or professional success, the fact that there is a relationship at all can still give rise to real or apparent bias.

If the conflict of interest is not managed, and Dario's company is the successful tenderer, the community, including other potential suppliers, could reasonably form the view that Noelle's relationship with Dario improperly influenced the outcome of the tender process. This could undermine confidence not only in the integrity of that process, but in the integrity of her agency.

The risk of proceeding without an appropriate management plan in place is high, and could result in the process being challenged, as well as reputational damage to the agency.

Principle 4 – Manage & Review

Noelle raises the conflict of interest in her written declaration and discusses it with the Chair of the procurement panel, Mitch. They discuss management strategies, including the possibility of Noelle stepping down from the panel. Mitch values Noelle's relevant expertise highly—there's no one else in the agency that understands web design like she does—and he considers that the conflict can be managed without her completely removing herself from the activity.

Noelle's conflict will be registered and the other panel members will be made aware of the conflict. Noelle will be restricted from evaluating IT Services 360's tender, and from accessing any information relating to their tender. The independent probity advisor will also oversee the panel's assessments of all tenders and monitor Noelle's involvement in the tender rating and recommendation process to ensure the probity plan is followed.

Management Plan

- Noelle will not evaluate IT Services 360's tender.
- Confidential files relating to IT Services 360 will be restricted so Noelle cannot access them. While Mitch trusts that Noelle would not access the files, blocking her access better protects the integrity of the process.
- An independent probity advisor will be appointed to oversee the panel's assessments of all tenders, including monitoring Noelle's involvement in the tender rating.
- Noelle is reminded of her obligations not to discuss the procurement process with Dario and she signs a confidentiality agreement.

Follow-up Actions

- Noelle's declaration, management plan and confidentiality agreement are held in a central record for the tender project.
- The management plan will be reviewed once the shortlisting of tenders is completed, and again as needed if circumstances change.

Scenario 9: Grants

What's the situation?

Ann works in the Community Grants Hub in a team that supports agencies with their grants assessment and selection processes. The team's current project is to assist a policy team in another agency to facilitate their grant process, including assessing applications and awarding grants to community sporting organisations. Ann's role is to engage with contact officers of applicant organisations, and draft correspondence explaining the grant opportunity documents developed by the policy team, including the application form. Ann won't be involved in assessing the applications herself.

Ann also regularly plays dodgeball at her local dodgeball organisation, The Phantoms, which has been growing in presence in the last five years. Outside of participating in regular matches, Ann has got to know a lot of the regulars, as well as the people running the organisation. Ann is concerned about a potential conflict of interest as she has become aware that The Phantoms have heard about the grant and are intending to apply.

Principle 1 - Know

What is the context?

APS employees must ensure that funding decisions, such as grant selection processes, are made fairly, impartially, and to a high standard of integrity. Failure to identify a conflict of interest in any aspect of a grant process can lead to perceptions of bias, and can damage an agency's integrity. Similar to recruitment and procurement, it is a critical requirement for employees participating in grant selection processes to complete a conflict of interest declaration at the start of the process to demonstrate that they have considered any potential conflicts.

Principle 2 - Disclose

What is the material personal interest?

Ann has established a personal relationship with a prospective grant applicant organisation, and regularly attends their facility to participate in dodgeball games.

Is there a need to declare?

Yes. Although Ann is not an organisational or decision-making member of The Phantoms, she does play at the facility regularly and has established relationships with people at the organisation. Ann could personally benefit from increased funding to The Phantoms (e.g. through better facilities and services). In her role, Ann is tasked with providing official application information to all grant applicant organisations, and she is in a position to affect how The Phantoms apply for the grant.

Although Ann works on grants selection processes as a regular part of her role, she must complete a new conflict of interest declaration as part of this particular grant selection process and disclose that she has an association with The Phantoms.

Principle 3 - Assess

What are the risks?

A reasonable external person could form the view that Ann's personal interest in The Phantoms could influence how she carries out her APS role. The perception that Ann may provide The Phantoms with an advantage in their application, by providing information that is not provided to other applicants, could compromise the integrity of the selection process and lead to criticism of the agency. It does not matter that Ann's role does not involve assessing applications, or making selection decisions. In this case, the appearance of a conflict can be just as damaging to public confidence in the integrity of the APS as an actual conflict.

Principle 4 – Manage & Review

Ann discusses the conflict with her manager, Irving. They consider whether the conflict could be managed by restricting Ann's involvement in this particular grants process. Irving consults with another team member, Haru, who agrees to take over Ann's specific tasks. Ann agrees to move to another grants process and no longer be involved in this community sport grants round. Ann documents her conflict and management plan for Irving's approval, and this is recorded on the team's file.

Management Plan

- Haru agrees to take over Ann's role in the grants process.
- Ann will move to another grants process, and will not be involved in any further rounds relating to this grant.
- Ann's access to information relating to this grant is restricted
- Conflict is recorded for future grants processes.

Follow-up Actions

- The management plan is documented and endorsed, and lodged centrally in the agency system.
- No review date is required, as the management plan resolves the conflict; however, Irving and Ann will discuss conflict of interest obligations relevant to their work as they arise.

Theme 6: Political Activity

Things to think about:

- Public servants have rights as citizens and members of the community—including the right to engage in political activity in a private capacity. However, these rights need to be balanced with the obligations of public service, including the need to maintain public confidence in the integrity, professionalism, and impartiality of the APS.
- APS employees should declare any past or present formal or public political affiliations as a real or apparent conflict of interest. This includes party membership or organising roles, or candidacy in elections. Voting history or intentions are not declarable.
- Another consideration is seniority or public visibility of an employee's role. How senior are they? Do they have regular, direct contact with Ministers or publicly represent their agency?
- Do they work in an agency or a policy or program area that is the subject of political contention?
- What is the scope and scale of their political activity? A high-profile role for a political party, such as a spokesperson on an issue, may pose a higher risk than, for example, handing out how-to-vote cards on election day.
- Is the political activity likely to undermine trust in the APS? Would it cause a reasonable member of the community to doubt the capacity of the employee or the APS to serve the government of the day impartially and professionally??

Scenario 10: Election activities

What's the situation?

Argos works as an EL1 in the accounts payable team in the National Weather Agency. The federal election is approaching in a few months, and Argos has decided to actively support one of the major party candidates who is advocating for more funds for public schools, which Argos is very passionate about. Argos decides that instead of just voting for the candidate, he wants to join the party, so he can dedicate his free time to get her elected, as she is polling well and Argos finds her inspiring.

Argos is conscious of his status as an APS employee, and wonders whether there is a potential conflict between his job and becoming a member of a political party.

Principle 1 - Know

What is the context?

APS employees have a right to participate in political activity as long as it does not conflict with their public or official duties, or undermine their real or reasonably perceived ability to behave impartially and professionally in their APS role.

The risks arising from employees participating in political activity depend on a range of factors, including how active and involved the employee is in the activity, and the nature and seniority of their APS role.

Argos will need to turn his mind to whether a real or apparent conflict of interest may arise from joining a political party and actively organising and advocating for a candidate, in more ways than simply voting for them on election day.

Principle 2 - Disclose

What is the material personal interest?

If Argos becomes a paid member of a political party, and is actively involved in the campaign of a candidate, this may create a conflict with his obligation as an APS employee to maintain impartiality.

Is there a need to declare?

Yes. While the political activities he is planning to do would be conducted in his personal time, and the candidate's own platform does not focus on the functions of Argos' agency, becoming a paid and active member of a party signifies a formal political affiliation.

Even if Argos only intends to undertake lower-risk activities than joining the party – such as handing out how-to-vote cards or putting up a sign in his front yard – he should still have a conversation with his manager and detail this in a conflict of interest declaration. If in doubt, declare.

Principle 3 - Assess

What are the risks?

For political affiliation to be declarable as a conflict of interest it needs to be more than just voting history or intention. Argos is not prohibited from joining a party or campaigning actively for a preferred candidate, but if he does not declare his political affiliation and intended activities to his agency, or manage this apparent conflict in a mindful way, there is a risk that the public may perceive that Argos cannot undertake his job in an impartial manner, and this could affect public trust in the APS.

Argos's seniority, role and agency functions are also a factor to be considered. If he was very senior in his agency the risks of party membership would present a higher risk that may not be manageable. Other factors – such as the lack of connection between the candidate's

platform and his agency's functions, or his own duties, may also significantly lessen the conflict risk. Even so, Argos should ensure his political affiliation or activities do not affect public trust and confidence in the integrity of his agency, or the APS.

Principle 4 – Manage & Review

Argos talks to his manager Penelope and discloses his intended political party membership, and the types of campaigning activities he is likely to do during the election period. He mentions he may be attending a few public campaign events but is not keen to do any public speaking. He advises that he will not be identifiable as a public servant, and will not use any resources from his workplace, or undertake campaign activities in his work hours, although he might need to take the odd day of leave to go door-knocking. Argos tells Penelope he is not intending to get more actively involved in the organisation of the party branch, or take up a paid role in the candidate's support team.

Penelope considers the risks, and discusses Argos's declaration with her own manager, Elijah. On balance they both agree that the strategies Argos proposes should be sufficient to mitigate the risk of conflict, but they must be recorded in a conflict management plan which Penelope will monitor. In particular, Penelope suggests that Argos might need to take a more substantial period of leave prior to the election, so that the performance of his duties is not affected by his political activities outside work. Argos also agrees to set out in writing that he will not participate in public speaking or be photographed for campaign advertising – and that he must not undertake election-related activities of any kind in the workplace.

Management Plan

- Argos acknowledges that he must not let his intended political party membership or campaign activities affect—or be affected by—his duties with the agency.
- The management plan identifies clearly all the potential risks to impartiality that this conflict presents, and sets out all the strategies to mitigate those risks.
- Argos also agrees that he will advise his managers if there are any changes in his circumstances, and agrees that Penelope or Elijah may consider additional mitigation strategies during the election period – including taking additional leave – could be necessary.

Follow-up Actions

- Argos' conflict declaration and a management plan are documented in writing, endorsed by both Penelope and Elijah, and filed in the agency's central recordkeeping system.
- Review dates are set for regular intervals before the election so Penelope can check in with Argos about his activities.