



Model Conflict of Interest Declaration Form – Agency Heads and Statutory Office Holders

Guidance for agencies and individuals

Who should use this form?

- Agency Heads¹ and Statutory Office Holders², including those acting in those positions for a period exceeding three months.

APS employees (including SES employees) whether, ongoing, non-ongoing or casual, should complete a **separate form** located on the APSC website.

Agencies may tailor this form in accordance with their internal conflict of interest management systems and processes, and include links to any relevant policies and procedural documents the Agency Head / Statutory Office Holder must be aware of in managing their conflicts of interest in the context of their agency's operations.

What is a conflict of interest?

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.

A **real (actual) 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 powers, functions or duties.

An **apparent (perceived) conflict of interest** exists where a reasonable person might believe that you have a personal interest, relationship or competing duty that could affect or be affected by the way you perform your official functions or duties, even though there is no actual conflict of interest.

¹ Section 7 of the *Public Service Act 1999* provides that the definition of *Agency Head* includes department Secretaries, heads of executive agencies and heads of statutory agencies. Agency Heads may also be Statutory Office Holders under other legislation.

² Not all Statutory Office Holders under other legislation are Agency Heads for the purpose of the PS Act. While their obligations of those under the PS Act may be more limited, the obligations to disclose and manage conflicts and prevent corrupt conduct, apply under other legislation.



A **personal interest** includes your financial and non-financial interests, including personal and professional relationships and associations.

A **material personal interest** is an interest that has the potential to give rise to a real or apparent conflict of interest that could affect the ability of an official to perform their duties. 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). If no reasonable person could draw a connection between your personal interest and your duties, then the personal interest is not 'material'.

For further information on disclosure of material personal interests, see the [Department of Finance's Resource Management Guide 208](#).

Your Conflict of Interest Obligations

Section 12 of the [Public Service Act 1999](#) provides that Agency Heads must uphold and promote the Australian Public Service Values and Employment Principles.

Section 14 of the PS Act provides that Agency Heads are bound by the APS Code of Conduct in the same way as APS employees.

Under the APS Code of Conduct, in section 13(7) of the PS Act, you must:

- take reasonable steps to **avoid** any conflict of interest (real or apparent) in connection with the employee's APS employment; and
- **disclose** details of any material personal interest of the employee in connection with the employee's APS employment.

The APS Code of Conduct also provides that you must:

- behave honestly and with integrity in connection with your APS employment (s13(1) of the PS Act) and
- not improperly use inside information, or your duties, status, power or authority, to gain, or seek to gain, a benefit or an advantage for yourself or another person; or to cause, or seek to cause, detriment to your agency, the Commonwealth or another person (s13(10) of the PS Act).

Other duties apply to officials in all Commonwealth entities including **Agency Heads** and **Statutory Office Holders**.

Sections 25 to 29 of the [Public Governance, Performance and Accountability Act 2013](#) (PGPA Act) also set out the duties you have as an official under that Act, including the duty to disclose your material personal interests (s29).



All public officials, **including Agency Heads and all statutory Office Holders**, are subject to the [National Anti-Corruption Commission Act 2023](#) (NACC Act) which outlines, at s4, the following types of corrupt conduct, all of which can be prevented by the avoidance, or disclosure and effective management, of conflicts of interest:

- Breach of public trust
- Abuse of office by a public official
- Misuse of official information by a current or former public official
- Conduct of any person, including a public official's own conduct, that could adversely affect the honest or impartial exercise of a public official's powers, functions or duties.

Other requirements for Agency Heads and Statutory Office Holders

Agency Heads and Statutory Office Holders are also required to submit, in addition to onboarding, at a **minimum annually**, a written declaration of their own and their immediate family's financial and other material personal interests, and conflict management plans for each declared interest.

Agency Heads and Statutory Office Holders **must discuss and agree** the contents of their declaration and conflict management plan with relevant portfolio Minister(s).

Copies of written declarations and agreed conflict management plans must be provided to the Minister(s) and the agency's business team which manages its conflict of interest policy. Records must be kept in agency recordkeeping systems.

Any employee acting in an Agency Head position or Statutory Office for a period of three months or more must also submit a written declaration. Declarations should be completed as soon as it is confirmed that the employee will act in an Agency Head role or Statutory Office for the required period (13 weeks), including extensions.

What must be included in this form?

Declaration of material personal interests and real or apparent conflicts with official duties

There is no standard list of items that must be disclosed in a conflict of interest declaration. Examples of financial and non-financial interests, relationships and associations that you may need to disclose in respect of your role, duties, or activities include, but are not limited to:



- Real estate investments
- Shareholdings, trusts or nominee companies
- Other significant sources of income including self-managed superannuation
- Business interests held as sole proprietor, partnership, executive director etc.
- Significant liabilities and debts, gifts or bequests, private legal proceedings
- Outside/secondary employment (including paid and volunteer roles and activities)
- Professional associations (including past employment, past professional relationships, organisational memberships or public political affiliations)
- Family, social or intimate personal relationships that may give rise to a real or apparent conflict of interest and
- Other public or official duties or roles at the agency (or elsewhere in the Commonwealth) which may come into conflict with your primary official role or duties at the agency.

This model declaration form is not an exhaustive list of all personal interests that could be material to your role or duties. [RMG 208](#) contains a more comprehensive list of personal interests which may be material to a public official's duties.

Material personal interests should be considered in the context of your agency's conflict of interest policy and any relevant enterprise risk assessment.

When completing the form, be sure to outline how you believe any material personal interest you have may affect, or be affected by your role or duties. You must also consider how the personal interest could be seen by any reasonable person outside your agency to affect, or be affected by, your role or duties.

You must detail the type and extent of any interest being declared. The nature of the conflict must be evident from the detail provided. Declarations should also detail how the declared interest relates to the functions and responsibilities of the agency and evidence that consideration has been given to potential impacts on the operations or reputation of the agency or the APS.

Immediate family members' material personal interests

You should also declare any material interests of an immediate family member/s which you consider could affect, or be affected by (or could reasonably be seen to affect or be affected by), your public or official functions or duties.

The term 'immediate family member' generally applies to partners and dependent children. It may also apply to any other relatives or close friends who live with you, or with whom you have a financially dependent relationship (either they are dependent on you, or you are dependent on them).



If the form contains the personal information of a family member, you will also need to obtain that person's consent for the collection of this information by your agency, consistent with the requirements of the Australian Privacy Principles contained in the [Privacy Act 1988](#).

If consent is not given, or is unable to be sought, you should discuss, in general terms, your understanding of your family member's conflict of interest with your agency conflict of interest team. They may need to seek further legal advice about how to record this information, but you must still take reasonable steps to effectively manage the conflict.

Conflict management plan

This form also contains space for a conflict management plan in relation to any real or apparent conflicts of interest declared in the form. The conflict management plan should include reasonable strategies to mitigate the conflict in the first instance and/or manage the conflict on an ongoing basis.

The conflict management plan should have regard to the 6 controls or strategies to manage conflicts of interest outlined in [RMG 208](#) (the **6 Rs**): **Register, Restrict, Recruit, Remove, Relinquish and Resign**.

The conflict management plan must consider transparency and accountability measures, including communicating declared conflicts to all parties with a need to know, to support you to comply with agreed mitigation or management strategies. This may include sharing the declared conflict with your direct reports, heads of internal integrity teams, other agency heads or statutory office holders, Ministerial Office staff and key stakeholders, as necessary.

This form **must be reviewed and updated** whenever there is a change in your personal circumstances and/or a change in your responsibilities that could give rise to a new real or apparent conflict of interest.

In addition to annual declaration of interests, Agency Heads and Statutory Office Holders **must also declare any activity-based conflicts of interest**, such as those arising from decision-making or participation in procurement activity, grant allocation, contract management, policy consultation with external entities, regulatory activity, recruitment exercises, or investigations, inquiries, or reviews.

As Accountable Authorities, Agency Heads may also have **separate responsibilities** under the PGPA Act for ensuring that conflicts of interest are effectively managed in their agency. This positive duty includes establishing effective risk assessments, controls and treatments are in place, and monitoring and assuring agency compliance.

This form should be completed having regard to:

- the National Anti-Corruption Commission's [Corrupt conduct and conflicts of interest: A guide for public officials](#)



Australian Government
Australian Public Service Commission



- the Department of Finance's [*Resource Management Guide 208: Management of conflicts of interest and confidentiality*](#)
- the Australian Public Service Commission's guidance for agencies and employees on declaring and managing material personal interests
- your agency's Conflict of Interest Policy.



Template Declaration Form

Acknowledgement

By signing this form you acknowledge, as an Agency Head / Statutory Office Holder:

- you have declared details of any real or apparent conflicts of interest to the best of your knowledge
- you are aware of your ongoing obligations to take reasonable steps to **avoid** any real or apparent conflicts of interest in connection with your [statutory duties/Agency Head responsibilities]
- you have **discussed and agreed with your Minister/s** a conflict management plan in relation to any real or apparent conflicts of interest
- you will promptly **advise your Minister/s** *[and relevant COI team in your agency]* of any relevant changes in your personal circumstances
- relevant declarations of immediate family members' material personal interests have also been made and privacy consents obtained and
- failure to avoid and/or disclose any real or apparent conflicts of interest, or to put in place appropriate mitigations where a conflict of interest exists, will be taken into account in your annual performance assessment and may constitute a breach of the Code of Conduct and/or PGPA Act.

Part A: Agency Head / Statutory Office Holder Declaration of material personal interests

Do you have any material personal interests to declare?

☐ Yes ☐ No

Provide details of any material personal interests which could give rise to a real or apparent conflict of interest.

The types of interests and relationships that may need to be disclosed include real estate investments, shareholding, trusts or nominee companies, company directorships or partnerships, involvement in self-managed superannuation funds, other significant sources of income, significant liabilities or debts, gifts, bequests, private business, private legal proceedings, secondary (outside) employment, voluntary activities, donations, professional associations, memberships or affiliations, or family, social or personal relationships that could give rise to a real or apparent conflict with your responsibilities.

You should also disclose in this form other public or official duties or roles at the agency (or elsewhere in the Commonwealth) which may come into conflict with your primary official role or duties at the agency.



Part A: Agency Head / Statutory Office Holder Declaration of material personal interests

Signature		Date	
Surname		First names	

Privacy collection notice: Your personal information is being collected and will be used for the purpose of identifying material personal interests or competing duties that could affect or be affected by (or could reasonably be seen to affect or be affected by) the way you perform your public or official functions or duties. Your personal information will be handled in accordance with the <insert agency name> Privacy Policy at <insert link to agency privacy policy>.



Part B: Declaration of material personal interests - family member

Are there any circumstances in which you consider material interests of a family member/s could affect, or be affected by (or could reasonably be seen to affect or be affected by), your public or official functions or duties?

☐ Yes ☐ No

Provide details of your immediate family member's material interests and how they may create a real or actual conflict of interest with your public or official functions or duties.

Signature		Date	
Surname		First names	



Part C: Declaration of consent - family member

This declaration is to be completed by the immediate family member/s of the Agency Head / Statutory Office Holder in circumstances where the Agency Head / Statutory Office Holder considers that material personal interests of the family member/s could affect or be affected by (or could reasonably be seen to affect or be affected by) the way the Agency Head / Statutory Office Holder performs their public or official functions or duties.

I declare that:

- I am aware that my information is being collected for the purpose of identifying material personal interests I hold that could affect or be affected by (or could reasonably be seen to affect or be affected by) the public or official functions or duties of my family member as an Agency Head / Statutory Office Holder.
- I am aware of the Australian Privacy Principles set out in the *Privacy Act 1988* which authorise the collection, use and disclosure of my personal information for purposes relevant to the management of conflicts of interest in respect of the agency's public officials, and the third parties to whom my personal information may be disclosed.
- I consent to the collection of my personal information by the [agency name].
- The list at **Part B** above of my material personal interests has been prepared on that basis.

Signature		Date	
Surname		First name	
Relationship to Agency Head / Statutory Office Holder			



Part D: Agency Head / Statutory Office Holder Conflict of Interest Management Plan

Further to the disclosure, are actions required to manage the conflict **(as agreed with your portfolio Minister(s)*)**?

☐ Yes ☐ No

If yes, please record the action/s to manage any real or apparent conflicts of interest that arise from your material personal interests or competing duties.

While not an exhaustive list, some examples of appropriate management actions may include: withdrawing from particular discussions, restricting the flow of information, delegating or abstaining from decisions, reassignment of duties, or relinquishing the interest or the position (e.g. relinquishing membership of a Board, selling shares, etc.).

This should also include:

- details of how the conflict arises, including whether the conflict relates to a specific activity, and/or whether the conflict is time-limited (e.g. specific procurement process)
- details of who these actions have been agreed with
- any details in relation to others who will be notified of the conflict to support required actions as part of management plan and
- timeframes for the review of the ongoing appropriateness of actions, and effectiveness of managing the conflict.

Where relevant, supporting documents should be provided or future documentation processes outlined. Updates to this form should be linked and stored with the original declaration.

*Ensure Ministerial agreement to the management plan is appropriately documented and recorded in agency recordkeeping systems.

[Enter details here]

**Review date/recurrence of
Management Plan**



Part E: Post-Separation Obligations

No later than the point at which an Agency Head is inclined to accept an offer of employment outside the APS, they should notify the Secretary of the Department of the Prime Minister and Cabinet, the Australian Public Service Commissioner and their Minister/s about their intentions and any potential conflict of interest arising.

Statutory Office Holders should notify their Minister and their Agency Head, portfolio department Secretary or other senior agency or portfolio officials as appropriate.

Agency Heads and Statutory Office Holders should outline the steps being taken to mitigate any real or apparent conflict risks associated with post-separation employment while still subject to the terms of their appointment.

Initial:	
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