CONFLICT OF INTEREST
Policy

OFFICIAL

DOCUMENT REFERENCE:	**PPP181**		
APPROVAL BY:	Executive		
RESPONSIBLE MANAGER:	CEO		
CATEGORY:	People & Culture		
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RELATED DOCUMENTS:	Legislation:	Public Administration Act 2004 Code of conduct for Victorian Public Sector Employees 2015 Code of conduct for Directors of Victorian Public Entities 2024 Victorian Public Sector Commission Gifts, benefits and hospitality model policy Victorian Public Sector Commission conflict of interest guidance for organisations Public Interest Disclosures Act 2012 (Vic) Privacy and Data Protection Act 2014 Public Records Act 1973 VPSC Model Conflict of Interest Policy AS8001:2008 Fraud and Corruption Control Guidelines	
	Documents:	HR068 Conflict of Interest Declaration Form HR069 Declaration of Private Interest PPP181a Conflict of Interest guidance and examples appendix PPP025 Financial Delegations Policy PPP083 Code of Conduct PPP010 Public Interest Disclosure Guidelines PPP042 Procurement Guideline PPP105 Recruitment and Selection Guideline	

1. Purpose

When we perform our public duties, it is vital that our decision-making is impartial, including fair and apolitical. This helps to maintain public trust in SWTAFE and prevent fraud and corruption.

South West TAFE (SWTAFE or the 'Organisation') requires that all staff members must be free from potential, perceived or actual influences of the kind described herein when dealing with persons or other organisations on behalf of, or in relation to their employment with SWTAFE.

SWTAFE is committed to the Victorian Public Sector values of integrity, impartiality, accountability, respect, leadership and human rights. Management of conflicts of interest supports these values and helps ensure decisions are made in the public interest. SWTAFE requires all employees to identify, declare and manage conflicts of interest in a transparent and timely manner to protect the public interest.

2. Scope

This policy applies to employees of South West TAFE (SWTAFE), contractors, consultants, labour hire employees and other workplace participants where compliance is required by contract or role.

This policy does not apply to Board Directors. Board Directors are governed by PPP181b Conflict of Interest - Board Policy. Where employees support Board or committee processes, they must still comply with this policy and declare any conflict of interest that may arise in connection with those duties.

3. Application

This policy applies whenever a person covered by this policy has a private interest, duty, association or relationship that could influence, or reasonably be seen to influence, how they perform their SWTAFE duties.

This includes conflicts that arise in relation to:

- decision-making
- procurement and tendering
- recruitment and selection
- student assessment or student-related decisions
- financial or non-financial delegations
- external partnerships or sponsorships
- outside employment or business interests
- personal relationships
- access to confidential or sensitive information.

This policy should be read with SWTAFE's:

- Code of Conduct
- Financial Delegations Policy
- Public Interest Disclosure Guidelines
- procurement procedures
- conflict of interest declaration and management forms
- supporting conflict of interest guidance and examples.

4. Policy Statement

SWTAFE requires all employees and relevant workplace participants to place the public interest above private interests.

All actual, potential and perceived conflicts of interest must be:

- identified as early as possible
- declared in writing
- assessed and managed in a transparent, proportionate and risk-based way
- documented as an official record
- reviewed when circumstances change.

Having a conflict of interest is not automatically wrongdoing. Failing to declare or properly manage a conflict may be a breach of this policy.

5. Key principles

SWTAFE applies the following principles when managing conflicts of interest.

Public interest first

Employees must act in the public interest and must not allow private interests, duties or relationships to improperly influence their SWTAFE duties.

Transparency

Conflicts must be declared openly and documented. If there is uncertainty, employees should declare the matter or seek advice.

Accountability

Employees, managers and executives are accountable for identifying, declaring, assessing, managing and reviewing conflicts of interest.

Proportionality

Management actions must be proportionate to the seriousness, likelihood and sensitivity of the conflict.

Independence

High-risk, complex or sensitive conflicts must be escalated to an appropriate independent decision-maker.

Integrity culture

SWTAFE supports a culture where employees are encouraged to raise conflicts early and speak up about unmanaged or concealed conflicts.

6. Definitions

Examples and guidance on private interests and conflicts of interest are provided in PPP181a.

Conflict of Interest

A conflict of interest exists when a private interest could influence, or be perceived to influence, how a person performs their public duties.

A conflict of interest may be:

- **Actual** – a person's private interests directly conflict with their public duties.
- **Potential** – a person's private interests could conflict with their public duties in the future.
- **Perceived** – a fair-minded and informed person could reasonably believe that a person's private interests may improperly influence their public duties.

Conflict of Duty

A conflict of duty is a type of conflict of interest that occurs when a person's SWTAFE duties conflict, or may be perceived to conflict, with duties owed to another organisation, group, role or cause.

Private Interest

A private interest may be financial or non-financial, and may be direct or indirect.

Examples include personal relationships, financial or business interests, outside employment, memberships, affiliations, and other interests that could influence, or be perceived to influence, public duties.

A private interest may be financial or non-financial, and may be direct or indirect. For practical examples, refer to **PPP181a Conflict of Interest Guidance and Examples**.

Direct Private Interest

A direct private interest is a person's own interest.

Indirect Private Interest

An indirect private interest is the interest of another person, organisation or group with whom the person:

- has a close association
- has a recent association
- has an ongoing or enduring interest.

Supervisor

Means Executive Manager, Director of Education, Head of Division (teaching), Department Manager, Teaching Education Manager or Team Leader, whichever is applicable to the staff member as their direct Supervisor.

Declaration of Private Interests (DOPI)

A Declaration of Private Interests (DOPI) is a declaration completed by employees in designated roles to identify private interests that may give rise to a conflict of interest.

7. Responsibilities

SWTAFE employees must perform their duties with integrity and impartiality, consistent with the Public Administration Act 2004 (the Act) and the Code of conduct for Victorian Public Sector employees (the code).

7.1 Employees and other workplace participants

Employees and other persons covered by this policy must:

- act with integrity and impartiality
- place the public interest above private interests
- avoid conflicts of interest where possible
- identify actual, potential or perceived conflicts
- declare conflicts in writing as soon as practicable
- complete required conflict of interest forms
- comply with approved conflict management plans
- notify their manager if circumstances change
- seek advice if unsure whether a conflict exists.

Employees must not take part in a decision, recommendation, approval or activity where they have an unmanaged conflict of interest.

7.2 Managers

Managers must:

- promote awareness of this policy
- support employees to identify and declare conflicts
- assess declared conflicts in a fair and timely way
- develop, approve and monitor conflict management plans
- ensure conflicts are documented and provided to People & Culture
- escalate high-risk, complex or sensitive conflicts
- review management plans when required model transparent and ethical behaviour

7.3 Executives

Executives must:

- promote a culture of disclosure and integrity
- ensure consistent application of this policy across their areas
- provide oversight of high-risk or sensitive conflicts
- ensure appropriate escalation and independent review where required
- support assurance activities relating to conflict of interest management.

7.4 People & Culture

People & Culture is responsible for:

- maintaining the central Conflict of Interest Register for employees

- storing HR068 and HR069 records in restricted access locations
- providing guidance and quality assurance
- supporting consistent application of the policy
- ensuring records are retained in accordance with privacy and records management requirements.

7.5 Audit and Risk Committee

The Audit and Risk Committee will receive a report at least annually on SWTAFE's conflict of interest processes, controls and effectiveness.

8. Identify the conflict

Conflicts of interest aren't always clear to those who have them. Having a conflict is not in itself a sign of wrongdoing. SWTAFE supports a culture of integrity by supporting employees to raise conflicts. Staff should refer to PPP181a Conflict of Interest Guidance and Examples for practical examples of actual, potential and perceived conflicts of interest

Useful questions (the "pub test") include:

- Does my private interest intersect with my SWTAFE role?
- Could it create a perception of bias, favouritism or improper influence?
- What would a fair-minded member of the public make of the situation?
- Could my involvement cast doubt on my integrity or SWTAFE's integrity?
- Am I using, or could I be seen to be using, my SWTAFE role for private benefit?
- If my actions were covered by the media, could it embarrass me or SWTAFE?

If unsure, the employee should declare the matter or seek advice from their manager or People & Culture.

9. High risk conflict of interest areas

Some activities present a higher risk of conflict of interest and require careful assessment. Examples of procurement, recruitment and relationship-related conflicts are provided in PPP181a.

High-risk areas include:

- Procurement, tendering and contract management
- Recruitment and selection
- Delegations and approvals (financial and non-financial)
- Student assessment, enrolment, scholarships, prizes and graduation decisions
- Grants, sponsorships, partnerships and donations
- Outside employment and secondary paid work
- Close personal relationships in reporting lines
- business interests or directorships
- access to confidential or commercially sensitive information
- working with suppliers, family members, former colleagues or close associates
- external committee, board or advisory roles.

High-risk or sensitive conflict matters may require executive oversight, independent review or external probity advice.

Further high risk examples can be located on the VPSC website, link here.

10. Declaring a conflict of interest

Employees must declare actual, potential or perceived conflicts of interest using **HR068 Conflict of Interest Declaration and Management Plan Form HR068**.

Quick Reference Table	
If you are...	**Action**
On a recruitment panel	Complete HR068
Evaluating a tender	Complete HR068
Starting outside employment	Seek approval + HR068
Offered as part of your duties	Complete HR068
Executive Officer	Annual HR069
Financial delegation >$20,000	Annual HR069

A declaration must be made:

- as soon as practicable after the conflict is identified
- usually within five working days
- before participating in the relevant decision, activity or process wherever possible.

The declaration must be updated within five working days of any material change in circumstances.

10.1 When HR068 must be completed

HR068 must be completed:

- whenever an actual, potential or perceived conflict is identified
- for recruitment and selection panels, before shortlisting, to declare a conflict or confirm no conflict exists
- before participating in procurement, tender evaluation, contract management, recommendation or decision-making activities and be managed consistent with VGPB requirements, procurement procedures and any applicable probity plan.
- before undertaking outside employment, paid work, business interests or directorships– prior approval and declaration required.
- where a consensual personal relationship creates, or may create, a direct hierarchical relationship or other conflict
- where a manager directs completion due to the risk profile of the work
- where a DOPI identifies a conflict requiring management. Complete HR068 in addition to HR069.

A declaration may also be required as a precautionary measure, even where no conflict is ultimately identified. This provides evidence that the issue was considered.

11. Managing a conflict of interest

Once a conflict is declared, the manager must assess the conflict and develop a management plan in consultation with the employee.

The management plan must be documented on HR068 and approved before the employee continues participating in the affected matter, unless immediate temporary controls are required.

Management actions must be:

- risk-based
- proportionate
- practical
- clearly documented
- capable of withstanding audit, complaint investigation or probity review.

The person approving the management approach must not be the conflicted individual.

12. Conflict management plan requirements

A conflict of interest management plan is a risk mitigation strategy. It balances the nature and seriousness of the conflict with the public benefit of the employee being involved in the matter. The approach taken must be proportionate to risk and will usually use one or more of the “5Rs” strategies below.

Management responses must be proportionate to the risk presented and must be capable of withstanding external scrutiny, including audit, complaint investigation or probity review.

A conflict management plan must document:

- the nature of the actual, potential or perceived conflict
- the private interest, duty or relationship involved
- the SWTAFE duties, decisions or activities affected
- the assessed risk level
- the agreed management strategy
- any restrictions on the person’s involvement
- the person responsible for monitoring the plan
- review timeframes
- escalation, independent oversight or reporting requirements
- actions required if circumstances change.

Managers must review the plan:

- Managers will review the plan at the intervals set out in the plan.
- Managers will review the plan if any change occurs that may affect the risk level.
- if the conflict is not being effectively managed.

Employees must advise managers of any relevant change as soon as practicable (usually within 5 working days).

Staff should refer to SWTAFE’s supporting Conflict of Interest Guidance, including examples of conflicts of interest and private interests, to assist in identifying whether a matter should be declared. *Please refer to PPP181a Conflict of Interest & Private Interest Examples.*

13. Key risk mitigation strategies (the “5Rs”)

SWTAFE uses the following key conflict management strategies.

Record and monitor

The conflict is formally recorded. Relevant people are informed on a need-to-know basis and the conflict is monitored. If the risk increases, further controls must be applied.

Restrict

The employee’s involvement is limited. For example, the employee may provide factual information but must not participate in recommendations, decisions, approvals or discussions.

Remove

The employee is removed from the matter and must not participate in, influence or be present for related discussions, decisions or approvals.

Recruit

An independent person is appointed to oversee part or all of the matter. This may include an internal reviewer, senior officer or external probity advisor. The independent person must not be a subordinate of the conflicted employee.

Relinquish or resolve

If the conflict cannot be appropriately managed, the employee may need to relinquish the private interest, or SWTAFE may resolve the matter through role adjustments, altered duties, leave arrangements or other employment processes consistent with employment obligations.

14. Escalation of high-risk or complex conflicts

High-risk, complex or sensitive conflicts must be escalated to an appropriate independent decision-maker.

This may include the relevant:

- Executive Manager
- CEO
- People & Culture representative
- internal reviewer
- external probity advisor.

Escalation is required where the conflict involves:

- procurement or tendering
- recruitment for senior or sensitive roles
- significant delegations
- confidential or commercially sensitive information
- external partnerships
- public or reputational sensitivity
- allegations of concealed or unmanaged conflicts
- senior employees or executives.

The decision-maker must be independent of the conflict and, wherever practicable, senior to the conflicted employee.

Quick Reference Table	
Role	**Escalation**
Board Chair/Director	ARC Committee
CEO	Board Chair
Executive	CEO

15. Declaration and management of private interests

The term 'private interests' includes not only an employee's own interests, but also the personal, professional or business interests of individuals or groups with whom they are closely associated, such as relatives, friends, or even rivals and enemies. Both pecuniary and non-pecuniary private interests can conflict with an employee's public duties. Examples of pecuniary and non-pecuniary interests are provided in PPP181a.

It is particularly important to identify situations where an employee's public duties may conflict with pecuniary interests since these situations could give rise to legal consequences if they are not appropriately managed.

Some SWTAFE employees are required to complete a **HR069 Declaration of Private Interests**.

This requirement applies to:

- all Executive Officers
- employees holding a financial delegation of $20,000 or above.

These employees must complete HR069:

- on appointment to the relevant role
- annually after appointment
- within five working days after a relevant change in circumstances.

Private interests may be:

- **pecuniary**: involving actual, potential or perceived financial gain or loss
- **non-pecuniary**: involving personal, professional, community or other affiliations
- related to personal values or loyalties where these may affect, or be seen to affect, public duties.

15.1 Where a DOPI identifies a conflict

If a conflict is identified through a DOPI:

- the manager must note the conflict on the DOPI
- the employee and manager must complete HR068
- the conflict must be assessed and managed under this policy
- the management plan must be recorded and monitored.

Board Directors are governed separately under PPP181b Conflict of Interest – Board Policy.

16. Alleged breach of this policy

SWTAFE will respond to alleged breaches of this policy in a fair, reasonable and proportionate way consistent with employment obligations and applicable codes of conduct.

A breach may include:

- failing to declare a conflict of interest
- failing to update a declaration when circumstances change
- failing to comply with an approved management plan
- participating in a matter despite an unmanaged conflict
- knowingly providing false or misleading information
- concealing a private interest or conflict
- improperly influencing a decision where a conflict exists.

Depending on the circumstances, a breach is considered misconduct or serious misconduct and will managed in accordance with disciplinary processes and contractual remedies

For contractors, consultants and labour hire personnel, a breach may result in contractual or engagement remedies, including termination of engagement.

Where suspected corrupt conduct, criminal conduct or serious integrity concerns arise, SWTAFE may refer the matter to IBAC, Victoria Police, the Victorian Ombudsman or another appropriate external body.

17. Speak Up

Employees are encouraged to speak up if they believe a conflict of interest:

- has not been declared
- is not being properly managed
- has been concealed
- may affect SWTAFE's integrity or decision-making.

Concerns may be raised with:

- the employee's manager
- People & Culture
- an Executive Manager
- SWTAFE's Public Interest Disclosure contact
- IBAC or the Victorian Ombudsman, where appropriate.

Disclosures may be made under SWTAFE's Public Interest Disclosure procedures and the Public Interest Disclosures Act 2012 (Vic), where applicable.

18. Official records, register and confidentiality

Completed HR068 and HR069 forms are official SWTAFE records.

People & Culture will:

- maintain the central Conflict of Interest Register
- record declared conflicts and agreed management actions
- store records in restricted access locations
- limit access to those with a legitimate need to know
- manage records in accordance with privacy and records management requirements.

Managers must ensure declarations and management actions are provided to People & Culture and updated when required.

19. Monitoring, assurance and reporting

SWTAFE will monitor the effectiveness of conflict of interest processes through appropriate quality assurance activities.

These may include:

- review of declarations and management plans
- checks of high-risk areas such as procurement and recruitment
- analysis of register trends and themes
- targeted internal audits
- compliance checks
- data analytics to identify concealed or unmanaged conflicts
- review of timeliness and quality of declarations
- reporting of breaches or control weaknesses
- annual risk assessment of COI across the organisation.

The Audit and Risk Committee and management will receive a report at least annually on the organisation's conflict of interest processes and their effectiveness

20. Privacy and Records Management

SWTAFE will collect, use, store and disclose conflict of interest information in accordance with applicable privacy, confidentiality and records management obligations including the Privacy and Data Protection Act 2014 (Vic) and the Public Records Act 1973 (Vic).

Information will only be shared where required to:

- assess or manage a conflict
- meet legal, employment, audit or probity obligations
- investigate a suspected breach
- comply with reporting or external referral requirements.

21. Training and Awareness

All employees must complete Conflict of Interest training at least biennially, to ensure continual alignment with our Policy.