

1. Relationships

Close personal relationships within SWTAFE exist when a staff member has a relationship arising from being a member of immediate or extended family, or is in a relationship which may give rise to an actual or perceived conflict of interest including relationships of a kind that are matrimonial (including de facto), sexual, business and financial.

Personal Relationships	Personal relationships are private interests. For example: • Family, friends, household member • Professional, business • Rival, enemy Personal relationships can sometimes link to SWTAFE. For example: • a family member who also works in our organisation • a family member who applies for a tender with our organisation • an enemy who may be affected by a decision of our organisation. If a personal relationship (or other private interest) links to SWTAFE, there may be a higher risk of conflict of interest – particularly if it intersects with your work duties. For details see 'Examples of conflict of interest'
Consensual personal relationships between our employees	A consensual personal relationship is a sexual, intimate and/or romantic relationship between consenting adults of any sex or gender identity who are employees of SWTAFE. The relationship: • may be on a casual, periodic or regular basis • may or may not constitute a primary relationship • also includes having a spouse or de facto partner who works in our organisation.
Expectations	If a staff member is in a position by which they need to make decisions/recommendations about a staff member or potential staff member with whom they have a close personal relationship, the staff member must declare this to the supervisor immediately. The supervisor will then advise on the most appropriate course of action to take to mitigate this involvement. This may include but not be limited to: • ensuring that either staff member is not given responsibilities/duties that might give rise to a real or perceived conflict of interest, and/or; • ensuring that the staff member is not involved in decision making or procedures leading to the appointment, promotion, disciplinary procedures or any other determination in relation to employment conditions or entitlements for the other.

Relationships with students	If a staff member is in a position by which they need to make decisions/recommendations about a student or potential student with whom they have a close personal relationship, the staff member must declare this to the supervisor immediately. The supervisor will then advise on the most appropriate course of action to take to mitigate this involvement. This may include, but not be limited to: - reducing or removing the staff member's formal involvement with that student's process of enrolment, supervision, assessment, selection for prizes, graduation, disciplinary matters, etc. - reducing or removing the staff member's capacity to alter the records for a student with whom there is a close personal relationship
Declarable associations	A declarable association is a private interest. It applies to a current or recent association with a person, group or organisation that you are aware or should reasonably suspect of being engaged in serious unlawful activity, now or in the past. It is declarable if a conflict of interest exists (actual, potential or perceived). Certain requirements apply. Follow the guidance issued by the Victorian Public Sector Commission (VPSC)

2. Activities

Private interests include activities you participate in, support or otherwise have an interest in, such as hobbies, cultural, sporting, community, social or other activities.

Sporting Club	You have a private interest in a sporting club if, for example: - you're an avid fan - you play for one of its teams - your children play for one of its teams, and/or; - you volunteer at the club.
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3. Duties and influences

Duty to another organisation or group	A duty to another organisation or group in the public or private sector is a private interest. For example: - a role held with that organisation - being a committee member
Directorships, Board and Committee or Management Positions	If a staff member is considering becoming a director of a public or private company, other than those which are of a charitable or non-profit nature and not in competition with SWTAFE, or formed to deal solely with private affairs, the staff member is required to seek approval as per HR068 Conflict of Interest Declaration Form. The Manager, People and Culture will consider such a request and may grant approval if they are satisfied that there has been a full and complete disclosure as to the circumstances of the directorship, including actual, potential or perceived conflict of interest, and is satisfied that the staff member has undertaken to carry out the duties of the directorship in accordance with section (a) above (including the use of HR068 Conflict of Interest Declaration Form).

	All SWTAFE Board Directors are required to complete a HR069 Declaration of Private Interest Form upon appointment, and update on an annual basis for the term of their appointment
Loyalties and biases	Loyalties and biases are a private interest. For example: • Previous Employer An ongoing loyalty or bias against a previous employer is a private interest • Volunteer Loyalty to an organisation where you volunteer is a private interest • Former registered lobbyists and government affairs directors Being a former registered lobbyist or former government affairs director is a private interest. Follow the guidance issued by the VPSC on this topic.
Affiliations	Your affiliations are a private interest. Like all members of the community, you are entitled to have private interests. In and of themselves, they are not a conflict of interest. They will only become a conflict of interest if it is reasonable for people to believe that your private interest could influence how you perform your public duties. For example, if it is reasonable for people to believe that you may not perform your job in an impartial and apolitical manner. Some examples of affiliations are: • Political affiliations, such as; ○ Being an office officer bearer in a political party, or; ○ Standing for election to state or local government. • Sporting club affiliations Your sporting club affiliations, such as being president or another official. The VPSC offers general guidance on duties, loyalties and biases.

4. Financial

A financial interest is a private interest. It includes existing, potential or future:

- financial holdings and investments
- financial gain
- financial loss.

For example, ownership of real estate or shares is a private interest, including the potential for financial loss or gain relating to those investments.

SWTAFE recognises that engagement in work outside the Organisation can be a valuable means of maintaining industry currency for staff. It is also aware of the conflicts that can arise for staff and the Organisation when managing multiple jobs

Outside employment	Outside employment is a private interest. Before engaging in other paid employment or any business, trade or profession, ensure you seek approval from your manager and complete the Conflict of Interest and Declaration of Private Interest Form.
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Volunteer work	If you intend to undertake volunteer work check whether it raises a conflict of interest. If so, it must be declared. If unsure, discuss with your manager
Paid, unpaid or voluntary work	If involved or intend to be involved in paid, unpaid or voluntary work outside of the Organisation a staff member will need to: • ensure that there is no impact on the fulfilment of duties and performance as part of employment with SWTAFE • make sure that any paid, unpaid or voluntary work occurs outside nominated working hours with SWTAFE • ensure that you have the written approval as per HR068 Conflict of Interest Declaration Form • do not utilise SWTAFE resources, equipment or facilities without specific, written authorisation from the appropriate management as per HR068 Conflict of Interest Declaration Form • clearly separate duties of SWTAFE from other approved responsibilities and ensure that all stakeholders fully understand that a conflict of interest has been declared Specifically, in relation to other paid employment a staff member must: • ensure that SWTAFE functions remain a priority at all times while working your SWTAFE nominated work roster
Personal interest which may affect an Organisation financial transaction	Declare any personal interests you may have which may affect any Organisation financial transactions and avoid conflicts of interest (actual and perceived) which may bring the Organisation into disrepute. Comply with the expectations within PPP181 Declaration of Interest Policy. In Particular: • you must not influence the awarding of any contract in which you have an interest • you must maintain independence in any dealing with external parties, e.g., suppliers, consultants or contractors, etc. • must not give gifts or benefits to any person seeking to conduct business with SWTAFE, beyond common courtesies consistent with ethical and accepted business practice Refer to PPP026 Gifts, Benefits and Hospitality Policy

5. Conflict of Interests

The risk of having a conflict of interest depends on a mix of factors such as:

- SWTAFE's functions
- your work role
- the operating environment
- your private interests

Example 1 – Grants program for sporting clubs	The organisation you work for is making decisions about which sporting clubs will receive a grant under a new grants program. You have a private interest in your local sporting club, which is applying for one of the grants. Your private
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	interest is that you are an avid supporter of the club and it is where your children play. If your work is unrelated: If your job is unrelated, for example you work in the transport and logistics area of your organisation, your private interest in the sporting club will not be a conflict of interest. It does not need to be declared. This is because your work duties do not include making or influencing decisions about the grants program. If your work duties relate to the grants program: If your work duties involve making or approving any decisions about the grants program, you have a conflict of interest that must be declared. Even if you are certain that you will not be influenced in your decision-making, there is a perceived conflict of interest. This is because it is reasonable for people to believe that your private interest may influence your impartiality in your decision making. A plan will be developed to manage the conflict proportionate to the risk. • Possible management plan: A suitable management plan could be for you to be removed from taking part in or being present for any discussion or decision-making about the grants program or its approval process. This includes not taking part in any discussion or decisions about applications by other clubs. (There is a limited pool of funds. What other applicants receive may affect your club's chances.)
Example 2 – Assessing tenders where a family member is bidding	A family member is bidding to supply services to the public sector organisation you work for. Your relationship with your family member is a private interest. If you work is unrelated: If you work in another part of the organisation and have no connection to or influence over the tender process, you do not have a conflict of interest. If your work duties relate to the tender: If you are part of the decision-making process for the tender or you have influence over it, you have a conflict of interest that must be declared. Even if you are certain that you will not be influenced in your decision-making, there is a perceived conflict of interest. This is because it is reasonable for people to believe that your private interest may influence your impartiality in your decision making. A plan will be developed to manage the conflict proportionate to risk. • Possible management plan: A suitable management plan could be for you to be removed from taking part in or being present for any discussion or decision-making in relation to this tender or the approval process for it.
Example 3 – Recruitment and selection panel	Sam is asked to be on a recruitment and selection panel. The panel will be selecting the recommended choice for a policy officer job in the team that Sam is a member of. The organisation's policy is to require that, as a precautionary measure, all members of the panel complete a conflict of interest declaration form, even if they do not have a conflict of interest. This provides a written record that the question of conflict of interest has been considered by each member of the panel and the result. It occurs prior to the shortlisting process.

	When all the applications have been received, they include: • an application from a member of the team that Sam works in • an application from the former spouse of Jo, who is another panel member. Both Sam and Jo set out their conflicts of interest on their declaration form. The other panel member, May, who is the chair of the panel, records on her own declaration form that she does not have a conflict. • Sam – Possible management plan: The chair of the panel will decide on a suitable conflict of interest management plan in consultation with Sam. The discussion between the chair and Sam about a suitable management plan concludes that Sam has a perceived conflict of interest that is low risk. A suitable plan could be for the chair to: ○ record the conflict ○ advise the other panel member ○ monitor that the risk level does not rise, and ○ in conjunction with the other panel member, support impartial decision-making by Sam. • Jo – Possible management plan: Jo has a conflict of interest that is higher risk. The discussion between the chair and Jo about a suitable management plan revealed that Jo has an acrimonious relationship with their former spouse who is an applicant for the job. In this case, a suitable plan is likely to be for Jo not to take part in the recruitment process in any way. A new panel member will need to be appointed instead. This needs to occur prior to the panel commencing their review of the applications and shortlisting who will be interviewed.
Example 4 – Political affiliations or duties	Bronte supports a micro party that campaigns for the removal of all toxic materials from residential areas. Campaigning is about to commence for the upcoming state election. Bronte intends to hand out leaflets at polling booths. When campaigning, Bronte must comply with the conflict of interest obligations in the employee code of conduct and her employer's conflict of interest policy. She must also comply with the related obligations on public comment. For more information see the VPSC Guide for employees during election periods. Scenario – Handing out leaflets: The leaflets that Bronte will be handing out are critical of the government's policy on managing toxic sites. • Unrelated to work duties: If the topic is unrelated to Bronte's work duties – for example, Bronte is a public sector accountant – she does not need to lodge a conflict of interest declaration form because a conflict is unlikely to arise. • Related to work duties: The closer that Bronte's private interest in removing toxic materials from residential areas intersects with her work duties, the more likely that a

conflict of interest exists (actual, potential or perceived), and the stronger the conflict is likely to be.

For example, if Bronte's work duties include conducting research that will be taken into account when developing policy on toxic waste, this will be a strong conflict of interest.

If a conflict of interest exists (actual, potential or perceived), Bronte must lodge a conflict of interest declaration form with her manager.

A plan will be developed to manage the conflict proportionate to the risk.

To assist Bronte, the plan should also refer to her public comment obligations under item 3.5 of the code and any relevant policy of the organisation. For example, a social media policy may exist.

Scenario – Duties as an office bearer:

Bronte is appointed as a party office bearer. Even if Bronte works in an unrelated area as an accountant, the risk of a conflict of interest will be heightened. This is because people will be more likely to question whether Bronte will be apolitical when performing her public sector duties.

As a precaution, Bronte must lodge / update a conflict of interest declaration with her manager to:

- confirm no conflict of interest exists, or;
- declare a conflict exists (actual, potential or perceived).

Bronte's manager will consult with her to develop a plan to manage any conflict of interest proportionate to the risk.

To assist Bronte, the plan should also refer to her public comment obligations under item 3.5 of the code and any relevant policy of the organisation. For example, a social media policy may exist.

6. Other Circumstances

It is not possible to define all potential areas of conflict of interest. Staff members are required to declare to the Supervisor any conflict of interest that arises or is likely to arise. If a staff member is in doubt as to whether a conflict exists, raise this with the Supervisor.

If a conflict of interest is determined, [HR068 Conflict of Interest Declaration Form](#) must be completed.

The Supervisor is required to implement relevant controls to manage any risk around the actual or perceived conflict of interest. The impacted staff member will need to operate within the relevant controls implemented.

In circumstances where the CEO has a perceived conflict of interest, the decision making relating to the issue lies with the Board Chair. In such circumstances the Board Chair shall determine the matter in accordance with these procedures.