

1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Guideline authority

This guideline was issued by Commander Professional Standards using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

3. Introduction

This guideline establishes conflict of interest requirements that all AFP appointees must follow to help control risk to the AFP, including reputational risk and to control [enterprise risk 2: culture, standards and integrity](#). It sets out the requirements for identifying, disclosing, reporting and managing all conflicts of interest for appointees including declarable associations.

It supports the [AFP Commissioner's Order on Professional Standards \(CO2\)](#) which requires AFP appointees to disclose and take reasonable steps to avoid any conflict of interest (actual, perceived or potential) with their AFP duties or appointment.

This guideline provides a framework for the AFP and its appointees to control the risks and consequences associated with conflicts of interest.

4. Policy

The reputation and integrity of the AFP is critical to the success of its business in keeping Australia secure from criminal threats. AFP appointees must ensure their actions in both an official and private capacity do not impact their impartiality or that of the AFP. The avoidance, disclosure and management of

conflicts of interest are a key pillar to protecting the impartiality of the AFP and supports its ability to continue operating with the trust of the Australian Government and community.

All conflicts of interest present personal, operational and organisational risks and therefore must be identified, disclosed, reported and managed appropriately.

Even where there is no evidence of improper action, the mere perception or future possibility of impropriety may be sufficient to undermine confidence in a person's ability to act properly.

5. What is a conflict of interest?

A conflict of interest arises where an AFP appointee's private interests are seen to be incompatible with the public interest or an appointee's ability to perform their official AFP duties.

A conflict of interest can be actual, perceived or potential:

- **Actual conflict of interest** refers to a direct conflict of interest where an AFP appointee's private interests directly impact on their impartiality or result in an incompatibility with the public interest/official AFP duties.
- **Perceived conflict of interest** means a conflict of interest which a reasonable person outside the AFP would consider to impact the AFP appointee's impartiality or result in an incompatibility with their official duties, whether or not the influence actually occurs.
- **Potential conflict of interest** is where a conflict of interest has not yet manifested, but where an AFP appointee's private interests may, in the future, impact on their impartiality or result in an incompatibility with the public interest/official AFP duties.

A conflict of interest also includes declarable associations, situations where a person has been offered a gift or benefit or when providing a personal or commercial reference.

Declarable associations are when an AFP appointee has a private affiliation with an individual, group, event or organisation that could impact on the reputation or integrity of the appointee and consequently the AFP.

More information on the types of declarable associations that exist can be found in the [Better Practice Guide on Conflicts of Interest](#).

Gifts or benefits are where an AFP appointees is offered or receives a gift or

benefit based on their employment status with the AFP. AFP appointees must be aware of their obligations in regards to gifts and benefits and further information is located in the [AFP National Guideline on gifts and benefits](#).

Providing a personal reference: AFP appointees providing references must ensure the information given does not compromise the integrity and reputation of the AFP.

AFP appointees may provide a personal reference in a personal capacity on character grounds for employment purposes. When providing this reference AFP appointees must clearly state that these opinions are their own, not on behalf of the AFP. Approval to provide this personal reference is not required in this instance.

If a character reference is required for other matters, the AFP appointee must seek approval from their manager/commander.

For further information on references, refer to the [Better Practice Guide on Conflicts of Interest](#).

6. Avoiding and identifying a conflict of interest

All AFP appointees have a duty to actively monitor for conflicts of interest (actual, perceived or potential) and routinely consider the relationship between their private interests and their official duties with the AFP.

AFP appointees must:

- take reasonable steps to avoid conflicts of interest, and
- identify when actual, perceived, or potential conflicts of interest occur.

Supervisors have a duty to actively monitor for conflicts of interest and consider the risks of conflicts arising within their teams.

Supervisors must ensure:

- they are aware of any risk factors which may contribute to conflicts of interest in their work area
- their team is aware of the relevant policy and procedures
- they routinely monitor their team and any conflicts of interest risks that they are exposed to

Further information on identifying a conflict of interest can be found in the [Better Practice Guide on Conflicts of Interest](#).

7. Reporting and recording Conflicts of Interest

All conflicts of interest must be recorded in an [Integrity Report](#) as described in the [AFP National Guideline on integrity reporting](#).

An Integrity Report must be completed after the AFP appointee has disclosed the conflict of interest to their supervisor and discussed a conflict of interest management strategy.

The Integrity Report must include:

- whether a risk assessment has been conducted and, if so, by whom, noting the risk level identified (low/medium/significant/high/critical)
- the actions to be taken by the AFP appointee and supervisor in managing the conflict of interest
- a review date if the conflict requires ongoing monitoring

An AFP appointee who is unclear as to whether particular circumstances constitute or may in the future constitute a conflict of interest, should discuss the concern with their supervisor, where practicable, or contact the [s 47E\(d\)](#) [Team](#) for advice.

If an AFP appointee suspects that another AFP appointee may knowingly have an unreported conflict of interest they must report it, first via their supervisor and then via an [Integrity Report](#) to PRS. The [s 47E\(d\)](#) [Team](#) provides further advice on whether the matter must be reported on ServiceNow as a conduct issue.

[Declarable associations](#)

Where the conflict of interest relates to a declarable association, an AFP appointee must also submit a [Change of circumstances form](#) as per the [AFP National Guideline on personnel security](#).

[Operational conflicts](#)

If the conflict of interest relates to a specific operation, the AFP appointee must also record a case note entry in the relevant PROMIS case.

Further details on recording an operational conflict of interest can be found in the [Better Practice Guide on Conflicts of Interest](#)

Ongoing or unresolved conflicts

AFP appointees must provide PRS and, where appropriate, their supervisor with regular updates on the status of unresolved conflicts of interest. This includes submitting regular Integrity Reports for any unresolved or ongoing conflicts of interest.

Procurement conflicts

AFP officials involved in a procurement process, including contractors, business advisers and probity advisers, must make a written declaration of any potential, actual or perceived conflicts of interests prior to taking part in the process and must update those declarations if any potential, actual or perceived conflict of interest arises during the process.

Further information can be located in the [National Guideline on procurement and contracting](#)

SES conflicts

SES employees are subject to a specific regime that requires them to submit, at least annually, a written declaration of their own, and their immediate family's financial and other interests, that could involve an actual, perceived or potential conflict of interest. Included in the SES employee's annual declaration is membership to the Qantas Chairman's Lounge and/or the Virgin Beyond Lounge.

If the membership of these lounges has been renewed in the last year this must be recorded on a Record of Gift/Benefit Offered to an AFP Official form as per the [AFP National Guidelines on gifts and benefits](#).

Further information can be located in the [Better Practice Guide on SES Declaration of Person, Financial and Other Interests](#)

8. Managing a conflict of interest

While avoiding conflicts of interest is preferable, there may, in practice, be situations in which a conflict of interest cannot be wholly avoided and needs to be managed to ensure the AFP appointee is acting in the public interest and maintaining impartiality within their official duties.

Supervisors, in collaboration with the AFP appointee, are responsible for identifying strategies to manage a conflict of interest.

An AFP appointee must not manage their own conflict of interest.

Risk assessment

Prior to committing to a management strategy, AFP appointees and their supervisors must consider the risks posed by any identified conflict of interest. This should occur in accordance with the general principles of the [AFP National Guideline on risk management](#).

When assessing the risk, AFP appointees must consider various potential outcomes from a conflict of interest, including the potential for corrupt conduct. Further details can be found in the [Better Practice Guide on Conflicts of Interest](#). Once a conflict of interest management strategy has been created, it must be approved by the relevant coordinator/superintendent (or above). AFP appointees and their supervisors must then record the management strategy and include this information in an [Integrity Report](#).

Further information on management strategies, risk assessments and supervisor responsibilities can be found in the [Better Practice Guide on Conflicts of Interest](#).

9. Consequences of non-compliance

Disclosing a conflict of interest is not an automatic conduct issue; however, circumstances and behaviours around a conflict of interest, such as a failure to report or appropriately manage a conflict of interest may result in a Category 3 conduct issue. These conduct issues are investigated by Professional Standards under Part V of the *Australian Federal Police Act 1979*.

A Category 3 finding may result in disciplinary action, which may include termination of employment.

Further, some behaviours involving conflicts of interest may constitute a criminal offence, such as Abuse of Office which can result in criminal charges pursuant to section 142.2 of the [Criminal Code Act 1995](#).

Declarable associations

Maintaining and refusing to relinquish a significant declarable association is a breach of the [AFP Code of Conduct](#) requiring immediate action in accordance with the [AFP National Guideline on complaint management](#).

Computer or information access

In the context of computer or information access, any access motivated by a private interest is a conduct issue that is dealt with in accordance with the [AFP National Guideline on complaint management](#).

10. Confidentiality

Supervisors must consider an AFP appointee's personal privacy when dealing with a conflict of interest and ensure access to records about the conflict is limited to those who need to be involved. Any case note entries about conflicts of interest should not contain unnecessary private details.

If a conflict of interest cannot be managed and kept confidential simultaneously, then managing the conflict must take priority.

Any difficulty in maintaining confidentiality should be discussed with the AFP appointee prior to the conflict being discussed more broadly. All alternative management options should be considered prior to divulging any details.

11. Further advice

Queries about the content of this guideline should be referred to the Coordinator Prevention and Integrity Compliance through the [Team](#). s 47E(d)

12. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth).

AFP governance instruments

- [AFP Commissioner's Order on professional standards \(CO2\)](#)
- [AFP National Guideline on complaint management and resolution of grievances](#)
- [AFP National Guideline on deployment to International Command missions](#)
- [AFP National Guideline on information management](#)

- AFP National Guideline on integrity reporting
- AFP National Guideline on sensitive investigations
- AFP National Guideline on recruitment
- AFP National Guideline on risk management
- AFP National Guideline on secondary work or volunteering
- AFP National Guideline on procurement and contracting
- Better Practice Guide on conflicts of interest.

13. Shortened forms

AFP	Australian Federal Police
CO2	AFP Commissioner's Order on Professional Standards
PROMIS	Police Real-time Online Management Information System
PRS	Professional Standards

14. Definitions

AFP appointee means a Deputy Commissioner, an AFP employee, special member or special protective service officer and includes a person:

- engaged overseas under s. 69A of the *Australian Federal Police Act 1979* (Cth) (the Act) to perform duties as an AFP employee
- seconded to the AFP under s. 69D of the Act
- engaged under s. 35 of the Act as a consultant or contractor to perform services for the AFP and determined under s. 35(2) of the Act to be an AFP appointee.

(See s. 4 of the Act.)

Conduct issue means "AFP conduct issue" as defined in s. 4 of the Act.

Operational conflict of interest means a conflict of interest that arises in relation to the AFP appointee's operational duties.

Private interest means anything that can affect an AFP appointee's ability to be impartial or to act properly in serving the public interest/performing their official AFP duties. This includes situations where the AFP appointee may obtain a benefit or advantage for themselves, or for another person. Private interests include social, community, professional and business interests and those of any person(s) or organisation(s) with whom a person associates with.

Professional Standards means the functional business area that has the responsibility for managing AFP professional standards issues in accordance with [C02](#).

Public interest is an ideal that is central to the concept of democratic government and administration. Acting in the public interest means carrying out official duties and making decisions for the benefit of the public served by government, in a fair and unbiased way.

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