

# AFP National Guideline on conflicts of interest

## 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** 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 the National Manager Workforce Development and Culture 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 reporting requirements to be followed by all AFP appointees. It sets out the general procedures for identifying, reporting and managing personal, operational and organisational conflicts of interest and 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.

## 4. Policy

The actions of AFP appointees, both in an official and private capacity, must not give rise to a reasonable suspicion of bias in relation to AFP activities. The reputation and integrity of the AFP is critical to the success of its business in keeping Australia secure from criminal threats. The conflict of interest reporting requirements are designed to protect the integrity and effectiveness of AFP operations and maintain the confidence of the government and the community in the integrity of the AFP and its appointees.

## 5. Types of conflicts of interest

The broad range of duties and the significant diversity of personal interests of AFP appointees make it impossible to list every potential conflict of interest situation; however, adhering to the common principles of this guideline will assist in avoiding problems arising from a conflict of interest.

For a comprehensive list of the types of conflicts of interest, refer to [Attachment 1 - Conflict of Interest Reference Material](#).

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

## 6. Identification and management

Identifying a conflict of interest is not an automatic conduct issue; however, circumstances and behaviours around a conflict of interest and/or failure to report and manage a known conflict of interest may result in a Category 3 conduct issue and would be investigated by Professional Standards (PRS) under Part V of the *Australian Federal Police Act 1979* (Cth).

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AFP appointees who suspect that another AFP appointee may knowingly have an unreported declarable association or conflict of interest must report it to PRS.

Doubt about whether a conflict of interest must be reported through CRAMS as a conduct issue or via an [Integrity Report](#) should be resolved by seeking advice from PRS through the [PRS Early Intervention Team](#).

All conflicts of interest must be managed transparently by both the AFP appointee and their supervisor.

To identify conflicts of interest, AFP appointees must routinely consider the relationship between their private interests and their responsibility to act in the public interest by considering:

- current and former relationships, family, friends, rivals and enemies
- social networking accounts, online dating sites, etc.
- close personal association with employees working in organisations whose values are inconsistent with the values of the AFP
- declarable associations, such as, but not limited to:
  - foreign nationals outside of official AFP duties
  - journalists and media figures
  - public figures (e.g. politicians or celebrities)
  - clients or contractors of the AFP
  - former AFP or Australian Protective Service appointees
  - former members of any law enforcement or intelligence agencies
  - criminal entities (other than those utilised or targeted for official purposes)
- declarable associations with or obligations in relation to:
  - sporting bodies, clubs and associations
  - political, trade union or professional organisations or other groups and individuals
  - community, ethnic, family or religious groups
- financial and economic interests such as shares, assets, trust funds or debts
- holding a supervisory position which has the managerial responsibility for a position held by a family member and/or an AFP appointee with whom there is an intimate relationship
- employed in the same working environment as a family member or an AFP appointee with whom there is an intimate relationship
- participating in a selection panel whose outcome may result in the recruitment or promotion or transfer of a family member, close friend or appointee with whom there is an intimate relationship, as per the [AFP National Guideline on recruitment](#)
- involvement in any relationship (including where the relationship arose as a result of performing official duties) that can undermine the objectivity of the member in the performance of their duties, and that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position, including a position of power or trust (refer also to section 39 of the AFP National Guideline on deployment to International Operations missions).
- secondary employment, in accordance with the [AFP National Guideline on secondary work or volunteering](#)
- future employment prospects or plans (i.e. post separation employment).

After considering the above relationships, AFP appointees must report any declarable associations in accordance with the [AFP National Guideline on integrity reporting](#).

An AFP appointee who suspects they may, but is unclear as to if they do, have an actual, perceived or potential conflict of interest or declarable association, should discuss the concern with their supervisor, where practicable, or contact the [PRS-Early-Intervention Team](#).

AFP appointees must avoid conflicts of interest or, where unavoidable, take reasonable steps to manage them, by:

- restricting the extent to which a private interest could compromise and/or be seen to compromise impartiality

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- abstaining from involvement in official decisions and actions that conflict with private interests, affiliations and associations
- refraining from involvement in any relationship that appears to involve, partiality, preferential treatment or improper use of rank or position, including a position of power or trust
- avoiding activities where they could be seen to benefit from having access to restricted information
- avoiding any situation where the functions of the AFP may be impacted by a perceived conflict of interest, even if they are acting lawfully.

## 7. Reporting and recording requirements

AFP appointees must report all conflicts of interest via an [Integrity Report](#) as described in the [AFP National Guideline on integrity reporting](#).

AFP appointees must provide PRS and, where appropriate, their supervisor with regular updates on the status of unresolved conflicts of interest.

Resolved conflicts of interest which arise again must be reported as above.

**Note:** A single declaration will not cover your reporting obligation and a report should be submitted annually for any unresolved conflicts of interest.

On receipt of a reported operational or organisational conflict of interest by an AFP appointee, the supervisor must:

- record the circumstances in an official AFP notebook, diary or field book, or in an official minute from the AFP appointee, detailing the:
  - conflict of interest or declarable association
  - nature of the conflicting AFP duty, role or responsibility
- assess the risk posed by the conflict
- work with the AFP appointee and determine an appropriate management strategy
- where appropriate, inform senior management of the conflict of interest and seek their advice on management options.

Supervisors must also ensure:

- they are aware of the risk of conflicts inherent in their work area (e.g. human source management is inherently risky)
- their team is aware of the relevant policy and procedures
- they monitor their team and the risks they are exposed to
- they maintain all records/reports in accordance with the [AFP National Guideline on information management](#).

If circumstances (e.g. an emergency situation) delay a written report, the AFP appointee should report the conflict to their supervisor or another senior AFP appointee orally and consult on appropriate management strategies. The details of the conflict and the attempts to resolve it must be recorded as soon as practicable.

Where family members or AFP appointees involved in an intimate relationship become aware they will be (or are) in the same working environment, they must notify their supervisor. When a supervisor becomes aware that there may be family members or AFP appointees involved in an intimate relationship within the same working environment, they must confirm this with the AFP appointees, and then ensure a risk assessment is conducted.

It is at the manager's discretion to manage the employment of family members or AFP appointees involved in an intimate relationship in the same working environment on a case by case basis. Where a decision is made that the family members/AFP appointees involved in an intimate relationship can remain in the same working environment, the manager must ensure there is a definite separation in performance reporting chains and the family members/AFP appointees involved in an intimate relationship are not assigned to the same teams.

### PROMIS records

Where an operational conflict of interest has been identified which is related to a PROMIS case, the AFP appointee must also record a decision case note entry in the relevant PROMIS case log. The case note should be titled 'conflict of interest' and only state that there has been an operational conflict of interest identified.

The AFP appointee must not access any AFP records (including the PROMIS case) for information relating to the conflict of interest or any associated information. AFP appointees should also take care not to record unnecessary private details in case notes.

### Private conflict of interest/Declarable association

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](#).

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

### Other conflicts of interest

There are specific reporting requirements and/or the need to consider conflicts of interest within other governance instruments; however, they do not necessarily use the term 'conflict of interest'. A list of these instruments is available at [Attachment 1 – Conflict of Interest Reference Material](#).

## 8. Management strategies

Prior to committing to a management strategy, AFP appointees and their supervisors should consider the risks posed by any identified conflict of interest 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.

Some possible risks and their impacts are detailed in [Attachment 1 – Conflict of Interest Reference Material](#).

### High risk operational conflicts of interest

AFP appointees must consider the potential high risk to their integrity and the reputation of the AFP where 'major' consequences are identified as 'likely' from a conflict of interest.

High-risk situations include operational conflicts of interest involving:

- investigating a politically sensitive matter, in accordance with the [AFP National Guideline on politically sensitive investigations](#)
- investigating or exercising police discretionary powers against an individual, company, business or association in which the AFP appointee has a direct interest or close personal association, or has a close personal association with someone who has a direct interest.

Supervisors must ensure all high-risk operational conflicts of interest:

- details are reported to the relevant functional manager
- management strategies are approved by the manager one removed.

AFP appointees involved in ongoing high-risk operational conflicts of interest should, where practicable, be immediately removed from further involvement.

If the relevant functional manager (or above) authorises the decision to not remove an AFP appointee from a high-risk situation, the reasons must be recorded by the supervisor in the original 'conflict of interest' decision case note entry, along with a date set to review the effectiveness of the alternative management strategy. The strategy must be reviewed on the set date and an update added to another 'conflict of interest' decision case note entry.

## Management strategy process and monitoring

[Attachment 2 – Practical Approaches to Managing Conflicts of Interest](#) outlines the process which should be applied to managing all conflicts of interest.

Once discussed and negotiated, the AFP appointee and their supervisor must record the management strategy, including any agreed actions and timeframes in the same manner as described at s. 7 of this guideline.

The management strategy for operational conflicts of interest recorded in a PROMIS case note entry must only be recorded in PROMIS by the supervisor. If the conflict is likely to last for an extended period of time without change, the case note entry must include a mandatory review date to ensure the effectiveness of the management strategy is reviewed.

Any change in circumstances for an ongoing conflict of interest must be recorded by the AFP appointee and their supervisor. Where required, a new 'conflict of interest' decision case note entry should be recorded by the supervisor, detailing how the new circumstances will be dealt with.

## Approving

AFP authorisers must consider each management strategy on a case-by-case basis. Their primary considerations should be to:

- consider the AFP appointee's current role
- maintain the integrity of the AFP
- minimise the potential for misconduct
- ensure the efficient performance of the AFP.

If necessary, AFP authorisers may vary or revoke a management strategy after consultation with the relevant AFP appointee.

## 9. 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.

## 10. Further advice

Queries about the content of this guideline should be referred to the Coordinator Prevention and Integrity Compliance through the [PRS-Early-Intervention Team](#).

## 11. 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](#)
- [AFP National Guideline on deployment to International Operations missions](#)

- AFP National Guideline on information management
- AFP National Guideline on integrity reporting
- AFP National Guideline on politically sensitive investigations
- AFP National Guideline on recruitment
- AFP National Guideline on risk management
- AFP National Guideline on secondary work or volunteering.

## 12. Shortened forms

<b>AFP</b>	Australian Federal Police
<b>CO2</b>	AFP Commissioner's Order on Professional Standards
<b>CRAMS</b>	Complaint Recording and Management System
<b>PROMIS</b>	Police Real-time Online Management Information System
<b>PRS</b>	Professional Standards

## 13. Definitions

**Actual conflict of interest** refers to a direct conflict between an AFP appointee's private interests and official AFP duties.

**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.)

**AFP authoriser** is an AFP employee appointed as a senior executive pursuant to s. 25 of the Act.

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

**Conflict of interest** means a conflicting obligation, loyalty or other improper influence to which an individual is subject in the course of a relationship or activity. It may involve an actual, perceived or potential conflict between an AFP appointee's responsibilities in serving the public interest/official AFP duties, and the AFP appointee's private interests. Conflicts of interest can arise from both avoiding personal losses and gaining personal advantage – whether financial or otherwise.

**Declarable association** means a private affiliation with an individual, group, event or organisation that could impact on the reputation or integrity of the AFP appointee and consequently affect the AFP and its activities. Declarable association is further defined in s. 6 of this guideline.

**Family member** includes a current or former spouse, partner, de facto, same-sex relationship, child, sibling, parent and extended family member.

**Foreign national** means an individual who is neither an Australian citizen nor a permanent resident of Australia.

**Intimate relationship** excluding those captured under 'family member', this includes interpersonal (sexual) relationships (non-cohabitating) and extra marital relationships.

**Manager one removed** means a supervisor's supervisor; usually a coordinator/Band 9, senior executive employee or a statutory office holder under the Act.

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

**Organisational conflict of interest** mean a conflict of interest that arises from an association with a person, group or organisation which is involved (or perceived to be involved) in an activity that is incompatible with the AFP's values and law enforcement role.

**Perceived conflict of interest** means the appearance of a conflict between an AFP appointee's private interests and official AFP duties which could be seen to influence the AFP appointee in performing those duties, whether or not the influence actually occurs.

**Potential conflict of interest** is where an AFP appointee's private interests could conflict with their AFP official duties or AFP's interests in the future.

**Private interest** means anything that could affect an AFP appointee as an individual, including a benefit or disadvantage to themselves or 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 [CO2](#).

**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.

## 14. Attachments

- [Attachment 1 – Conflict of Interest Reference Material](#)
- [Attachment 2 – Practical Approaches to Managing Conflicts of Interest.](#)

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