



Factsheet

# Conflict of Interest Factsheet for MOP(S) Act Staff and Volunteers

This guidance is intended for people working or volunteering in Commonwealth parliamentary offices. A conflict of interest exists when it appears likely or could be perceived that a *Member of Parliament (Staff) (MOP(S)) Act 1984* employee or volunteer working in an electorate office is unduly influenced by a personal interest while undertaking the duties of their role. Conflicts of interest can vary in seriousness and may change over time depending on personal circumstances and working arrangements.

## What constitutes a conflict of interest?

Types of conflicts include:

- **Real** - where there is a direct conflict between the duty an employee has to their employing parliamentarian and their personal interests which affects the employee in the performance of their job. For example, real conflict could occur where you show preferential treatment to family or friends or the companies that they own and work for.
- **Apparent** - where it appears, or could be perceived, that the employee's personal interests are improperly influencing the performance of their official duties – whether or not that is the case. For example, receiving gifts or hospitality in the context of your work could be considered an apparent conflict if the person doing the gifting then meets with your employing parliamentarian or has access to sensitive information.
- **Potential** - where personal interests are not, but could, come into direct conflict with official duties. For example, financial interests such as shares or real estate could be considered a potential conflict in situations where your business area is making policy decisions that may affect the value of those interests.

When considering individual circumstances, remember that you don't need to act improperly for a conflict of interest to exist. It may simply be that your personal interests could influence or appear to influence your professional judgement or duties. If in doubt, it is always best to **disclose the conflict**, agree with your manager how to **manage it**, and **document** this agreed approach.

## What should I do if I think I have a conflict of interest?

Discuss any conflict with your manager or employing parliamentarian as soon as it arises. In this conversation, your manager may determine that no action is required, or they may ask you to declare the conflict in writing. You should keep a record of your declaration/discussion.

### Case study

Jane works part-time in an electorate office. She recently received an offer for a part-time job in a local consultancy firm.

#### ✓ **Declare the Conflict**

Before accepting the offer, Jane decided to discuss it with her manager to ensure that there would be no conflict of interest. Jane explained the nature of the consultancy job and assured her manager that she would perform her other commitments outside of her working hours without using any office resources.

#### ✓ **Agree Management Action**

Jane's manager assessed the situation and determined that the second job did not pose a real conflict of interest. They agreed that Jane would need to keep the work strictly separate from her MOP(S) duties and report any changes in her circumstances that might affect the arrangement. Jane's manager determined that adequate management action would prevent the conflict from escalating and that restricting Jane's access to some decision-making processes would be appropriate. Jane agreed that in a circumstance where the consultancy posed a real conflict to her duties in the electorate office, Jane would not accept the work and if needed, would relinquish the role.

#### ✓ **Document Agreed Approach**

Jane's manager kept a written record of the conversation and the agreed terms. They also set a six-month review to ensure that the part-time job continues to have no adverse impact on her role.

## I have declared a conflict of interest, what happens next?

Your manager or employing parliamentarian will determine the level of risk associated with the conflict of interest, and whether that risk can be effectively managed. Higher risk conflicts may require a plan to be developed with documented actions that are needed to reduce the risk to an acceptable level. Types of actions that could be taken include:

- rearranging, restricting or reassigning duties. Your employing parliamentarian can determine the duties of your role which may be permanent or temporary. This may include another employee being the decision maker on topics that conflict with your private interest.
- restricting the flow of information. You may not be included in meetings or email chains relating to some aspects of work that the office is carrying out.
- setting out a process by which an authorised person provides additional supervision or oversight on certain decisions or duties. Your manager may review your work including more routine tasks.
- relinquishing the private interest. You may decide not to accept the outside employment role or to sell shares that conflict with your parliamentarian's portfolio.

The agreed steps to reduce the risk of a conflict of interest should be documented, such as in an email, a file note or a declaration form.

Personal and professional circumstances can and will change regularly. When determining next steps in managing a conflict, it is important to set a review point to ensure that things put in place to manage

the conflict are still appropriate to the situation. This can be done as frequently as required however it is a good habit to review conflicts of interest at least annually.

If your circumstances change before the review point, you should discuss this with your manager or employing parliamentarian.

## Why should I declare a conflict?

Declaring a conflict ensures transparency. The Behaviour Standards for Commonwealth Parliamentary Workplaces require that all people, including MOP(S) Act employees, act respectfully, professionally and with integrity; and recognise their power, influence or authority and do not abuse them. To uphold the trust and confidence of your employing parliamentarian, you should be upfront and honest about any conflicts of interest as soon as they arise.

Your employing parliamentarian may require you to complete a conflict of interest declaration when you commence employment or if circumstances change e.g. your parliamentarian is appointed to a different portfolio.

## What happens if I fail to declare a conflict?

Failure to declare a conflict of interest may result in your employing parliamentarian losing trust and confidence in you. Loss of trust and confidence can be a reason to terminate employment or suspend an employee from duties under the MOP(S) Act.

Serious non-disclosure of conflicts of interest may also be considered a breach of the Behaviour Standards and may be referred to the Independent Parliamentary Standards Commission (IPSC).

## Where can I go for more support?

The **PWSS HR Advice team** provides advice and support to parliamentarians and their staff on employment conditions including the management of conflicts of interest. The team can be contacted during business hours (9am to 5pm AEST/ADST) on 1800 747 977 (Option 2) or by email at [hr@pwss.gov.au](mailto:hr@pwss.gov.au).