

Integrity Commission (Personal Interest) Guidelines 2025

Notifiable instrument NI2025-497

made under the

Integrity Commission Act 2018, section 251B (Staff of the inspector—personal interest guidelines)

1 Name of instrument

This instrument is the *Integrity Commission (Personal Interest) Guidelines 2025*.

2 Commencement

This instrument commences on the day after notification.

3 Inspector's Guidelines

I make the Personal Interest Guidelines as set out at schedule 1 to this instrument.

4 Revocation

This Instrument revokes *Integrity Commission Personal Interest Guidelines 2019* [NI2019-438]

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September 2025

Office of the ACT Ombudsman

Personal Interest Guidelines

September 2025

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Introduction

Under the *ACT Self-Government (Consequential Provisions) Amendment Act 1989* (Cth), and by arrangement between the Australian and ACT Governments, the Commonwealth Ombudsman is also the ACT Ombudsman.

Office of the Commonwealth Ombudsman staff delivering ACT Ombudsman functions are therefore employed under the *Public Service Act 1999* (Cth) and are subject to the Australian Public Service (APS) Code of Conduct and Values. They must:

- take reasonable steps to avoid any conflicts of interest (real or apparent) in connection with their APS employment, and disclose details of any material personal interests in connection with their APS employment¹
- behave honestly and with integrity in connection with their APS employment², and
- not improperly use inside information or their duties, status, power or authority to gain, or seek to gain, a benefit or advantage for themselves or any other person.³

Given the role of the ACT Ombudsman within the administrative review system, it is essential that all staff maintain the highest standards of integrity. These guidelines are intended to assist staff in carrying out their duties, including engaging with complainants, agencies and other stakeholders.

Personal interest guidelines, referred to as conflicts of interest guidelines, exist for the Office of the Commonwealth Ombudsman⁴, and these apply to all staff, including staff working on ACT related matters. However, these additional ACT Ombudsman *Personal Interest Guidelines* are designed specifically for staff in the Office working on ACT related matters.

¹ See sub-s 13(7) of the *Public Service Act 1999* (Cth).

² See sub-s 13(1) of the *Public Service Act 1999* (Cth).

³ See sub-s 13(10) of the *Public Service Act 1999* (Cth).

⁴ An obsolete hyperlink has been redacted, please see: https://www.ombudsman.gov.au/data/assets/pdf_file/0030/29919/Conflict-of-interest-guidelines-June-2021.pdf

They:

- provide additional advice and/or ACT specific examples, and
- impose additional requirements for staff to **declare** any matter that may affect, or be perceived to affect their impartiality, including personal interests—also referred to as conflicts of Interests, and apprehensions of bias (collectively referred to as 'conflicts') to ensure that any potential conflicts are **managed** effectively.

Challenges for ACT Ombudsman staff

ACT Ombudsman staff may be involved in a number of ACT Ombudsman functions, including:

- undertaking independent and impartial review of complaints about government administrative action
- providing oversight of:
 - the ACT Freedom of Information (FOI) framework
 - the ACT Reportable Conduct Scheme
 - the ACT Public Interest Disclosure Scheme
 - ACT Policing
 - the ACT Integrity Commission (as Inspector)
- influencing government agencies to be accountable, lawful, fair, transparent and responsive
- providing assurance that law enforcement, integrity and regulatory agencies are complying with legal requirements when using covert, intrusive and coercive powers
- providing support to the Judicial Council as its Principal Officer
- monitoring places of detention as part of the ACT's multi-body National Preventive Mechanism
- outreach and engagement activities with ACT agencies, community groups and residents.

Specific challenges and risks may arise in relation to staff working on ACT Ombudsman functions. The ACT is a geographically small jurisdiction in which personal connections are unavoidable, making the appropriate management of matters that may conflict with a person's role, whether real, perceived or potential, particularly important.

Staff working on the **Inspector function**—which is designed to strengthen public confidence in government integrity and oversight the ACT Integrity Commission, must be particularly mindful of any matters that could or could be seen to influence or bias their advice or decisions. In deciding whether a person is suitable to be a member of staff of the Inspector, the Inspector may ask staff to declare financial or personal interests the Inspector considers relevant.⁵

Staff working on the **Reportable Conduct function**—which provides oversight of how designated entities in the ACT handle employee misconduct involving children—must be mindful to declare any matter that may be perceived to affect their impartiality. This is particularly important given that Reportable Conduct staff or their family and friends may work at, or access services in the entities that are the subject of oversight—such as childcare centres, after school care, government and non-government schools and health service providers.

Conflicts of interest

An actual or apparent conflict of interest is a form of bias that can breach one of the requirements of procedural fairness, affecting the lawfulness of any decision made. However, the risks extend beyond individual decisions. A conflict of interest can impair or be perceived to impair a person's ability to perform their duties impartially and act in the best interests of the Office they represent. Left unaddressed, such conflicts can give rise to perceptions of corruption, breaches of ethical obligations, reputational damage, loss of public trust and scrutiny of an individual's or the Office's conduct.

⁵ See sub-s 251(3)(b) of the *Integrity Commission Act 2018* (ACT).

Conflicts of interest are not wrong in themselves. It is how they are managed that is important. Conflicts of interest must be **declared and effectively managed**. Each case must be considered on its merits.

A conflict of interest exists where it appears likely that an employee could be influenced or perceived to be influenced by a personal interest in carrying out their official duties. Conflicts of interests may be real, apparent or potential:

- **Real** – where a direct conflict exists between current official duties and existing private interests.
- **Apparent** – where it appears or could be perceived that private interests are improperly influencing the performance of official duties whether or not that is actually the case.
- **Potential** – where private interests are not, but could, come into direct conflict with official duties.

Conflicts of interest can be pecuniary (or financial) in nature or non-pecuniary.



Examples of non-pecuniary conflicts of interest

- A member of staff of the Inspector is assessing the ACT Integrity Commission's handling of a corruption report involving the actions of a close friend or family member.
- An officer is assigned to handle a complaint involving an agency where a close family member is employed. At this stage, the concern is the perception of compromised impartiality. This becomes an actual conflict if the investigation progresses, and the family member becomes directly involved or is identified as a person of interest.
- Other relationships that could give rise to a non-pecuniary conflict of interest include personal, social and community affiliations as well as involvement in sporting, cultural or voluntary activities.



Examples of pecuniary (or financial) conflicts of interest

- A member of staff of the Inspector is assessing the ACT Integrity Commission's handling of a corruption report involving developers of an apartment complex that the staff member purchased off the plan. The staff member's financial interest in the development could reasonably be seen to affect their impartiality.
- The Office seeks to procure the services of a local Canberra business and a relative of the business owner is involved in the procurement process.
- An officer is on a recruitment panel and one of the applicants is paying them for private tutoring.
- An officer is involved in assessing a complaint about an agency that contracts their partner's business for paid services.

Apprehensions of bias

While these guidelines primarily address conflicts of interest, staff delivering ACT Ombudsman functions are also required to declare, within the conflicts of interest framework, any matter that may compromise—or be perceived to compromise—their objectivity or integrity, including any matter that may give rise to an apprehension of bias.

An apprehension of bias occurs when a fair-minded observer, having all the relevant facts, might reasonably apprehend a person involved in a decision-making process might not be entirely impartial. This perception arises from factors such as personal interests, prior personal or professional relationships, or preformed views—including a preference for, or a dislike of another person. These factors could reasonably lead to a perception the officer may hold a bias towards favouring or disfavouring a person or outcome or may have predetermined an outcome before considering all relevant information.

An apprehension of bias may give rise to a conflict of interest, particularly where a reasonable observer might perceive a personal interest may affect a staff member's

impartiality. While not all perceived biases meet the strict legal threshold for a conflict of interest, circumstances that may give rise to an apprehension of bias must be declared and appropriately managed within the conflict of interest framework.



Circumstances that could give rise to an apprehension of bias:

- A close professional relationship—for example, a long-standing mentoring or supervisory relationship between a staff member on a panel and an applicant.
- An officer is assigned to investigate a complaint lodged by an individual who had previously made a misconduct complaint about them.
- An officer has expressed strong views on the matter, such as on social media, or in other forums, before being assigned to it.

An officer is in dispute with or currently seeking assistance from an agency in their private capacity.

Avoiding and managing conflicts

For the purpose of these guidelines, the term '*conflict*' encompasses any matter that may conflict, or be perceived to conflict, with a staff member's ability to impartially and objectively carry out their role. This includes both conflicts of interest and situations that may give rise to an apprehension of bias.

It is critical that staff working on ACT matters do not allow their interests to influence nor bias the decisions they make, the actions they take, or the advice they provide in the course of their official duties.

Avoiding conflicts is generally preferable, but in practice there may be some situations in which conflicts cannot be wholly avoided and need to be managed in a way which will withstand external scrutiny.

Employees must:

- **declare** any actual, potential or perceived conflicts in relation to themselves or their work colleagues and use the arrangements that have been put in place to manage the situation
- take reasonable steps to **avoid** situations where their private financial or other interests or associations (or those of immediate family members, such as domestic partners or dependents) could, or could be perceived to conflict with their official duties.

*example: **not** accessing complaint details in the customer relationship management system without a bona fide reason to do so*

- regularly **assess** whether a conflict or potential conflict has arisen
- **discuss immediately** with their supervisor if they identify a conflict or potential conflict, or if a conflict is claimed by a complainant, agency or colleague
- **comply with** any arrangements put in place to manage the situation.



Note:

By its very nature, the Office's work requires us to develop professional, working relationships with officers of other agencies. This may include face-to-face meetings, regular telephone contact and informal discussions. It would be incorrect to suggest Ombudsman staff must remain at arms-length from staff of other agencies. The Office's independence and impartiality must, however, always be maintained.

Declaration of conflicts

The purpose of making a 'declaration of conflicts' is to ensure transparency around any personal interests, relationships, or circumstances that could, or could reasonably be perceived to, influence an employee's objectivity, the advice they provide, or the decisions they contribute to.

The completion of a 'declaration of conflicts' also provides an employee with the opportunity to consider whether any of their financial or personal interests, or relationships might give rise to a real or perceived conflict with their duties and take action to remove or minimise the potential for that to occur.

An employee should declare any real, apparent or potential conflicts that exist or arise in the course of employment by completing the *Declaration of Conflicts Form* at **Attachment A**. They must do so no later than 14 days after becoming aware of a conflict. The form is to be endorsed by their supervisor and approved by the relevant Director.

All SES employees have additional obligations which are covered by the Office's Commonwealth Ombudsman COI Policy.⁶

Types of interests to be disclosed

Employees working on ACT matters, as with other employees in the Office, are required to provide information about private, financial and other interests or circumstances **that could, or could be seen to, influence or bias** the decisions or actions they take, or the advice they provide in the course of their official duties.

In the context of the ACT specifically, this includes:

- relevant **financial or economic** interests – for example, real estate investments, shareholdings, trusts or nominee companies, company directorships or partnerships, other significant sources of income or assets, significant liabilities, private business, secondary employment or a family/private business
- relevant **personal and professional** relationships – for example, significant relationships with MLAs staffers or lobbyists, significant relationships with ACT Government agency employees, ACT Policing or complainants

⁶ An obsolete hyperlink has been redacted, please see: https://www.ombudsman.gov.au/data/assets/pdf_file/0030/29919/Conflict-of-interest-guidelines-June-2021.pdf

- **work history and/or community affiliations** – for example, employment (including volunteer work) or affiliation with ACT Government agencies, ACT Policing and/or stakeholder groups/advocacy units or other community affiliations
- **any personal dislike, preference or affiliation** that could, or could be seen to influence or bias, impartial decision-making—for example, prior professional collaboration or publicly stated opinions
- **gifts** received from an ACT Government agency, ACT residents or stakeholder groups as an Ombudsman employee.

Ties to other agencies where these have the perception of creating a conflict

Employees who have significant ties to other agencies or organisations we oversight should make an appropriate declaration. The significance of the association will depend primarily on the nature of the connection and the currency of those ties:

- **The nature of the ties:** The potential for perceived partiality is dependent on the role performed by the person in the other agency and the role now being performed by that person in the Ombudsman's office. For example, administrative functions in either agency could be excluded, or where the person does not perform a review role relevant to the other agency.
- **The currency of those ties:** Ties covering the previous 12 months should be documented. Where an officer has held a position in an agency and retains an employment relationship with that agency, through secondment or other arrangement, that relationship should be documented.

Additional requirements for Inspector staff

These guidelines meet the requirement under the *Integrity Commission Act 2018* (ACT) (the IC Act), for the ACT Ombudsman, as the Inspector, to publish personal interest guidelines, which outline personal interests that Inspector staff are expected to declare.⁷

The Inspector must keep a register of disclosures made by its staff and make the register available for inspection by the Public Sector Standards Commissioner.⁸ Inspector staff will make the declarations annually. The register will be managed by the Inspector team, but Inspector staff declaration forms will be held centrally by Human Resources.

Declaring and managing potential conflicts

Step 1: Talk to your supervisor

Where an Officer identifies a conflict or potential conflict has arisen, their first step is to cease their involvement in the matter and discuss the situation with their supervisor. This also includes where the employee considers that a colleague may be compromised. There may also be occasions where complainants (or for that matter agencies), might assert the Office or a staff member is conflicted. While there may be no grounds for such a perception, it is nevertheless important to consult with the supervisor to determine whether any steps should be taken to address the perception.

If an employee is in any doubt about whether there is a real, apparent or potential conflict, they should raise it with a supervisor.

⁷ See s 251B of the *Integrity Commission Act 2018* (ACT).

⁸ See s 251A of the *Integrity Commission Act 2018* (ACT).



Importantly:

- It is always better to disclose and discuss a possible conflict rather than conceal or not address the matter.
- There are a number of strategies that can be adopted to help manage conflicts effectively and transparently.

Upfront frank conversations about such matters will assist the Office to identify and manage possible issues **before** they occur.

The role of supervisors in this area is critical and can be difficult. Supervisors should give frank guidance to employees they supervise; they should be prepared to listen and to consider any possible conflicts of interest or bias issues raised. But more than that, they should, where possible, anticipate possible issues and address them. Supervisors should record their considerations about any possible conflicts raised and any guidance provided to the employee, including where the decision is that no declaration is required by the employee.



Note:

Employees should be aware that computer audit trails are able to detect access and/or attempts to access all electronic records maintained on our complaint management and other systems. Employees must not access complaint or other details without a bona fide reason to do so.

If an employee's disclosure raises concerns about a potential breach of the APS Code of Conduct, the matter should be brought to the attention of the relevant Senior Assistant Ombudsman, Chief Operating Officer or Human Resources.

Step 2: Managing real, apparent or potential conflicts

The action taken to manage a real, apparent or potential conflict will be determined according to the specific circumstances of the individual case, including the role and responsibilities the employee performs for the Office and the nature and extent of the conflict.



Real or apparent conflicts

Where a real or apparent conflict arises, the employee should immediately cease their involvement in the matter and discuss the situation with their supervisor. If it is agreed that a real or apparent conflict exists, the employee should complete the *Declaration of Conflicts Form* at **Attachment A**.

Following this, a file note should be made to record, in neutral/general terms, that the employee has withdrawn from the matter due to a real or apparent conflict having been identified. The file note serves to document the existence of a conflict and to alert relevant staff to ensure the officer is not inadvertently involved in the matter going forward. The matter should then be referred to the employee's supervisor, who can arrange for the matter to be reassigned to another officer.

The employee should refrain from making comments or joining in conversations about the case with those who continue to deal with it.

Potential conflicts

While avoiding conflicts is generally preferable, in practice there may be some situations in which conflicts cannot be wholly avoided and needs to be managed in a way which will withstand external scrutiny.

Without limiting the types of action which could be taken, there are a number of ways in which conflicts may be managed, including:

- ceasing any further dealings by the employee with the complaint or matter
- ceasing participation of the employee in any conversation about the matter with those who continue to deal with it
- allowing the employee to continue in the same role, with the Office implementing appropriate safeguards that address the conflict, such as:
 - additional clearance of findings or recommendations arising out of an investigation
 - involvement of a disinterested third party to oversee the process.

In cases where there might be an appearance of or a potential for a conflict, but the employee is confident they would bring an open mind to the matter, the best course

would be to discuss the matter with their supervisor so they may consider what action (if any) should be taken.

Where a potential conflict is discussed with the supervisor, but it is agreed there is no actual or perceived conflict at that time, this decision should be recorded in writing and reviewed if the situation changes. A note should be made of this discussion and the *Declaration of Conflicts Form* at **Attachment A**, completed.

The supervisor must document their consideration of the potential for a perceived conflict and any arrangement put in place to manage this.



Note:

If, as a supervisor, there is doubt, or the supervisor believes there is a risk of being unable to manage the conflict if it crystallises, they should report it to their Director.

Sensitive: Personal

Attachment A: ACT Ombudsman Declaration of Conflicts Form

Employee's Surname:	
Given Name/s:	
Position:	
Branch and Location:	
Director's Name:	
Describe the conflict that has the potential to impact your ability or be perceived to impact your ability to carry out, or be seen to carry out, your official duties impartially and in the public interest:	
Describe the expected roles/duties you are required to perform as they relate to the conflict:	

The conflict has been identified as:

- A real conflict of interest
- An apparent/perceived conflict of interest
- A potential conflict of interest
- An apprehension of bias

Employee Declaration

<p>I declare the above details of my declaration are correct to the best of my knowledge and I am aware of my responsibilities to take reasonable steps to avoid any real, apparent or potential conflicts (including conflicts of interest or apprehensions of bias) in connection with my public service employment and to advise my supervisor of any relevant changes in my personal circumstances.</p>	
Signature:	Date:

Action by Director

<p><i>Describe the action proposed to mitigate the real, apparent, or potential conflicts (including conflicts of interest or apprehensions of bias) which has been disclosed and the reasons for the decisions:</i></p>			
<p>The above action has been discussed with the employee and is appropriate to resolve the <i>real, apparent, or potential conflict of interest, or apprehension of bias</i> disclosed above.</p>			
Signature of Director:		Date:	
Employee Endorsement:		Date:	



Once finalised, this form should be scanned and forwarded to human.resources@ombudsman.gov.au for retention on the employee's personnel file—different arrangements apply to staff working on the following functions:

- **For Inspector staff:** this form must be provided to Human Resources and recorded on the 'Conflicts of Interest Register' for Inspector staff.
- **For Reportable Conduct staff:** this form should not be sent to Human Resources. Instead, this form must be given to the relevant Director for retention on the approach record and recorded on the 'Register of Disclosures' for Reportable Conduct staff.