

CONFLICT OF INTEREST AND DUTY (STAFF)

ARV Operational Policy

1. Statement

When we perform our public duties, it's vital that our decision-making is impartial, including fair and apolitical. This helps to maintain the public's trust in our organisation and prevent corruption.

2. Scope

This policy sets out how ARV deals with conflicts of interest. It applies to and is binding upon all ARV:

- employees, including volunteers
- contractors, consultants and labour hire employees whose contract requires them to comply with this policy
- Stakeholder Consultative Committee members

This policy does not apply to Board members. This is because, whilst based on similar principles, the requirements for employees and Board members differ. Board members must comply with the [ARV Board Conflict of Interest and Duty Policy](#).

3. Requirements

3.1. Overview

You must perform your duties with integrity and impartiality, consistent with the [Public Administration Act 2004](#) (the Act) and the [Code of conduct for Victorian Public Sector employees](#) (the code).

In doing so, you must place the public interest above your private interests.

A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. You must avoid conflicts of interest where possible.

But sometimes a conflict cannot be avoided. If a conflict exists, you must:

- Identify it.
- Declare it in writing to your manager, as soon as practicable, usually within 5 working days.
- Follow the approved conflict of interest management plan, which your manager will develop in consultation with you. (You may be asked to prepare the initial draft.)
- Notify your manager of any changes that may affect the plan or its risk level.
- If in doubt, seek advice from your manager.

3.2. Identify the conflict

Many people have conflicts of interest during the course of their employment. Having a conflict is not in itself a sign of wrongdoing.

Check regularly for conflicts of interest. They're most likely to occur in areas where you:

- have the power to make or influence decisions that can benefit others, or
- have private interests that may conflict with your work duties.

But they can also occur in low risk areas.

If you are unsure whether a conflict exists discuss the matter with your manager or the Head of Governance & Risk.

3.2.1. High risk areas

The VPSC offers a list of [typical high risk areas for conflict of interest](#). This information can help you to pinpoint your own areas of high risk. It looks at risk factors and examples relating to:

- work duties and organisational functions – such as allocating grants of public funds
- the operating environment – such as working alone, in an isolated community, or with vulnerable stakeholders
- private interests – such as consensual personal relationships.

3.2.2. Useful questions to ask – identifying conflicts

To help identify a conflict of interest, some useful questions are:

- Does my private interest intersect with my role? If so, could this create a perception of bias or favouritism in the exercise of my duties?
- What would a fair-minded member of the public make of the situation?
- Could my involvement in this matter cast doubt on my integrity or that of the organisation?
- If I saw someone else in this situation, would I think they have a conflict of interest?
- If my actions were covered by the media, could it embarrass me or the organisation?
- In other words, does it pass the public perception test (the 'pub test')?

3.3. Declare the conflict

If you have a conflict of interest, you must declare it on our [conflict of interest declaration form](#).

Part of supporting a culture of integrity is for our organisation to support you to raise any conflicts of interest you may have.

If you have a conflict of interest and do not declare it, this could cause issues about whether you are performing your job properly, with fairness and impartiality.

In certain circumstances, you must also complete the form as a precaution, even if no conflict of interest exists. It provides a record that due consideration has been given to the matter. This helps to strengthen our culture of integrity. You must make a declaration on our Conflict of interest – Declaration and Management Plan form in these circumstances.

3.3.1. Declare - Conflicts you identify

If you identify that you have a conflict of interest (actual, potential or perceived) you must always declare it.

This could include conflict of interest that arise due to voluntary work or membership of incorporated associations. For more information on membership of incorporated associations, see and follow the [2015-COI-04-GN-Incorp-Ass-50.03.pdf](#).

3.3.2. Declare - Consensual personal relationship

If you are in a consensual personal relationship with another employee of our organisation, you must declare it if:

- a direct hierarchical relationship exists, or
- no direct hierarchical relationship exists but a conflict of interest arises.

A direct hierarchical relationship is where the employees involved are:

- at different levels of seniority in the organisation, and
- in the same direct reporting line.

For more information, see and follow the [VPSC guidance on this topic](#).

3.3.3. Declare – Declarable association

You must complete the form if you have a declarable association.

A declarable association is 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).

For more information, see and follow the [VPSC guidance on this topic](#).

3.3.4. Declare – Procurement panel, tendering or contract management

If you are on a procurement panel or part of any other procurement, tendering or contract management activity, or you are part of approving any such activities or decisions, you must complete the form if:

- you have a conflict of interest, or
- our Procurement policy requires you to do so for any other reason – for example, to confirm you do not have a conflict.

This applies to all employees, not just decision makers and financial delegates.

For details see our [ARV Procurement Policy](#).

3.3.5. Declare – Recruitment and selection panel

If you are on a recruitment and selection panel, or part of approving its decisions, you must always complete the form to:

- declare a conflict of interest, or
- confirm you do not have a conflict.

For details see our Recruitment and selection policy (when developed).

3.3.6. Declare – Outside employment

Engaging in employment outside our organisation is a private interest – one that can sometimes give rise to a conflict of interest.

Before engaging in outside employment, ensure you comply with our standard employment contract clauses (at 4.1.h) to not engage in any other employment or accept or maintain any directorship or provide services to anyone other than ARV without ARV prior written consent.

If approved and before engaging in outside employment you must always complete the form to:

- declare a conflict of interest, or
- confirm you do not have a conflict.

If you are engaged in outside employment and a conflict later arises at any time, you must declare it.

Volunteering. Note: if a conflict of interest arises in relation to voluntary work, declare it under the general heading above of '[a\) Conflict of interest has been identified](#)'

3.3.7. Declare – Political candidates and office bearers

Being an official office bearer in a political party

If you hold an official office in a political party you must always complete the form to:

- declare a conflict of interest, or
- confirm you do not have a conflict.

Standing for election – state or local government

If you are standing as a candidate in a state or local government election, discuss with your manager whether a conflict of interest exists. You must always complete the form to:

- declare a conflict of interest, or
- confirm you do not have a conflict.

For more information, see and follow the [VPSC's Guide for employees during election periods](#). The guide also has important information about standing for federal election.

3.3.8. Declare – DOPI form has identified a conflict

Certain employees submit an annual declaration of their private interests (DOPI). At ARV these employees are those staff:

- with a financial delegation greater than or equal to \$100k
- that are Authorised Officers

If a conflict of interest is identified during the DOPI process, it must then be declared on the Conflict of interest – Declaration and Management Plan form.

3.3.9. Declare – Directed by your manager

You must complete the Conflict of interest Declaration form if your manager directs you to do so for any other reason. For example, as a precaution due to the high risk of a conflict of interest inherent in a work task or a private interest.

3.4. Manage the conflict

When you declare a conflict of interest your manager:

- Will develop a conflict of interest management plan. Your manager decides the contents of the plan.
- Should consult with you in its development. This may include asking you to develop an initial draft of the plan.

Having a conflict of interest does not automatically exclude you from undertaking work duties such as making certain decisions.

You must:

- participate in the development of the conflict of interest management plan to the extent set by your manager
- follow the plan with oversight from your manager.

A copy of the management plan will be kept on the Conflict of Interest Register. You should also keep a copy.

3.4.1. Useful questions to ask

The plan that is developed will be proportionate to the risk level posed by the conflict of interest. A conflict of interest management plan is a risk mitigation strategy. It balances the nature and seriousness of the conflict with the public benefit of you being involved in the matter. When developing a conflict of interest management plan, some useful questions to help identify which key risk mitigation strategy is proportionate to the risk level include:

- Authority and influence – To what extent is the employee involved in the activity or the decision which the conflict relates to? What influence do they have in decision-making?
- Work responsibilities – What work responsibilities of the employee could be influenced or affected by the conflict?
- Private interest – If a private interest is involved, what is the conflicted interest? What stake does the employee have in this private interest?
- Nature and severity of the conflict – What is the nature and severity of the conflict?
- Duration – How often will the conflict arise in the employee's work duties and for how long? For example, regularly, for the duration of a particular project, short term, long term or ongoing? This question will also help to determine how often to review the plan.
- Consequences – What are the possible effects if the conflict is not suitably managed?
- Public perception – What would a fair-minded member of the public think of the situation? Would they think the proposed risk mitigation strategy alleviates any doubts about the integrity of the employee or the organisation?

3.4.2. Key risk mitigation strategies

The management plan for a conflict of interest will usually be based on one of the following risk mitigation strategies, or a suitable combination of these '5 Rs'. These strategies are listed from lowest to highest response level.

- **Record and monitor.** The conflict is officially recorded. Relevant managers and employees are made aware on a 'need to know' basis. Ongoing monitoring occurs. If the risk level rises, additional strategies are implemented, such as restrict or remove.
 - Example - a member of a recruitment and selection panel has a perceived conflict of interest that is low risk and suitable to record and monitor. Other panel members are advised. They monitor the risk level and support impartial decision-making.
- **Restrict.** Some restrictions are placed on your involvement in the conflicted matter.
 - Example - the management plan could allow you to take part in certain discussions or forbid you from taking part in certain or all decisions and from being present when they are made.
- **Remove.** The management plan removes you from any involvement at all in the conflicted matter. You must not take part in or be present for any discussion or any decision.
- **Recruit.** An independent, impartial third party oversees part or all of the conflicted matter. This person can be internal or external to the organisation, but not a subordinate.
 - Example, the role could include provide probity advice, assist with risk mitigation, oversee the project – this includes actively overseeing any participation you have in it.

Depending on the circumstances, this strategy could stand alone or be combined with another strategy such as restrict or remove.

- **Relinquish or resolve.** Sometimes, a conflict of interest cannot be managed as set out above. In such cases, you will need to relinquish your private interest, unless the organisation can resolve the matter another way. This is because it is not in the public interest for an unmanageable conflict to continue to exist. As an employee, you must be able to:
 - perform the duties of your role as required, to the required standard
 - comply with your employment obligations, including the code and your employer's policies.
 - If you can't or won't relinquish the conflicting interest, the organisation will resolve the matter.
 - It will do so consistent with the [public sector employment principles and standards](#) and any applicable employment contract, agreement or law.

Sometimes the situation can be resolved by the organisation on the basis that you take leave or perform modified duties or another role. But this will not always be the case. For example, due to the organisation's staffing needs or capacity or the duration of the conflict. In such cases, the employment relationship may need to terminate if you remain unwilling or unable to relinquish your conflicting interest.

The VPSC offers a guide for managers on [how to develop a conflict of interest management plan](#).

3.5. Monitor the conflict

You must notify your manager in writing within 5 working days of any changes that may affect the plan or its risk level.

Your manager will review the plan in consultation with you:

- at the times set out in the plan
- if any change occurs that may affect the plan or its risk level.

3.6. Annual declaration of private interests (DOPI)

Certain employees submit an annual declaration of their private interests (DOPI). At ARV these employees are those staff:

- with a financial delegation greater than or equal to \$100k
- that are Authorised Officers

If a conflict of interest is identified during the DOPI process, it must then be declared on the Conflict of interest – Declaration and Management Plan form.

Employees in the above roles must complete a DOPI:

- upon appointment to their position
- annually after appointment
- if their interests that must be listed on the form change, within 5 working days.

The requirement for certain employees to complete a DOPI is an additional requirement to the other requirements in this policy.

3.7. Breach of Policy

ARV will respond to alleged breaches of this policy consistent with the Act, the code, this policy and any other obligations that apply.

We will take a graduated approach. Our response will be fair, reasonable and proportionate. In some instances, no action will be taken. In others, we will deal with the matter:

- on an informal basis, for example, through education or counselling
- through a performance management process or similar, or
- if other methods are not appropriate, through a misconduct process.

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment.

Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

3.8. Speak Up

It will help to build our organisation's culture of integrity if you 'speak up' about conflicts of interest. For example, if you believe there may be a conflict of interest affecting our organisation that:

- has not been declared, or
- is not being properly managed.

We encourage you to speak up if you believe that a breach of this policy:

- has happened
- is happening
- might be about to happen.

You can speak up by notifying your manager or the Head of Governance & Risk.

Consistent with a culture of integrity, our organisation will:

- actively support and protect employees who speak up in good faith
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided.

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the [Independent Broad-based Anti-corruption Commission \(IBAC\)](#) or the [Victorian Ombudsman](#). Sometimes this can occur on a whistle-blower basis as a [public interest disclosure](#).

In certain circumstances, our organisation will also report matters to IBAC.

4. Responsibilities

Position	Responsibility
Employees	Avoid conflict where possible Identify and declare conflicts Follow the approved conflict of interest management plan Notify your manager of any changes that may affect the plan or its risk level. If in doubt, seek advice from your manager.
Managers	Be aware of the conflict of interest risks inherent in your direct reports' roles Develop and oversee their conflict of interest management plans (if any) Promote awareness and provide advice about this policy Model good practice
FRAC	The Finance, Risk and Audit Committee will ensure it receives a report at least annually on ARV's conflict of interest processes and their effectiveness.

5. Legislation

- [Public Administration Act 2004](#)

6. Related documents

- [ARV Board Conflict of Interest and Duty Policy](#)
- [Gifts, Benefits & Hospitality Policy](#)
- [Fraud and Corruption Policy](#)
- [Code of conduct for Victorian Public Sector employees](#)
- [ARV Procurement Policy](#)

7. Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
Conflict of interest	<p>A conflict of interest can be:</p> <ul style="list-style-type: none">• Actual – there is a conflict between your private interests and your public duties• Potential – you have a private interest that could foreseeably conflict with your public duties in the future• Perceived - it is reasonable for people to believe that your private interests could influence your public duties, now or in the future. <p>The risk of having a conflict of interest depends on a mix of factors such as:</p> <ul style="list-style-type: none">• ARVs functions• your work role• the operating environment• your private interests. <p>Further detail, including examples, of conflicts interests can be found on ARVs intranet site.</p>
Conflict of duty	<p>A conflict of duty (sometimes called a conflict of role) is a type of conflict of interest. It is a conflict between your public duties and your duty to another organisation or group.</p>
Private interest	<p>A private interest can be financial or non-financial. It can be direct or indirect.</p> <p>Direct – your own interests.</p> <p>Indirect – the interests of another person or group that you:</p> <ul style="list-style-type: none">• are or were recently closely associated with, or• have an enduring (ongoing) interest in. <p>Private interests may include:</p> <ul style="list-style-type: none">• Personal relationship and declarable associations• Activities, ie sporting clubs• Duties and influences, including:<ul style="list-style-type: none">○ Having a duty to another organisation or group○ Loyalties and biases○ Affiliations• Financial, including outside employment and volunteering. <p>Further detail, including examples, of private interests can be found on ARV's intranet site.</p>

8. Approval and implementation

Policy Custodian	Policy contact details	Approval Date	Approver
General Manager Corporate Services	HOGR geoff.fallon@alpineresorts.vic.gov.au	25 Nov 2025	General Manager Corporate Services

9. Version Control

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