

Conflict of Interest Policy

Introduction

1. Public Skills Australia, as the Jobs and Skills Council (JSC) for the Public Safety and Government industry, is required as per its Grant Agreement with the Australian Government Department of Employment and Workplace Relations (DEWR), to develop a Conflict of Interest Policy (the policy).
2. Public Skills Australia recognises the importance of establishing a robust policy to effectively identify and address conflicts of interest that may arise during its operations.

Purpose

3. To outline Public Skills Australia's *Conflict of Interest Policy*.
4. Public Skills Australia is committed to maintaining high levels of integrity and public trust when conducting its operations. Public Skills Australia acknowledges conflicts of interest may occur for company office holders, employees, contractors, and subcontractors, and expects that these conflicts will be identified, reported, and appropriately managed when they arise.

Objectives

5. To create awareness of, and guidance for managing actual, potential, and perceived conflicts of interest. This policy outlines the definitions of conflict of interest and the processes to report conflicts and mitigate such conflicts.

Scope

6. This policy is to be read in conjunction with the *Company Constitution* of Public Safety Skills Australia Limited and all Public Skills Australia policies; no policy is a standalone document.
7. All Public Skills Australia policies apply to employees and company office holders, as well as contractors, subcommittees, networks, and working groups when undertaking work on behalf of Public Skills Australia.
8. All Public Skills Australia policies are to be read in conjunction with the following DEWR documents:
 - *Jobs and Skills Councils Code of Conduct*
 - *Jobs and Skills Councils Integrity Framework*
 - *Jobs and Skills Councils Performance Framework*

- *Jobs and Skills Councils Program Guidelines*
 - *Performance and Monitoring Framework (under development)*
 - *Training Package Organising Framework (TPOF).*
 - *Stage 2 Grant Agreement in relation to the Jobs and Skills Councils – Strengthening Australia’s National Vocational Education and Training System.*
9. Program Laws and/or regulation related to this policy are:
- *Corporations Act 2001 (Cth)*
 - *Fair Work Act 2009 (Cth).*
10. Public Skills Australia is committed to meeting in particular, Principle 8¹ of the Australian Institute of Company Directors (AICD) Not-for-Profit Governance Principles. (**Principle 8** – Organisational Culture (*Organisational culture is the collective behaviour, norms and values of the organisation and is a central consideration of best practice modern governance. A strong ethically grounded organisational culture seeks to go beyond compliance focused ‘can we’ questions to instead focus on ‘should we’ questions’.*) with a specific emphasis on how conflicts of interest are identified and managed.

Conflicts of interest

11. Generally, a conflict of interest is where the private or personal interests of an individual could improperly influence or contradict their responsibilities and the best interests of Public Skills Australia, or the Jobs and Skills Grant Program.
12. Conflicts of interest may be defined as actual, potential or perceived, and may be financial or non-financial (such as those involving personal or familial relationships) in nature.
13. **Actual conflict of interest** – a conflict exists between the private interests and professional duties and responsibilities of an individual.
14. **Potential conflict of interest** – an individual’s private interests could conflict with Public Skills Australia duties and responsibilities. This refers to situations where it is foreseeable that a conflict could arise; the risk posed by the potential conflict should be mitigated.

¹ [aicd-nfp-governance-principles-2024](#) pg 68

15. **Perceived conflict of interest** – a third party (or the public) could form the view that an individual's private interests could improperly influence their professional responsibilities and duties with Public Skills Australia.

16. The JSC Code of Conduct provides additional guidance on conflict of interest. It states that:

An organisational conflict of interest will be deemed to exist if the Jobs and Skills Council is or becomes, or has or acquires an interest in, a:

- *Registered Training Organisation (RTO);*
- *Group Training Organisation (GTO);*
- *Employment Services Provider (ESP) with an active caseload; or*
- *Australian Apprenticeship Support Network (AASN) provider.*

For the avoidance of doubt, this clause 5.5 is not an exhaustive list of the circumstances in which an organisational conflict of interest might arise.

17. It should be noted that clause 16 applies to all persons covered by this policy.

Process

18. In accordance with this policy, Public Skills Australia Company office holders, employees, contractors, and subcontractors must avoid conflicts where possible and take steps to identify, declare, and manage such actions.

- **Identify** – Individuals should regularly consider their private interests and professional duties and responsibilities with Public Skills Australia. In particular, the impact of private relationships, including family, business, and consensual personal relationships, should be considered.
- **Declare** – Should a conflict of interest be identified; it must be declared. Declarations should be provided to the relevant leadership member or to the relevant governance structure such as the Board. The conflict should be declared in writing, and mitigations should then be agreed to in the *Conflict-of-Interest Register*. Declarations should also be made if there is a conflict identified during recruitment or procurement processes, by completing a *Conflict of Interest Form* and declaring the conflict to other Selection Panel members, including the independent Selection Panel member.

- **Manage** – To manage declared conflicts of interest, appropriate mitigations will be put into place. Consideration will be given to the need to avoid, document or action the conflict, by assessing alternative actions and the level of impact posed by the conflict.

Actions

19. In managing conflicts of interest, the potential actions that will be considered include:

- **documenting and recording** the details of the declared conflict
- **avoiding** the conflict through mitigation actions, including the individual removing themselves from their involvement where relevant
- **restricting** the involvement of the individual to minimise potential conflict
- **recruiting** an independent third party to oversee the process to minimise potential conflict
- **relinquishing** the private interest that may be creating the conflict or resigning from the Public Skills Australia position.

Register of interests

20. Public Skills Australia maintains a *Conflict of Interest Register* that complies with the JSC Code of Conduct and documents by including:

- the name of the relevant individual or organisation
- details of their role in relation to Public Skills Australia
- a record and description of any declared interests or associations, including details of how this interest or association relates to any actual or potential activities of Public Skills Australia
- the date of disclosure
- an assessment of the integrity risks posed by the declared interest or association
- any steps taken to mitigate, manage, or remove the conflict (if any), including identifying any follow-up actions required.

21. The *Conflict of Interest Register* will be held by the Public Skills Australia Executive and regularly reviewed by the Audit, Finance and Risk Committee.

22. Public Skills Australia has adopted the JSC Code of Conduct 'Conflict of Interest Register' (see **Appendix A**).

Gifts, Benefits and Hospitality

23. Public Skills Australia maintains a Gifts, Benefits and Hospitality Register that complies with the JSC Code of Conduct.
24. Any gifts, benefits and hospitality, over \$100 in value, received by those persons covered under clause 7 of this policy, in their capacity performing those roles, should be declared by the recipient.
25. Gifts, benefits or hospitality should:
- a) not be solicited or improperly encouraged by the recipient
 - b) declined where acceptance could, or could reasonably be seen to, compromise the decision-making or actions of the recipient.
26. Cash or cash-like equivalent gifts, benefits or hospitality must not be accepted in any circumstance.
27. The *Gifts, Benefits and Hospitality* Register will be held by the Public Skills Australia Executive and regularly reviewed by the Audit, Finance and Risk Committee.
28. Public Skills Australia has adopted the JSC Code of Conduct 'Gifts, Benefits and Hospitality Register' (see **Appendix B**).

Reviewing this policy

29. This policy will be reviewed as required or within three years whichever occurs first.

Version control

Version Number	Date	Comment
Version 1	May 2023	Policy created
Version 2	February 2024	Policy updated
Version 3	June 2024	Policy Updated
Version 4	December 2024	Grant Agreement Review and incorporation of GBHR
Next Review	January 2028	

Appendix A: Conflict of Interest Policy - Conflict of Interest Register

No.	Individual/ Organisation	Role	Description of declared interest or association	Date of disclosure	Assessment of integrity risk	Mitigation strategy
Board Directors						
1.						Rows to be added as required
Advisory Committee Members						
Member Organisations						
Employees, Contractors, Subcontractors and Agents						

Annexure 1: Other board directorships held by Board Directors

No.	Board Director Name	Other directorships held
1.		Rows to be added as required

Appendix B: Gifts, Benefits and Hospitality Register

1.1 Public Skills Australia² must ensure that any gifts, benefits and hospitality³ received by its directors, advisory committee members, employees, contractors, subcontractors and agents, in their capacity performing these roles, are:

- a) declared by the recipient and a register of all such declarations is maintained, which documents:
 - i) who the recipient of the gift, benefit or hospitality is
 - ii) who provided the gift, benefit or hospitality
 - iii) a description of the gift, benefit or hospitality and its value
 - iv) the circumstances in which the gift, benefit or hospitality was provided; and
 - v) an assessment of whether the nature and/or circumstance in which this gift, benefit or hospitality was provided could give rise to an actual or perceived conflict of interest.
- b) not solicited or improperly encourage by the recipient; and
- c) declined where acceptance could, or could reasonably be seen to, compromise the decision-making or actions of the recipient. Cash or cash-like equivalent gifts, benefits or hospitality must not be accepted in any circumstance.

² Extract of JSC Code of Conduct (paragraph 5.18).

³ [Australian Public Sector Commissioner Guidance](#) requires any gift or benefit valued over \$100 must be declared.

No.	Recipient of GB&H	Provider of GB&H	Description of GB&H	Value of GB&H	Circumstances / Reason for GB&H	Assessment of actual or perceived conflict of interest
Board Directors						
1.						
2.						
Advisory Committee						
3.						
4.						