



## Title: Conflict of Interest Policy

I, **Angus Mitchell**, Chief Commissioner and Chief Executive Officer (CEO) of the Australian Transport Safety Bureau (ATSB), hereby approve the following Conflict of Interest Policy for the ATSB.

This policy complies with the requirements detailed in the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the *Public Service Act 1999* (PS Act). The policy assists Australian Public Service (APS) employees to meet their obligations to take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest in connection with their APS employment.

Angus Mitchell  
Chief Executive Officer  
06 August 2025

## Version History

Approval Date	Summary of changes	Version
10 October 2018	Establishment of document	1.0
5 August 2025	Updates including references to NACC, and examples of conflicts	2.0

## Document governance

<b>Document title</b>	Conflict of Interest Policy		
<b>Document location</b>	ATSB Website: <a href="https://www.atsb.gov.au/disclosure-interests">https://www.atsb.gov.au/disclosure-interests</a>		
<b>Document owner</b>	Legal, Governance and Strategic Policy Section		
<b>Document approver</b>	Chief Executive Officer (Accountable Authority)		
<b>Approval date</b>	06 August 2025	<b>Review date</b>	August 2027

## **Acknowledgement**

The Australian Public Service Commission (APSC) has published guidance for compliance with the APS Values and Code of Conduct. This includes guidance on Conflicts of Interest. See here: [Section 5: Conflict of Interest | Australian Public Service Commission](#). The APSC guidance should be read in conjunction with this policy.

## Glossary

Term	Explanation
<b>Conflicts of interest</b>	A conflict of interest can arise when an employee could be influenced or perceived to be influenced, by a competing interest when carrying out their public duty.
<b>Material personal interest</b>	To be 'material', a personal interest must be of a type that can give rise to a real or perceived conflict of interest. Personal interests do not give rise to a conflict of interest unless there is a real or sensible possibility of conflict and not simply a remote or theoretical possibility of conflict. In addition, to be 'material', the nature and substance of the interest must have the capacity to impact on the ability of the person to honestly discharge their duties to the entity.
<b>Staff members</b>	Staff members in the policy include Commissioners, employees and contractors.

## Introduction

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### Background

A conflict of interest can arise where an employee could be influenced, or perceived to be influenced, by a competing interest when carrying out their public duty. Competing interests may arise through personal or professional interests.

A personal interest includes the private, professional or business interests of a person, or of the individuals or groups with whom they have a close association, such as relatives or friends. The interest may be financial or non-financial. For example, the interest may relate to a view that a person has in a matter that is personal to them.

Having a conflict of interest is not necessarily a problem, it is how it is dealt with that is important.

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### Purpose

The public is entitled to have confidence in the integrity of their public officials, and to know that an APS employee's personal interests do not conflict with their public duties. This policy provides a reporting framework that enables employees to disclose, and take reasonable steps to avoid, any conflicts of interest in connection with their APS employment.

It is important that conflicts of interest are managed appropriately. They can compromise the agency in the performance of its functions, cause embarrassment to government and result in a finding of misconduct and sanctions against the person who has the conflict as well as others that are aware of it.

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### Governing Legislative Framework

In accordance with section 13(7) of the Code of Conduct contained in the *Public Service Act 1999* (PS Act), an APS employee must:

- (a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and
- (b) disclose details of any material personal interest of the employee in connection with the employee's APS employment.

Employees also have a duty to disclose details of a material personal interest relating to the affairs of the ATSB under section 29 of the *Public Governance Performance and Accountability Act 2013* (PGPA Act).

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Additionally, section 13(10) of the PS Act provides that an APS employee must not improperly use inside information or the employee's duties, status, power or authority to:

- (a) gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
- (b) cause, or seek to cause, detriment to the employee's agency, the Commonwealth or any other person.

**References:**

*Public Service Act 1999*  
*APS Code of Conduct*  
*Public Governance, Performance and Accountability Act 2013*  
Public Governance, Performance and Accountability Rule 2014  
*National Anti-Corruption Commission Act 2022*

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## Identifying Conflicts of Interest

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Conflicts of interest can be:

- **Actual** – where a person's duties as a member of the agency may be unduly influenced by a secondary interest (such as a personal or competing professional interest, including secondary employment); and/or
- **Perceived or apparent** – where it could reasonably be perceived that the competing interests could improperly influence the performance of duties – whether or not this is in fact the case; and/or
- **Potential** – where the competing interests have the potential to conflict with official duties in the future.

ATSB staff members at all levels can be exposed to possible conflicts of interest. It is not always easy to recognise where interests may conflict with each other. Staff are responsible for identifying their own conflicts of interest, including actual, perceived or potential conflicts. They are responsible for taking active steps to try and avoid those conflicts of interest as well.

Managers and colleagues are also responsible for identifying where someone may have a conflict of interest and bringing attention to the matter to have it addressed.

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### Examples

Examples of personal interests that could give rise to a conflict of interest include:

- outside employment or volunteering;
- previous employment within industries that the ATSB could investigate or contract with;
- having shares or other assets that are connected with industries the ATSB could investigate or contract with;
- receiving gifts or benefits from persons or organisations in industries the ATSB could investigate or contract with;
- having family or friends who are associated with industries the ATSB could investigate or contract with;
- views or beliefs that could lead to an apprehension of bias in carrying out the ATSB's functions;
- endorsement or promotion of a product or service from a third party that the ATSB could investigate or contract with.

Just because an employee has other interests outside of work does not automatically mean that there will be a conflict of interest. The key test is whether, in carrying out their public duty, the individual could be influenced, or appear to be influenced, by that other interest.

## Declaring a Conflict of Interest

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Conflicts of interest, whether real or apparent, cannot always be avoided. If an employee believes they may have a potential conflict of interest, it must be declared.

All declarations must be in writing and declared at the first available opportunity. Declarations must be full and detailed enough to enable the ATSB to effectively manage conflicts of interests and its obligations under the PGPA Act and the *National Anti-Corruption Commission Act 2022* (NACC Act).

Declarations can be made online via the Learnhub Conflicts of Interest Declaration Form. Once completed, a copy of the form will be provided to the staff member's manager and the Legal, Governance and Strategic Policy (LGSP) team for inclusion in the ATSB's *Conflict of Interest register*.

If there are sensitivities associated with the interest declared, staff members can elect not to provide a copy to their manager on Learnhub, or can complete an offline form, available on the [Conflict of Interest Hub site](#). Once the offline form has been completed it will need to be sent to the LGSP team at [governance@atsb.gov.au](mailto:governance@atsb.gov.au).

Personal information collected as part of the conflicts of interest process will be managed in line with ATSB's privacy policy<sup>1</sup>. All staff members are required to submit a [Conflicts of Interest Declaration](#) on commencement. A Conflicts of Interest Declaration form must also be completed if the staff member has no conflicts of interest to declare.

Staff members should review their current declarations and update as appropriate whenever there is a change in personal circumstances and/or a change in work responsibilities that could involve a new real or apparent conflict of interest. During the annual performance exchange, managers are encouraged to assist staff members to identify and manage possible conflicts of interest.

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<sup>1</sup> The ATSB's privacy obligations and use of your personal information is in accordance with the [Privacy Act 1988 \(Privacy Act\)](#) and our policies and procedures. The ATSB collects personal information for the purposes of fulfilling the various functions or activities of the ATSB.

The ATSB stores all personal information securely and restricts access to a limited number of staff that need access in order to perform their duties. The LGSP team manages the Conflicts of Interest Register and as such, the Conflicts of Interest Declaration form is automatically provided to the LGSP team and to your Manager for record keeping. Additionally, the information contained in your declaration may be disclosed to other areas in the ATSB with personnel management functions, to advise on and to resolve any potential conflicts of interest. For further information regarding the ATSB's privacy policy, contact the Privacy Officer at [privacy@atsb.gov.au](mailto:privacy@atsb.gov.au).



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**Key  
Management  
Personnel  
Declarations**

ATSB Key Management Personnel are:

- Chief Executive Officer
- Commissioners
- Senior Executive Service Officers
- Directors Transport Safety
- Chief Financial Officer
- Chief Information Officer
- Head, Legal Governance and Strategic Policy
- Head, International
- Head, Human Resources
- Head, Engagement and Influence
- Head, Communications and Media

All Key Management Personnel must complete the *Conflicts of Interest Declaration Form* **annually** regardless of whether or not they believe they have a conflict of interest that is a material personal interest. If there is no conflict of interest, it must be marked 'nil'. Declarations from Key Management Personnel should also be updated as soon as practical after any change in circumstances that could create a new actual, perceived, or potential conflicts of interest.

The ATSB Chief Commissioner and Commissioners are also required to submit, **at least annually**, a written declaration of their own and their immediate family's financial and other material personal interests to the relevant Minister<sup>2</sup> under section 13AE of the *Transport Safety Investigations Act 2003*<sup>3</sup>.

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<sup>2</sup> Refer 5.2.7 to 5.2.9 of [Section 5: Conflict of Interest | Australian Public Service Commission](#)

<sup>3</sup> [Federal Register of Legislation - Transport Safety Investigation Act 2003](#)

## Managing Conflicts of Interest

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In most cases it will NOT be sufficient to simply declare a conflict of interest. Managers are responsible for assessing declarations and determining whether a real or apparent conflict of interest exists and whether any such conflict is material or immaterial.

Managers are responsible for determining and approving management action for ongoing conflicts of interest. Managers must document all decisions related to the management of actual and potential conflicts and ensure appropriate documentation is filed within the relevant employee file.

The action taken to manage a real or apparent conflict of interest will be determined according to the specific circumstances of the individual case, including the role and responsibilities that the staff member performs for the agency and the nature and extent of the conflict.

Conflicts of interest may be managed in a number of ways, including:

- ensure all parties to a decision are aware of the conflict (or potential conflict) of interest and ensure any decisions are agreed by multiple parties;
- restrict the person's involvement in, or access to, a particular matter or dealing with specific people;
- adding additional oversight and layers of approval related to the involvement of the person with the identified conflict;
- altering the employee's duties so they are no longer performing the role which may potentially put them in a conflict situation;
- allowing the employee to continue in the same role, but for the agency to implement appropriate safeguards which address the real or apparent conflict of interest; or
- the employee divesting themselves of the interest creating the conflict of interest.

For instance, a real or apparent conflict of interest at the ATSB may result in an investigator or manager removing themselves from a particular investigation.

Upon receipt of a *Declaration of Interests Form*, managers must assess whether the interest is considered a material conflict of interest. Managers should develop a management plan for all material conflicts of interest. Management plans must be endorsed at the Director level or above.

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	<p>Where there is credible evidence that a personal interest has compromised the decision made by a staff member, managers should refer the situation to Head of LGSP. Depending on the circumstances, the incident may rise to the level of suspected misconduct.</p>
<b>Recruitment and procurement</b>	<p>Staff involved in recruiting and procuring goods or services should be aware of conflicts of interest during the recruitment and procurement process, including:</p> <ul style="list-style-type: none"> <li>• family or friendship relationships with a candidate or supplier</li> <li>• family or friendship relationships between panel members</li> <li>• current or previous working relationship with a candidate or a supplier, and</li> <li>• financial interests (relating to either a candidate, supplier or the outcome).</li> </ul> <p>ATSB recruiting staff should refer to the <i>APSC's Factsheet: Managing conflict of interest in recruitment</i><sup>4</sup> in managing and mitigating real or apparent conflicts of interest.</p>
<b>Outside employment</b>	<p>Outside employment is work undertaken outside of the ATSB and includes both paid and unpaid work. Engaging in outside employment may create a real or apparent conflict of interest.</p> <p>Staff who intend to engage in outside employment should declare the potential or perceived conflict of interest by submitting a <i>Conflict of Interests Declaration Form</i> to their manager for approval.</p>
<b>Family Members</b>	<p>Disclosure of the interests of immediate family members need only occur where the staff member is aware that the interests could, or could be seen to, influence the decisions they are taking or the advice they are giving. In those circumstances, the family member's explicit consent to the disclosure must be sought.</p> <p>While couples or other family members may work together in the ATSB, it is inappropriate for one to be directly involved in any decision relating to the other. For example, to have line responsibility over the other or be involved in recruitment or other employment decisions.</p>
<b>Endorsement of Third-Party</b>	<p>ATSB staff members may receive a request from a third-party provider to market, endorse or promote a product. The ATSB</p>

<sup>4</sup> Available at [www.apsc.gov.au/working-aps/information-aps-employment/guidance-and-information-recruitment/aps-recruitment-guide/factsheet-managing-conflict-interest-recruitment](http://www.apsc.gov.au/working-aps/information-aps-employment/guidance-and-information-recruitment/aps-recruitment-guide/factsheet-managing-conflict-interest-recruitment).

<b>products, services or events</b>	<p>must retain an “arm’s length” relationship with private service providers. Generally, it will not be appropriate for the Commission, or a staff member to market, endorse or promote the products or services of a private provider.</p> <p>There may be some limited exceptions to this general policy. A decision to market, endorse or promote a product must be approved by the Chief Commissioner.</p> <p>A staff member may be approached by a conference organiser inviting them to participate as a guest speaker. If the event provides a timely opportunity for the ATSB to deliver a key message, the invitation should be referred, based on the staff member’s reporting line, to either the Chief Commissioner, Chief Operating Officer, or a Director of Transport Safety for approval.</p> <p>Any incentive for attendance at the conference should be addressed in accordance with the ATSB’s <i>Gifts or Benefits Policy</i>.</p>
<b>Lobbyists</b>	<p>A staff member may only have contact with a lobbyist who is registered with the Department of the Prime Minister and Cabinet’s Register of Lobbyists.</p> <p>Staff members need to be aware of, and to manage, any actual or perceived conflicts of interest between their official duties and their relationships with lobbyists. This could include personal financial or other interests in the organisations the lobbyist is representing, or a personal or social relationship with the lobbyist.</p>
<b>Ethics Advisory Service</b>	<p>The Ethics Advisory Service is available to all APS employees, including agency heads and SES staff, who wish to discuss and seek advice on ethical issues that occur in the workplace and make sound decisions around these issues.</p> <p>More information is available on the APSC website, <a href="https://www.apsc.gov.au/working-aps/integrity/ethics-advisory-service">https://www.apsc.gov.au/working-aps/integrity/ethics-advisory-service</a>.</p>