

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Conflict of interest

Context

All Victoria Police employees are expected to perform their duties in a manner that assures public confidence and trust in the integrity and impartiality of the organisation and the service it provides. Meeting this expectation is critical to an organisation whose employees are entrusted with the authority to enforce the law, have access to sensitive information, and manage financial and physical resources.

A conflict of interest arises when an employee's personal interests are actually, potentially, or perceivably in conflict with the impartial performance of their duties.

Conflicts of interest can arise in areas including: relationships, declarable associations, receipt of gifts, benefits and hospitality, secondary employment, and duties involved in employment with Victoria Police.

This policy has been developed to:

- ensure Victoria Police employees perform and are seen to perform, their duties impartially and in a manner that assures public confidence
- support Victoria Police and its employees' reputations
- maintain the integrity and impartiality of employees in the course of their duties
- ensure the management of conflicts of interest align with the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) and the *Equal Opportunity Act 2010*.

Policy at a glance

This policy includes:

- the guiding principles that govern conflict of interest matters
- procedures for the declaration, assessment and management of conflicts of interest
- relevant legislative and human rights considerations
- requirements regarding declarable associations and secondary employment
- responsibilities for accepting, refusing and recording offers of gifts, benefits and hospitality
- requirements relating to the management of personal and intimate relationships
- procedures for failure to comply with conflict of interest policy requirements.

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Definitions

- **Conflict of Interest** – there are three types of conflict of interest. Although different in nature, each type of conflict can have the same impact upon public confidence and trust and must be managed appropriately:
 - an **actual conflict of interest** is where a real conflict exists between an employee's private interests and their professional duties and responsibilities
 - a **potential conflict of interest** arises where an employee has private interests that could conflict with their professional duties and responsibilities
 - a **perceived conflict of interest** can exist where another person could form the view that a conflict exists between an employee's private interest and their professional duties and responsibilities, now or in the future.
- **Declarable association** – is any association that:
 - is incompatible with the role of the employee and Victoria Police in serving the community
 - may give rise to a perception in the mind of a reasonable person that an employee is not upholding their obligations as a Victoria Police employee
 - may reflect adversely on the employee's standing and reputation in the eyes of the community as a Victoria Police employee.
- **a high-risk person** – any person:
 - suspected of, under investigation for, or known to be engaged in serious criminal activity or family violence offending
 - charged with or has a conviction for an indictable offence and/or serious criminal activity and of a recency that it gives rise to a conflict of interest
 - who is a member of a group or organisation known to be or suspected to be engaged in serious criminal activity
 - who is a registered sex offender
 - serving a custodial sentence, or post sentence order, or on parole.

- **Legitimate business benefit** – activity that furthers the conduct of official business or other legitimate goals of the organisation, public sector or state or federal government.
- **Official business** – activity that is consistent with Victoria Police’s functions, strategic direction and objectives, and relates to an employee’s role and responsibilities. This includes the expectation that senior staff build and maintain relationships that foster good will and cohesion between Victoria Police and government departments, external business partners and the community.
- **Non-token offer** – a gift, benefit or hospitality with the value of \$50 and above.
- **Token offer** – a gift, benefit or hospitality under the value of \$50.
- **Personal or intimate relationships** – consist of the following types of relationships:
 - **Familial relationship** a relationship of spouse or de facto partner, parent/child. It also includes relationships with other relatives (such as siblings, an auntie or a second cousin) where the nature of that relationship meets the definition of a personal relationship.
 - **Intimate relationship** is a consensual sexual, intimate and/or romantic relationship, between adults of any sex or gender identity. Relationships of this kind may be on a one-off, casual, periodic or regular basis.
 - **Personal relationship** is a close relationship or close friendship.
- **Professional relationship** – a relationship between employees within an organisation that involves professional interactions.
- **Private interest** – is any interest, association, or involvement which is undertaken as a private citizen (not linked to official Victoria Police tasks or duties, or on behalf of Victoria Police), including relationships, financial interests and involvements with clubs and associations etc.
- **Outside interest** - leisure activities or unpaid work that pose an actual, potential or perceived conflict of interest.
- **Secondary employment** – is where an employee:
 - applies for or holds a licence or permit to conduct any trade, business or profession
 - conducts or carries on any trade, business or profession
 - undertakes any other form of employment.
- **Vulnerable** – where a person is exposed to the possibility of harm, exploitation or negative influence. The person may be unable to identify and/or resist a hazard and therefore respond in a self-protective manner.

Scope and application

This policy applies to all employees of Victoria Police.

Responsibilities and procedures

1. Guiding principles

Victoria Police acknowledges there are instances when a conflict of interest may occur between an employee’s private or outside interests and their professional responsibilities. The management of these conflicts is governed by the following principles:

- Acting in the public interest.
- Employees being accountable for their actions and decisions.
- Work unit managers being responsible for managing their employee's conflicts of interest, modelling good practice and promoting awareness of conflict of interest policies and processes.
- Using a risk-based assessment and management approach.

Victoria Police employees must, wherever possible, avoid conflicts of interest. Where a conflict of interest cannot be avoided it must be identified, declared, assessed and managed appropriately.

2. Identify

Employees are responsible for identifying any actual, potential or perceived conflicts of interest. If unsure whether an interest may be perceived as a conflict, employees should consult their supervisor or work unit manager.

3. Declare

If a conflict arises and has been identified, the employee must declare the conflict so that it can be managed in accordance with this policy.

4. Manage

- Where an actual, potential, or perceived conflict of interest is identified, or where there is or there could be a reasonable view that one may exist, employees must take steps to manage that conflict.
- How a conflict of interest can be managed depends on the risks identified and the type of private interest giving rise to the conflict of interest.
- Appropriate mitigation strategies need to be applied to manage the risks arising from the conflict of interest. These may include but are not limited to the following:
 - restrict involvement
 - recruit an independent third party to participate in, oversee or review the situation to ensure the integrity of the process is maintained throughout
 - remove the employee(s) from the conflict of interest altogether
 - relinquish the private interest
 - resignation as a final option if the conflict of interest cannot be otherwise managed.

5. Review

A declared conflict of interest, which requires ongoing management, must be reviewed every 12 months, or when there is a change in circumstances, whichever occurs sooner. Risk assessments and management strategies must be updated accordingly and resubmitted. It is the responsibility of individual employees to ensure their conflict of interest declarations are maintained.

6. Legislative considerations

Lawful sexual activity is a protected attribute under the *Equal Opportunity Act*. This policy does not seek to regulate lawful sexual activity but seeks to assist employees to recognise that a personal, or intimate relationship which originates from a professional association may give rise to a conflict of interest that must be managed.

7. Human rights considerations

Victoria Police employees must, under the Charter always properly consider and act compatibly with a person's human rights (in accordance with s. 38).

The Charter recognises that in some circumstances it may be justified to limit a person's human rights. Employees must give proper consideration to human rights by:

- identifying what rights are relevant
- considering how any decisions and actions will impact those rights
- identifying other relevant considerations (for example, protecting the rights of others, public safety considerations)
- balancing the rights and other considerations to inform the decision and documenting the reasons for that decision.

For further advice refer to **VPM Human rights standards**.

8. Personal or intimate relationships

- The overarching principles regarding all types of relationships are as follows:
 - Victoria Police has a responsibility to ensure that employees respect professional boundaries and do not misuse the trust or power of their position or exploit the vulnerability of a person.
 - Victoria Police employees are free to engage in consensual personal or intimate relationships.
 - Victoria Police has a responsibility to ensure a safe and fair workplace for all employees.
- Personal or intimate relationships (see definition section of this policy) may, in many cases, occur without any concerns arising around actual, potential or perceived conflicts of interest in the workplace, and may continue privately without any need for disclosure. However, where a personal or intimate relationship is identified as an actual, potential or perceived conflict of interest it must be declared and managed accordingly.
- A personal or intimate relationship involving employees in a direct reporting line is considered to represent an actual, potential, or perceived conflict of interest and must be declared to a work unit manager so it can be managed. Work unit managers are required to record the disclosure in a manner that adequately protects the individuals' privacy in accordance with privacy legislation and policy.
- A personal or intimate relationship involving employees without a direct reporting line is not required to be declared to a work unit manager unless a conflict of interest arises because of a particular task that one or both employees are required to perform as part of their responsibilities. For example, situations where one employee has responsibility for, or influence on, the outcome of a professional

development application or rostering for the other employee or is investigating conduct of the other employee.

- A professional relationship is not within itself a conflict of interest and therefore does not need to be declared. Where a conflict of interest arises due to a professional relationship or a professional relationship overlaps with, or transitions to another type of relationship (for example to a familial or personal relationship) an assessment must then be undertaken according to the criteria outlined in this section of this policy.
- A personal or intimate relationship with a person who is not an employee of Victoria Police but someone the employee needs to work with closely to perform their responsibilities, may give rise to an actual, potential or perceived conflict of interest and must be disclosed to a work unit manager so the risk can be managed.
- Employees must not engage in any personal or intimate relationship with a person reasonably described as vulnerable, including; victims of, or witnesses to a crime, family violence or other trauma, who the employee met because of their employment.
- Any required disclosure of a personal or intimate relationship must be discussed between the employee and their work unit manager so risk mitigation strategies can be developed. The work unit manager must keep a record of this discussion and the risk mitigation strategies.
- The risk mitigation strategy must include that where an employee has declared a conflict and their work unit manager or the employee has changed work areas (and the conflict still exists), the employee is responsible for notifying the new work unit manager of the conflict and mitigation strategies.
- Each employee is otherwise responsible for managing their own conflict of interest within their relationships and the workplace.
- All employees involved in selection panels must complete the Transfer and Promotion Unit form (for members) or the Interview Guide (for Victorian Public Service (VPS) employees) to identify if a conflict exists.
- For further information and example scenarios refer to the **Conflict of interest guide for managers, supervisors and employees Practice Guide**.

9. Declarable associations

9.1 Overview

Declarable associations include, but are not limited to:

- an association with a person suspected of, or known by the employee to be engaged in, unlawful activity of a nature or frequency which would be likely to raise in the mind of a reasonable person, a concern that the association is incompatible with the employee's position as an employee of Victoria Police
- an association with a person who has a criminal history, if the nature or recency of the offending would be likely to raise in the mind of a reasonable person, a concern that the association is incompatible with the employee's position as an employee of Victoria Police
- membership of, or association with, a group or organisation known to be or perceived to be involved in unlawful activity

- membership of, or association with, a group or organisation engaged in activities or actions or espouses beliefs which do not or may not appear to align with the Victoria Police organisational values
- association with employees who are currently facing charges relating to an indictable offence
- association with employees who are currently suspended
- association with employees who have resigned while under investigation for an indictable offence and continue to be suspected of having committed that indictable offence
- an association with a person known or suspected by the employee to be a perpetrator of family violence.

9.2 *Responsibilities and procedures*

- Employees are required to regularly review their associations (minimum every 12 months). When they identify any association where they are unable to avoid a conflict of interest or are unsure whether the association creates a conflict of interest, they must declare and manage through discussions with a work unit manager. A declarable association must be declared to a work unit manager as soon as it is identified.
- Employees are responsible for ensuring any declarable associations requiring ongoing management are reviewed every 12 months, or when there is a change in circumstances, whichever occurs sooner.
- A declaration is not required for locally appointed welfare officers, welfare officers attached to Wellbeing Services, Human Resource Command (HRC) or designated Peer Support Officers where the association is an official part of their duties.
- A declaration is not required in circumstances where the declarable association is due to the employee being impacted by family violence as the affected family member.
- Employees must declare any association with a high-risk person.
- Employees must not make their own enquiries on LEAP, other Victoria Police databases or with other Victoria Police employees.
- There may be circumstances when an otherwise declarable association is not required. For example; contact that is unplanned, unexpected or one off, however, these situations must be discussed with a supervisor or work unit manager as soon as practicable to ensure any conflict of interest is properly identified, declared and managed.

9.3 *Requirement for employees to acknowledge obligations for declarable associations*

- All new employees to Victoria Police must acknowledge their obligations regarding declarable associations by completing a Declarable Associations Instruction Acknowledgement [Form 1324]. This Form requires employees to acknowledge they have read, or have had read to them this policy, and they understand their obligations under this policy.
- Work unit managers are responsible for ensuring all new Victoria Police employees reporting to them complete the acknowledgement.

9.4 *Reporting requirements for a declarable association*

- Employees who have a declarable association to report must submit an Association Assessment Report [Form 1325] to their work unit manager.
- The work unit manager is responsible for conducting a risk assessment and developing a management plan to address any identified risks.
- The work unit manager should discuss the declaration and management plan with the employee, ensuring they:
 - understand and acknowledge relevant policies; including the S.E.L.F test (contained in the Code of Conduct), Code of Conduct and Victoria Police organisational values
 - understand the risk assessment and agree with the corresponding management plan.
- The management plan must include a nominated date to review the declarable association application and risk mitigation plan, being within 12 months.
- The work unit manager will then forward the Form 1325 to the line manager/divisional manager for review.
- The line manager will forward the reviewed Form 1325 to the divisional manager for approval of the risk management plan.
- In circumstances when the risk management plan includes relinquishing the association the Form 1325 must still be approved and a date set for review.
- All completed Forms 1325s are then forwarded to Professional Standards Command (PSC) for centralised recording and storage.
- The completed form is also forwarded to the relevant Local Professional Standards Committee (LPSC) for notation and ongoing management.
- PSC is responsible for maintaining the database and will conduct audit activities in consultation with divisional superintendents and LPSCs annually.
- Employees who have an active declarable association must submit a new Form 1325 if they permanently or temporarily relocate to a new work unit.
- If upon review the association has been relinquished or the risk assessment reveals no risk requiring ongoing management, divisional managers must notify PSC by email that the declarable association is no longer being actively managed and the reasons for this decision.

9.5 *Declaring an association to another work unit manager*

- Where an employee does not feel comfortable discussing an association with their work unit manager, the employee should contact their Ethics and Professional Standards Officer (EPSO) for advice. The EPSO will consider whether declaring and management is required and if so, in consultation with the employee and the relevant Local/Regional Professional Standards Committee (LPSC/RPSC), select a suitable alternative work unit manager to manage the plan.
- In this instance, the work unit manager must ensure a copy of the completed Form 1325 is provided to the relevant LPSC/RPSC chairperson of the Region/Command/Department where the employee is currently working.
- Where an employee becomes aware of another employee's association with a person which may be declarable, they must notify their work unit manager who will

inform the EPSO responsible for the area where the employee works. The EPSO will then contact the relevant work unit manager and ensure an assessment is made and a Form 1325 submitted according to this policy.

9.6 *Responsibilities of work unit managers*

- Where a work unit manager becomes aware that an association may be declarable, they should discuss the matter with an EPSO in the first instance.
- If it is determined that the association is not a declarable association, the date and type of interaction, details of the associate and action taken are to be entered in the work unit manager's diary, daybook or other format for recording official notes and officially noted by the employee.
- In all other cases, the risk assessment process is to be applied by ensuring the employee submits a Form 1325.
- Where a work unit manager becomes aware that an employee has not fulfilled their requirements under this policy, they should report the matter to PSC by submitting Complaint/Incident Form [Form 918].

9.7 *Management of a declarable association*

Information may be sourced from the employee or, if relevant, Victoria Police information systems. In accordance with **VPMP Information access** and associated policies, the work unit manager is required to justify and account for any use of IT systems on each occasion and:

- a work unit manager may only disclose personal information about an associate to an employee to allow the work unit manager and employee to identify potential risks arising from an association and to develop a suitable management plan
- work unit managers must ensure that disclosure of personal information about an associate or employee is limited to the necessary information and only to people involved in managing the identified risks. A record of any personal information disclosed to the employee must be kept
- if the work unit manager completing the risk assessment does not have LEAP access, advice and access can be arranged by contacting the local EPSO
- individual employees submitting a Form 1325 are not to check any Victoria Police IT system or be asked to conduct any checks on the person for who they are submitting the association assessment report
- employees must have a lawful and justified reason to disclose any details derived from Victoria Police IT systems to any person who is not an employee of Victoria Police. Any details provided by the work unit manager that have been discovered through accessing Victoria Police information systems must only be provided to any Victoria Police employee if a legitimate business reason exists.

9.8 *Risk assessment considerations*

Work unit managers must record all details of enquiries undertaken, the management plan and reason for the decision and any personal information disclosed to the employee on the Form 1325.

10. Gifts, benefits and hospitality

10.1 Overview

Gifts, benefits and hospitality includes items that have monetary value, advantage or a privilege, offered to an employee by anyone other than the Victorian Government as the employer, or the Commonwealth Government. This section describes the responsibilities for accepting, refusing and recording offers of gifts, benefits and hospitality.

Employees in specialist work units, such as those involved in procurement or tendering processes must comply with the specific legislation and government policies that relate to their roles and functions, including the Victoria Police Procurement Policy.

10.2 Recording requirements for gifts, benefits and hospitality

All offers of gifts, benefits or hospitality regardless of value, and whether accepted or declined must be declared by completing a Gifts, Benefits and Hospitality Declaration [Form 1387].

The role of the LPSC is a governance role and to provide advice. In the event they determine that a gift has been accepted contrary to this policy, they must provide the feedback to the division and direct the gift be returned or treated as abandoned property and disposed according to relevant policy. The LPSC will notify the EPSO and PSC that the risk has been identified and advice provided for future reference.

PSC will audit every submission to ensure compliance with the policy and will seek additional advice from the reporting area where deficiencies exist.

PSC also uses data provided on the gifts, benefits and hospitality register to prepare annual reports for the Audit and Risk Committee and whole of Government reporting.

10.3 Assessing whether to accept a gift, benefit or hospitality

Employees must not solicit gifts, benefits or hospitality for themselves or any other individual. Employees may accept offers of gifts, benefits or hospitality that are not prohibited.

Any gift, benefit or hospitality that may be considered an actual, potential or perceived conflict of interest is prohibited. In addition, the following are prohibited gifts, benefits and hospitality:

- Money, items used in a similar way to money, or items easily converted to money i.e. gift cards, vouchers, cash back or discount offers.
- Any thing that may adversely affect an employee's standing as a public official or which may bring Victoria Police or the public sector into disrepute.
- A bribe or inducement (employees must report inducements and bribery attempts to their work unit manager) .
- An offer made to an employee that has a value of \$50 or more (non-token offer) and does not present a legitimate business benefit (an exception to this would be a non-token offer made to a work unit/place that does not have an identified conflict of interest; for example a Rotary Club gifts a coffee machine to their local police station to thank them for their work in the community.
- An offer that has been valued at under \$50 (token) but has been made repeatedly so that over a 12 month period the cumulative value would exceed \$50.

- Any gift, benefit or hospitality offered by a registered human source (see **VPM Human sources** for further information).

10.4 *What is not considered to be a gift, benefit or hospitality?*

A gift, benefit or hospitality does not include gifts from work colleagues (except where conflict of interest exists or may be perceived to exist), agency/state functions and Commonwealth funded travel. Other examples include, but are not limited to:

- symbolic mementos, of little monetary value from work related conferences, seminars etc. (such as a card, calendar or diary)
- any food or beverage (not taken as part of a main meal) that does not exceed a cumulative value of \$50 or more over a 12 month period from the same person/company
- a loan or financial accommodation offered by a third party at commercial rates
- a discount available to the public
- a randomly drawn prize, such as a door prize or raffle which is open to the public and entered in a private capacity
- something for which the employee has paid fair value
- discounts to police members in uniform where a private organisation has a policy to offer them (off duty employees are not permitted to request or accept these discounts)
- discounts negotiated by the relevant union
- free economy travel for police and protective services officers (PSOs) on all public transport services in Victoria
- offers for employees to view or attend a product release or training/development seminar made in the ordinary course of business.

These circumstances do not need to be declared unless a conflict of interest is identified, or the offer is otherwise prohibited. Employees should consult their work unit manager for advice.

10.5 *Providing gifts, benefits, and hospitality on behalf of Victoria Police*

Victoria Police may provide gifts, benefits and hospitality to external guests and employees to express appreciation and/or recognise a milestone or achievement. Any gifts, benefits or hospitality provided must be:

- for a business purpose in that it furthers the conduct of official business or promotes and supports Victoria Police policy objectives and priorities
- proportionate in cost to the benefit obtained by Victoria Police
- considered reasonable in terms of community expectations. A range of gifts and souvenirs are available for purchase from the Victoria Police Museum.

Victoria Police may host and cater internal events for employees or functions for external visitors and special guests of the organisation (see Chapter 7, Victoria Police Accounting Manual). Where Victoria Police hosts an event where alcohol will be served, see **VPM Alcohol and other drugs**.

Employees providing a gift, benefit or hospitality are not required to complete Form 1387.

11. Secondary employment and outside interests

11.1 Overview

Employees must consult with their work unit manager before submitting an Application for Approval to undertake Secondary Employment or Outside Interests [Form 1046].

This conversation will help to:

- establish if the employee can engage in the activity and if approval is required
- identify any conflicts of interest
- develop a management plan to establish conditions to manage conflicts of interest.

Employees who wish to engage in secondary employment or an outside interest that requires approval must:

- submit an application for approval as follows:
 - Employees who are suspended without pay or directed to take leave before being suspended without pay must apply using an Application for Approval for Employee Subject to Interim Action to Undertake Secondary Employment or Outside Interests.
 - All other employees, including employees suspended with pay, must apply using Form 1046.
- show they can continue to perform their duties for Victoria Police
- be available for:
 - the usual roster pattern
 - reasonable overtime
 - recall to duty
 - other responsibilities applicable to the role.
- not wear any part of the Victoria Police uniform or use any Victoria Police accoutrements, resources, or information
- not promote or advertise they are a Victoria Police employee
- manage the risk of excessive work hours and ensure adequate rest.

It is an offence for employees to undertake any form of paid employment during long service leave for the period they would have otherwise worked for Victoria Police (see s.35, *Long Service Leave Act 2018*). Further direction regarding other leave types (i.e., leave without pay) can be found in **VPM Leave**.

11.2 Responsibilities and procedures

- Employees other than those suspended without pay or directed to take leave before being suspended without pay, must submit a Form 1046 for approval to undertake:
 - all secondary employment (as required under s.125(1)(l), *Victoria Police Act 2013* for police members and s.32, *Public Administration Act 2004* for VPS employees)
 - outside interests (leisure activities or unpaid work) that pose an actual, potential or perceived conflict of interest.
- Employees seeking to undertake paid secondary employment while suspended without pay or directed to take leave before being suspended without pay must comply with section 11.12 of this policy.

- All applications for secondary employment or outside interests are assessed on their own merit, with approval dependent on factors including:
 - the type of activity
 - the level of risk associated with the activity and the need to manage any actual, potential or perceived conflict of interest
 - preservation of the integrity of Victoria Police and its employees
 - maintenance of operational capabilities.
- An approval may be revoked at any time by the approver or the divisional manager.

11.3 *Responsibilities and assessment considerations*

The applicant must acknowledge:

- any conflict of interest (including for Victoria Police) arising from their proposed secondary employment or outside interest
- there is no known risk that the activity will negatively affect the operational performance of Victoria Police
- the requirement to declare any involvement in the recruitment of any other Victoria Police employees to undertake secondary employment and strategies to manage this
- agreement with any special conditions that are imposed to mitigate risk.

The work unit manager is responsible for:

- assessing the application and determining whether it should be recommended for approval or non-approval
- imposing any special conditions considered necessary to mitigate or manage identified risks, including conflicts of interest and if the applicant proposes to recruit other Victoria Police employees
- discussing the risk management plan with the applicant to obtain their assurance that they understand and will comply with the mitigation strategies or conditions
- forwarding the application to the line manager where applicable for consideration and endorsement
- making a recommendation for the approver as to whether the application should be approved or not approved in accordance with this policy.

The divisional manager is responsible for:

- assessing the risk mitigation strategies imposed on the application so far and approve, change or reject these
- imposing any additional conditions considered necessary to mitigate or manage identified risks
- deciding whether to approve the application, giving balanced consideration to the requirements of this policy and the public interest.

Where an Application for Approval for Employee Subject to Interim Action to Undertake Secondary Employment or Outside Interests is submitted by an employee, it must be submitted directly to the Assistant Commissioner, PSC in accordance with the instructions provided with the relevant Interim Action Notice.

Form 1046 must not be used by employees suspended without pay or directed to take leave before being suspended without pay.

The roles and responsibilities of EPSOs and LPSCs regarding all conflicts of interest are contained within **VPM Local Professional Standards Committees**.

11.4 *Activities that require approval*

The following activities require approval in all circumstances:

- Any external employment (including self-employment) with remuneration in cash, in kind or other benefit.
- Directorship (or appointment as an office holder by any other name) in, or being a board member of, a trading company.
- An office bearer, or holding a decision-making position, irrespective of whether payment is received (outside interest) .
- Ownership of any business (other than minority shareholdings in a publicly traded company for investment purposes) including as a silent partner.
- Application for or holding a licence or permit to conduct any trade, business or profession.
- Volunteering for the Australian Defence Force Reserves (ADFR) (see section 11.7 of this policy for further requirements) .
- Working or volunteering in any overseas location where the Australian Federal Police has committed resources to a conflict or the Department of Foreign Affairs and Trade advises against all travel (other than arranged by the International Deployment Program) (see section 11.8 of this policy for further requirements).
- Involvement with politics at any level (local, state, or federal) including, nominating or standing as a candidate, campaigning and all other roles (see section 11.6 of this policy for further requirements).

All other secondary employment (volunteering, charity and unpaid work), outside interests and activities only require approval where there is an actual, potential or perceived conflict of interest.

11.5 *Prohibited activities*

- Employees are prohibited from engaging in certain activities relating to specific industries. The following table lists these prohibited activities:

Industry	Prohibited activity
Liquor industry	Any role involved in the supply or provision of alcohol regulated by the <i>Liquor Control Reform Act 1998</i> .
Gaming and racing industry	Any role involved in: • The supply or provision of gaming that requires a gaming licence, permit or registration from the Victorian Gambling and Casino Control Commission. • Racing animals (excluding owning shares in a racing animal; employees are required to submit Form 1046 where there is a conflict of interest).
Transport industry	Any role that is regulated by VicRoads or the Commercial Passenger Vehicles Victoria (i.e., taxi or ride sharing services).
Firearms and weapons industry	Any role that is regulated by Victoria Police.

Sex industry	Any role in the provision of sexual services for remuneration.
Private security industry	Any role that is regulated by Victoria Police.
Professional boxing and combat sports industry	Any role involved in: • The promotion of boxing and/or combat sport events. • Any form of match-making activity in relation to boxing and/or combat sport events.
Second-hand dealers industry	Any role that is regulated by Victoria Police or Consumer Affairs Victoria.
Poppy/medicinal cannabis industry	Any role that requires permission from the Commonwealth and/or Victorian Government.
Agencies that oversight/investigate Victoria Police (e.g. Independent Broad-based Anti-corruption Commission)	Any role involved in the oversight/investigation of Victoria Police.

- Employees are prohibited from performing any role with any industry that is incompatible with the values of Victoria Police, presents a direct conflict to the regulatory, or specific enforcement, role of Victoria Police, or relies upon skills, knowledge and expertise gained through and maintained by Victoria Police.

11.6 *Political activity*

- Employees may be involved in local, state or federal politics including:
 - membership of a political party
 - campaigning on behalf of a candidate
 - nomination to stand as a candidate
 - standing as a candidate
 - involvement in policy development.
- Employees who are involved in politics must submit an Application for Approval to undertake Secondary Employment or Outside Interests [Form 1046] due to the possibility of a conflict of interest.
- Where a conflict of interest is identified it must be managed appropriately.
- Advice regarding nomination and standing as a candidate for the different levels of government is outlined below. Refer to **VPM Leave** for requirements regarding public office leave.

Local government

- Employees may nominate for election to a municipal council.
- Employees are not required to take leave or resign in order to campaign for, be elected to or undertake duties with local government.
- Employees are entitled to leave in respect of their duties as a councillor.
- Employees must complete Form 1046 and continually monitor and manage any conflicts of interest between their duties as a Victoria Police employee and as a municipal councillor. This includes employees complying with any requirements of the council to manage identified conflicts of interest.

State government

- Employees may nominate for election to the Parliament of Victoria and if nominated to stand for election must take leave from Victoria Police for the period of the campaign. While on leave employees remain subject to all Victoria Police policies, with the exception of the requirement for political neutrality.
- Employees must complete Form 1046 and continually monitor and manage any conflicts of interest.
- Where an employee is elected to Parliament, they automatically cease employment with Victoria Police on the day of the declaration of the polls. In this instance employees are not required to resign.

Federal government

Employees who wish to nominate for election to the Parliament of Australia must resign prior to nomination.

11.7 Volunteering for the Australian Defence Force

- In accordance with ss.15-17, *Defence Reserve Service (Protection) Act 2001* (Cwth), employees who volunteer for service with the ADFR must not be disadvantaged in their employment with Victoria Police because of that service.
- Employees volunteering for the ADFR must report the details of their service or deployment to allow for operational planning:
 - Police members and PSOs must complete Form 1046.
 - VPS employees must record the information on HR Assist.

11.8 Working or volunteering in certain overseas locations

- Employees must obtain approval from the Chief Commissioner of Police to undertake work or volunteer in locations (other than those arranged by the International Deployment Program) where the:
 - Australian Federal Police has committed resources to ongoing overseas conflict.
 - Department of Foreign Affairs and Trade advises against all travel.
- Employees should contact their local EPSO for advice in the first instance.

11.9 Secondary employment approval process flow

The approver is based on the employee submitting the application. Applications are to be progressed through line management to the approvers as follows:

Applicant	Approvers (in progression order)	Overseen by
Recruits/Residential Training phase, pre-graduation	1. OIC Foundation Welfare Unit 2. Foundation Student Manager	LPSC
Department Heads/Assistant Commissioners	1. Deputy Commissioner/ Deputy Secretary 2. Chief Commissioner of Police	LPSC/RPSC
All other applicants (including DTWs post-graduation and employees suspended with pay)	1. Work Unit Manager 2. Divisional Manager	LPSC/RPSC
Applicants who are suspended without pay or directed to take leave before being suspended without pay	1. Assistant Commissioner, PSC	LPSC/RPSC

11.10 *Employees suspended with pay*

- Where the application is from a suspended employee, the work unit manager should consult with the LPSC who will consult with the EPSO in order to gain relevant facts and conduct a risk assessment.
- Secondary employment applications for employees suspended with pay must be submitted through the employee's chain of command and assessed by their divisional management.

11.11 *Subsequent applications*

Employees must submit a Form 1046 for approval to continue undertaking an 'approved activity':

- within every 12-month period (commands, regions and departments may set any review dates throughout the year to ensure this timeframe is observed)
- when there is a change in the employee's Victoria Police work role/functions (e.g. transfer, promotion, full-time to part-time or vice versa)
- when an employee permanently re-locates, or is assigned for a period of three months or more, to a new work location, including when they undertake the same or similar duties
- when the circumstances of the employee's approved activity changes to the extent the risk assessment done at the time of approval is, or could become regarded as out-of-date
- where the employee becomes subject to interim action under **VPMG Discipline action** or is subject to a direction under **VPM Management of misconduct (VPS Employees)** including suspension (with or without pay) or direction to take leave, or transferred to other duties where the employee is the subject of a discipline or criminal investigation
- where undertaking the activity results in illness or injury to the employee and the work unit manager determines this has impacted on the employee's capacity to fulfil their responsibilities to Victoria Police
- where the employee has an accepted WorkCover claim which prevents them from returning to work, or their full pre-injury duties.

11.12 *Employees suspended without pay or directed to take leave before being suspended without pay*

- Employees who are suspended without pay or directed to take leave before being suspended without pay may, with the approval of the Chief Commissioner, undertake paid employment during the period of suspension or directed leave.
- On receiving an Interim Action Notice suspending the employee without pay or directing the employee to take leave, the employee is granted conditional approval to seek and provisionally accept an offer of employment subject to the following conditions:
 - The employment offer is not in a prohibited activity as detailed in section 11.5 of this policy.

- After provisionally accepting the offer of employment, or before conducting any trade, business or profession the employee must submit an Application for Approval for Employee Subject to Interim Action to Undertake Secondary Employment or Outside Interest to the Assistant Commissioner, PSC for approval.
- The employee must not commence secondary employment until formal approval is granted by the Chief Commissioner or their delegate.
- The employee must reapply for secondary employment when the Interim Action lapses or is rescinded, or where there is a change in circumstances (such as a change in employment, change in employer, change in interim action status).
- The application form is available from the employee's TPAV representative or the Victoria Police Intranet. If the employee does not have access to the Victoria Police Intranet, the employee's line manager may forward the application form to the employee's personal email account.
- Within five business days of receiving the completed application form, the Assistant Commissioner, PSC must consider the application, conduct a risk assessment, and notify the applicant and the employee's Local/Regional Professional Standards Committee of the outcome of the application in writing as follows:
 - If the application is formally approved, the employee may formally accept the offer and commence employment.
 - If the application is not approved, the employee must decline the offer of employment and seek alternative secondary employment opportunities.
- If an employee accepts an offer of employment, commences employment, or conducts a trade/business or profession, without first obtaining formal approval from the Chief Commissioner or their delegate, it is a breach of discipline.

12. Private interests

- Employees who hold a financial delegation of \$20 000 or more or have been directed by the Chief Commissioner of Police to do so, must submit a Declaration of Private Interests form.
- It must be completed:
 - on appointment
 - annually after appointment
 - within five working days after a change of circumstances.
- Employees are only required to record family interests that are known to them and that may reasonably raise an expectation of a conflict of interest.
- The completed declaration must be provided as follows:
 - Police commissioners and executives – forward completed form to Executive Employment, HRC via the EXECUTIVE-EMPLOYMENT-MGR PBEA.
 - Other employees – forward completed form to the employee's region/command/department head.
- Ongoing management of any conflict of interest always remains the responsibility of the employee and their work unit manager.
- Employees must report any other identified conflict of interest in accordance with this policy.

- For further information in relation to this topic please refer to the **Victoria Police Accounting Manual – 7.2 Financial Delegations**.

13. Projects and Tenders

Employees involved in projects or tenders must complete a Conflict of Interest (Col) Procurement Activities Only Application to:

- declare any financial interest in the project
- declare any relative/friend with a financial interest in the project
- declare any personal bias which may affect the employee's decision in the project
- declare any prior engagement or involvement with the organisation or individual
- declare any obligation, allegiance or loyalty which may affect the employee's decisions in the project.

14. Police operations, investigations and prosecutions

- An employee involved in an operation, investigation or prosecution must identify and declare any conflict of interest that arises or would arise from the performance of their duties and address the issue in accordance with the conflict of interest procedures.
- Unless there is no other employee available, employees must not undertake any duties in relation to a police operation, investigation or prosecution where:
 - they are the victim
 - their relatives or friends are involved
 - they have a connection to a party in the matter
 - they undertake secondary employment or a reportable outside interest at the location.
- Where an employee becomes involved in a matter identified above, they must request the attendance of an independent employee to undertake the duties or enquiries.
- When the above is not practical (e.g. one member stations) the member must seek advice from a work unit manager. The work unit manager must advise how to deal with the matter and record the decision.
- Employees investigating the conduct or behaviour of an employee must complete a Conflict of Interest Disclosure – Investigation [Form 1426]. Employees otherwise involved in a complaint file as the investigator, oversighting officer, or police action review must comply with this policy.
- Employees must declare any identified conflict of interest to their work unit manager.
- A resolution officer for a complaint file that has been assessed as suitable for management resolution is not an investigator for the purposes of this policy. The resolution officer should always be a line manager of the involved employee.

15. Endorsement of services or products

- Endorsing or recommending services or products of a business or individual may be considered a conflict of interest. Employees must consider the conflict of interest principles to identify if there is an actual, potential or perceived conflict.

- Where a conflict of interest has not been identified the employee may only endorse services or products where:
 - the endorsement has been authorised by the Chief Commissioner of Police; or
 - the endorsement is in accordance with **VPM Donations and sponsorship**.
- Employees may endorse charities through the collection of money or sale of items, and display community service notices on authority of the relevant work unit manager as per **VPM Donations and sponsorship**.

16. Providing references

16.1 *References for former employees or other people*

- Employees may only give references to former employees or other people in strictly limited circumstances.
- Generally, employees should not give references as an employee of Victoria Police. However, in limited circumstances it may be appropriate to give a reference as an employee of Victoria Police, but only where the employee is satisfied that:
 - identifying themselves as a Victoria Police employee is necessary to explain their connection to the person
 - the person's character and conduct are compatible with Victoria Police's role in upholding the law
 - the reference will not be used as or perceived to be support from Victoria Police as a whole.
- If there is any doubt, the reference must not be given as an employee of Victoria Police.

16.2 *References for all current employees*

Employees may act as referees for current employees except for use at court under the following circumstances:

- The person's character and conduct are compatible with Victoria Police's values and code of conduct.
- The reference provided must be the opinion of the individual referee, and not purport to represent the view of Victoria Police as a whole.

16.3 *Court*

All requests for providing references to be used as evidence at court must comply with the section of **VPM Court processes** relating to employees providing evidentiary material.

16.4 *Discipline hearings*

All submissions including referee reports and requests to attend discipline hearings must comply with **VPMG Discipline action**.

17. Failure to comply with conflict of interest policy and reporting requirements

17.1 *Failure to comply*

- Where an employee fails to comply with this policy, they may be subject to disciplinary action in accordance with **VPMP Complaints and discipline**.
- Further, where a police member fails to identify and fully declare and manage a conflict of interest in accordance with this policy this may lead to disciplinary action under s. 125, *Victoria Police Act*.

17.2 *Reporting requirements*

As per s.167(3), *Victoria Police Act*, an employee who believes that another employee is breaching this policy must report that breach to:

- another employee senior in rank or level, or
- PSC (via Form VP 918), or
- the Independent Broad-based Anti-corruption Commission.

18. Grievances

Employees who do not agree with a decision or assessment made in relation to this policy may submit a grievance in accordance with **VPM Review of actions (grievance)**.

19. Governance

The LPSC/RPSC is responsible for the following governance activities:

- Declarable associations – providing quarterly reports to the relevant region/command/department head outlining the previous quarter applications including:
 - number of annual declarations
 - number of declarations with a management plan
 - maintaining currency of all applications and renewals.
- Gifts, benefits and hospitality – providing quarterly reports to the relevant region/command/department head, outlining the previous quarter declarations including:
 - total number of declarations
 - number of approved declarations
 - number of rejected declarations
 - details of non-token gifts, benefits or hospitality accepted including justification for accepting
 - reviewing submissions for compliance with policy, identifying deficiencies and undertaking remedial activities.
- Secondary employment and outside interests – providing quarterly reports to the relevant region/command/department head outlining the previous quarter applications including:
 - total number of applications
 - number of approved applications
 - number of approved applications for each work unit managed by the LPSC/RPSC

- number of rejected applications
- industries/activities covered by applications
- reviewing applications, identifying and mitigating deficiencies
- understanding themes.

Further information regarding the roles and responsibilities of EPSOs and LPSCs in relation to all conflicts of interest is contained within **VPM Local Professional Standards Committees**.

Related documents

- Conflict of interest guide for managers, supervisors and employees Practice Guide
- VPM Professional and ethical standards
- VPM Donations and sponsorships
- VPM Review of actions (grievance)
- VPM Court processes
- VPM Leave
- VPM Local Professional Standards Committees
- VPM Human rights standards
- VPMP Information access
- VPM Human sources
- VPM Alcohol and other drugs
- VPMG Discipline action
- VPM Management of misconduct (VPS Employees)
- Victoria Police Accounting Manual – 7.2 Financial Delegations
- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Victoria Police Act 2013*
- *Public Administration Act 2004*
- *Liquor Control Reform Act 1998*
- *Defence Reserve Service (Protection) Act 2001 (Cwth)*

Further advice and information

For further advice and assistance regarding this policy contact your supervisor or Ethics and Professional Standards Officer (EPSO).

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
01/07/19	This document combines and consolidates VPMP Managing conflict of interest, VPMG Declarable associations, VPM Gifts, benefits and hospitality and	FF-135496

	VPMG Secondary employment and outside interests	
02/08/19	Instrument names amended to reflect updated donations and sponsorship policy.	FF-140620
24/09/19	Instrument names amended to reflect new grievance policy.	FF-124135
18/11/19	Inclusion of exemption to complete Declarable Association Form 1325 for welfare officers.	FF-135496
02/06/21	Updated to reflect references to new VPM Alcohol and other drugs	FF-118693
11/08/22	Review and reconstruction of entire policy, inclusion of management of conflicts of interest derived from consensual relationships and intimate relationships. Update to the industries in the prohibited activities table re secondary employment to include boxing and combat sports, second-hand dealers, poppy-medicinal cannabis and agencies that oversight/investigate Victoria Police	FF-135496 2 FF-135496 3
09/06/23	Replacement of all references to VP Form 1462 Conflict of Interest with reference to the Conflict of Interest (Col) Procurement Activities Only Application.	FF-096927 1
22/05/24	Amended to include procedures for employees suspended without pay or directed to take leave before being suspended without pay, in support of the DTP Policy review.	FF-251367