

Conflict of Interest Case Studies

The following case studies explore potential conflict of interest issues that may arise at Treasury. These scenarios are designed to provide assistance to all Treasury staff in understanding how to apply Treasury's Conflict of Interest Policy in practice. They are illustrative, not determinative, and actual outcomes in application of the policy could vary depending on the exact circumstances of a situation. Conflicts of interest can take many forms and occur in any part of Treasury, not limited to the examples shown below. Please note all case studies are fictitious and any resemblance to real people is entirely coincidental.

If you have any questions about conflict of interest, please discuss with your manager or reach out to Risk and Governance on s 22 or email s 22 @treasury.gov.au.

Scenario 1



Name: Omar

Position: EL1

Division: Corporate and International Tax Division, Corporate Tax Branch

Relevant Personal Interests: Personal relationship with a candidate in a recruitment process.

Corporate Tax Branch is conducting a recruitment round for a number of APS roles. Omar is a member of the recruitment panel assessing and recommending candidates. Omar notices that one of the candidates is his cousin. They are not very close and haven't seen each other in over 15 years. Omar is confident there is no conflict as he barely knows his cousin. However, he raises the matter with the Chair of the Recruitment panel to determine the appropriate course of action. The recruitment chair reminds Omar that although there is no *real* conflict, there is still an *apparent* conflict if it were to be discovered that Omar was determining suitability about a person he is related to, especially if the conflict was not declared and managed. They agree that Omar will formally declare the conflict and abstain from any involvement in the assessment of his cousin to mitigate any apparent conflict of interest. Omar completes the Recruitment Panel: Conflict of Interest Declaration, recording the agreed mitigation strategy.

Scenario 2



Name: Kasumi

Position: APS6

Division: Financial Systems Division, Banking and Capital Markets Branch

Relevant Personal Interests: 0.005 Bitcoin (BTC)

Kasumi made a small (<\$5,000) investment in a cryptocurrency while she was working in Employment Policy Branch. She considered whether she would need to declare this interest but given the lack of relevance to her role she determined this was not necessary. However, Kasumi later moves into a role in Banking and Capital Markets branch. She identifies this as a 'trigger point' to reassess her interests to identify any real or apparent conflicts. In her new role she will be developing policy on the crypto assets exchange process. Although Kasumi will not be making policy decisions herself, she will have access to relevant information which could potentially become a conflict of interest. She raises it with her Assistant Secretary to determine whether it needs to be declared. Given the potential for the appearance of a conflict, it is determined that the investment should be declared. To mitigate any real or apparent conflict, it is agreed that Kasumi's role will be monitored to ensure she does not access information that may give her an 'insider' advantage and is not involved in advice or decisions that may be seen to benefit her investment. Given the volatility of crypto asset values, it is also agreed that the mitigation strategy will be re-assessed if the value changes to an extent that stronger mitigation, such as a re-allocation of duties or role re-design, is required.

Scenario 3



Name: Jessica

Position: APS6

Division: Small and Family Business Division

Relevant Personal Interests: Previously employed in Treasury regulated industry

Jessica was previously employed by a company that is regulated by Treasury and declared this when she first commenced in her role. The agreed mitigation strategy was for Jessica to avoid involvement in any assessments related to her old company. A few months later the branch is understaffed and facing

significant pressure to continue to meet agreed timeframes. Jessica's manager asks her to take on a piece of work related to her previous employer as she is the only available staff member, forgetting the previously declared conflict. Jessica reminds her manager of her previously declared conflict, but noting the high priority, asks whether she should just take on this case to get it done. Unsure of the best course of action, they reach out to their Assistant Secretary for guidance. The Assistant Secretary advises them that despite the pressure and resourcing constraints it is still not appropriate for Jessica to be involved in matters regarding her previous employer. They determine an alternate solution in which Jessica takes on the work of a colleague, freeing them up to deal with the case that Jessica was conflicted out of. The Assistant Secretary reminds Jessica and her Director of their ongoing responsibility to manage declared conflicts, including for the Director to stay on top of the declared conflicts of their employees to avoid accidentally placing them in situations such as this where they may face a real or apparent conflict.

Scenario 4



Name: Nathan

Position: Assistant Secretary

Division: Social Policy Division, Education, Migration and Housing Branch

Relevant Personal Interests: Board Director

Nathan is an SES level staff member and as such, is required to complete the annual declaration process. In June, he completes his Declaration of Personal Interests form in Aurion, outlining that he has no material interests that could present a real or apparent conflict with his work at Treasury.

In September, Nathan is approached by a local sporting organisation to join their Board of Directors. After referring to the Treasury COI policy and guidance, he identifies that there is no risk to his wellbeing as the time commitment is manageable, and no material conflict with his work at Treasury as his role does not have any relevance to the sporting organisation. He works in a division that advises on health policy, which may include consideration of the role of sport in promoting population health, but he correctly determines that there is no real or sensible possibility of conflict as he himself does not have any influence over the decisions or advice provided in the Health, Disability and Social Services Branch within his Division.

He discusses the opportunity with his First Assistant Secretary and submits an Outside Employment form in Aurion. After receiving approval for the outside employment, Nathan is appointed to the Board of Directors in October.

However, at the March board meeting for the sporting organisation, a plan to repurpose part of the clubhouse building into a small early childhood learning centre to increase revenue is announced. Nathan advises on education policy as part of his role at Treasury. He identifies this as a 'trigger point' to re-assess his real and apparent conflicts outside of the annual process as there has been a change in the

nature of his personal interest. He speaks with his First Assistant Secretary who agrees that the board directorship must now be declared as it may present a real or apparent conflict with Nathan's work when advising on early childhood education policy. Referring to the COI policy and guidance, Nathan and his First Assistant Secretary discuss a range of options and identify an approach that Nathan's First Assistant Secretary considers appropriate, given all the circumstances. Nathan then submits a Declaration of Personal Interests form in Aurion, and Nathan's First Assistant Secretary populates the Conflict Management Plan section outlining the agreed mitigation strategies which include:

- Nathan declaring his role at Treasury on the sporting organisation's board conflict of interest register and recusing himself from discussions and decisions surrounding the early learning centre.
- Ensuring any advice concerning early childhood education policy that may benefit the sporting organisation is justified with clearly documented evidence that will withstand external scrutiny.
- Nathan stepping back from program decision making specifically related to early childhood education, should such decision making arise.

This is a risk-based approach that acknowledges the relatively low risk of Nathan's board position representing a real or apparent conflict. This risk is outweighed by the benefit of Nathan's ongoing contribution in performing his role at Treasury. The risk is also mitigated by the documented and defensible management approach.

Scenario 5



Name: Keerthi

Position: Contractor

Division: Chief Operating Officer Division, Information Services Branch

Relevant Personal Interests: Receives gift/benefit

Keerthi's best friend Allison works for a large consulting firm. Allison has recently been awarded a prize for being the top performer in her team, which includes an overseas holiday for two people paid for by the company. Allison asks Keerthi to join her on the holiday. Keerthi is currently involved in a procurement in which the firm that Allison works for is being considered. Although Allison is not offering the trip to Keerthi in her capacity as a Treasury staff member, but rather as part of their private friendship, Keerthi is still concerned that it may represent an apparent conflict of interest since the trip is being funded by Allison's employer. She raises it with her manager who agrees that it may present an apparent conflict and presents Keerthi with two options: decline the offer or withdraw from any involvement in the current procurement, and any future procurements that may involve the company.

Keerthi opts to withdraw from involvement in the procurement and accept the offer to go on the trip with her friend. Keerthi records the trip on the Gifts and Benefits Register for transparency.



AUDIENCE	CATEGORY
All Treasury APS employees, Commonwealth agency secondees, contractors, consultants, and office holders who are officials of Treasury	Governance

Policies and procedures

Conflict of Interest

This document was endorsed by Executive Board

It was last reviewed in October 2022 and is scheduled for review in November 2025

For further information or questions, phone Risk and Governance on s 22 or email s 22 @treasury.gov.au

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Overview

This Policy provides information and guidance on handling conflicts of interest (including post-separation employment), and how to seek approval to engage in outside employment to maintain the professionalism, integrity, and accountability of Treasury.

Purpose

The purpose of this policy is to protect the integrity of the Australian Public Service (APS) by clarifying roles and expectations for the management of conflicts of interest. The public is entitled to have confidence in the integrity of their public officials, and to know that the personal interests of employees do not conflict with their public duties.

The purpose of disclosure is to ensure that the Secretary of Treasury is aware of any personal interests or relationships of employees which improperly influence, or could be seen to improperly influence, employees in their duties.

Scope

The Treasury Conflict of Interest Policy (the Policy) applies to all Treasury staff (staff), including APS employees, office holders who are officials of Treasury for the purposes of the Finance Law, and Commonwealth agency secondees. This policy also applies to contractors and consultants to the extent that the related contracts require them to follow Treasury's policies generally or follow this Conflict of Interest policy.

All staff of Treasury must take reasonable steps to identify, assess and disclose real or apparent conflicts of interest as they may arise from their personal interests.

Legislation

Under section 29 of the *Public Governance, Performance and Accountability Act 2013*, an official of a Commonwealth entity who has a material personal interest that relates to the affairs of the entity must disclose details of the interest.

Under section 13 of the *Public Service Act 1999*, the APS Code of Conduct (the Code) requires that officials take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their APS employment, and disclose details of any material personal interests relevant to, or in connection with, their APS employment that may give rise to a conflict.

How does this policy and/or procedure relate to me?

If you are a/an:	Then your responsibility is to:
Treasury staff member, including APS employees, office holders who are officials of Treasury for the purposes of the Finance Law, and Commonwealth secondees	• Apply the principles inherent in the APS Code of Conduct and uphold the APS Values. • Assess your personal interests to identify whether they conflict, could be perceived to conflict, or have the potential to conflict, with your role and responsibilities. • Disclose personal interests (financial or otherwise) that could give rise to a conflict of interest as soon as they become apparent. • Seek advice from your manager if you are uncertain about whether a conflict of interest arises or exists from your personal interests. • Cooperate with managers to avoid or manage conflicts of interest, including abiding by any specific probity plans that may be in place for your work area, or tasks. • Reconsider personal interests at appropriate times, for example during a change in role or responsibility, or when you are undertaking specific activities (for example, procurement, grant administration or recruitment). Refer to trigger points in the ‘Conflict of Interest Management Cycle’ for guidance on when to reassess conflicts. • Report staff who may not have declared a conflict of interest, or may not be managing it, to your manager or the Director, Risk and Governance.
Contractor, Consultant or private sector secondee	• Adhere to any conflict of interest requirements or obligations to behave consistently with the APS Code of Conduct, as required by Treasury, and to the extent of your (or your organisation’s) contract. • Assess your personal interests and relationships to identify whether they conflict, or have the potential to conflict, with your role and responsibilities. • Disclose personal interests (financial or otherwise) that could give rise to a conflict of interest as soon as they become apparent. • Seek advice from your contract manager if you are uncertain about whether a conflict of interest arises or exists from your personal interests. • Cooperate with managers to avoid or manage conflicts of interest, including abiding by any specific probity plans that may be in place for your work area or tasks. • Reconsider personal interests at appropriate times, for example during a change in role or responsibility, or when you are undertaking specific activities (for example, procurement, grant administration or

	recruitment). Refer to trigger points in the ‘Conflict of Interest Management Cycle’ for guidance on when to reassess conflicts.
Manager – (including contract managers or equivalent in the case of contractors and consultants that do not have a direct supervisor) (In addition to responsibilities for all Treasury staff)	• Lead by example and encourage ongoing conversations on conflict of interest amongst staff to ensure awareness of obligations. • Provide your staff with the information pertaining to Treasury’s conflict of interest through Treasury’s Onboarding Program. • Determine whether a disclosure from your staff is material and could present a real or apparent conflict. • Ensure all material real or apparent conflicts reported by your staff have a documented conflict of interest management plan. • Monitor adherence to conflict of interest management plans and escalate as required.
Executive Level 2 (EL2) staff (In addition to responsibilities for all Treasury staff and managers)	• Complete the compulsory EL2 conflict of interest declaration process on commencement, and annually, regardless of whether you have identified a real or apparent conflict.
SES staff and office holders who are officials of Treasury for the purposes of the Finance Law (In addition to responsibilities for all Treasury staff and managers)	• Apply the principles inherent in the APS Code of Conduct and uphold and promote the APS Values. • Lead by example and encourage ongoing conversations on conflict of interest amongst staff to ensure awareness of obligations. • Complete the compulsory SES conflict of interest declaration process on commencement, and annually, regardless of whether you have identified a real or apparent conflict. • Assess and declare any other conflicts as they arise. Refer to trigger points in the ‘Conflict of Interest Management Cycle’ for guidance on when to reassess conflicts.
Risk and Governance Unit (In addition to responsibilities for all Treasury staff)	• Update and maintain this Policy and related materials on behalf of Treasury. • Advise staff and managers on determining whether a disclosure is material and could present a real or apparent conflict and suitable measures that could be taken to manage a conflict. • Initiate the annual declaration of interest process for EL2’s, SES and office holders’ and update the Secretary on outcomes from the process. • Monitor implementation of the policy, escalate issues as they become known and identify improvements to be made to better support Treasury staff in managing conflict of interest obligations.

Contacts

For advice, please contact Risk and Governance on s 22 or email s 22 @treasury.gov.au, who are also responsible for updating and maintaining this policy/procedure.

To provide feedback on this policy/procedure, please contact Director, Risk and Governance.

Guidance on Conflict of Interest

What is a conflict of interest?

A **real** conflict of interest occurs where there is a conflict, or the potential for a future conflict, between the public duty and a staff member's [personal interests](#) that improperly influences the staff member in the performance of their duties.

An **apparent** conflict of interest occurs where it appears that a staff member's personal interests could improperly influence the performance of their duties, but this is not in fact the case.

Refer to the [terminology](#) section for definitions of other key terms used throughout this policy.

Principles of Conflict of Interest Management at Treasury

The following principles underpin the approach to managing conflicts of interest at Treasury. conflict of interest management is an ongoing process, and these principles should be used by all staff to guide continuous consideration of conflicts on a day-to-day basis.

Principles of Conflict of Interest Management at Treasury



Personal accountability

The integrity of Treasury and the APS relies on each of us being personally accountable for our decisions including identifying, disclosing, managing, and monitoring conflict of interest.



Always act in the public interest

Conflict of interest should be front of mind in everything we do. We must act in the public interest each time we provide advice, make decisions, allocate funding, and everything in between. ¹



If in doubt, disclose

Disclosure allows a decision to be made, justified and documented, even if it is determined that there is no conflict. Ask yourself how it could look if this undisclosed interest was 'uncovered'?



Keep a record

Conflict of interest management is all about transparency. There must be records of conflict of interest disclosures and management plans for decisions to be defensible when placed under scrutiny.



Take a risk-based approach

Some functions and activities can be at a higher risk of real or apparent conflict of interest. Management of conflict of interest needs to be proportionate to the level of risk exposure to Treasury. Avoiding all conflicts at all costs is not always in the public interest.

¹ As per the *Public Governance, Performance and Accountability Act 2013* and the *Public Service Act 1999*

The Conflict of Interest Management Cycle

Conflict of interest management is an ongoing process and should follow the 'Conflict of Interest Management Cycle' below, starting at 'identify'. Interests should be re-assessed whenever any of the 'triggers' occur to determine whether any new conflicts might arise, or whether any changes may be required to existing management plans for previously disclosed conflicts.



The remainder of this section provides further guidance on each phase of the cycle.

Identify

All staff have a responsibility to identify real or apparent conflicts of interest and either take reasonable steps to avoid them or disclose and manage the conflict where it cannot be avoided. However, only **material** personal interests need to be disclosed.

Materiality

To be material, personal interests need to be of a type that can give rise to a real or apparent conflict of interest that could affect the ability of the staff member to discharge their duties or obligations appropriately. 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 conflict². If no reasonable person

² Source: Australian Public Service Commission (APSC) – APS Values and Code of Conduct

could draw a connection between the staff member's personal interest and their duties, then the personal interest is not 'material'.

Considerations for Assessing Materiality



The type or size of the staff member's personal interest, real or apparent



The nature or significance of the particular decision or activity being carried out by Treasury



The extent to which the staff member's personal interest could affect, or be affected by, Treasury's decision or activity

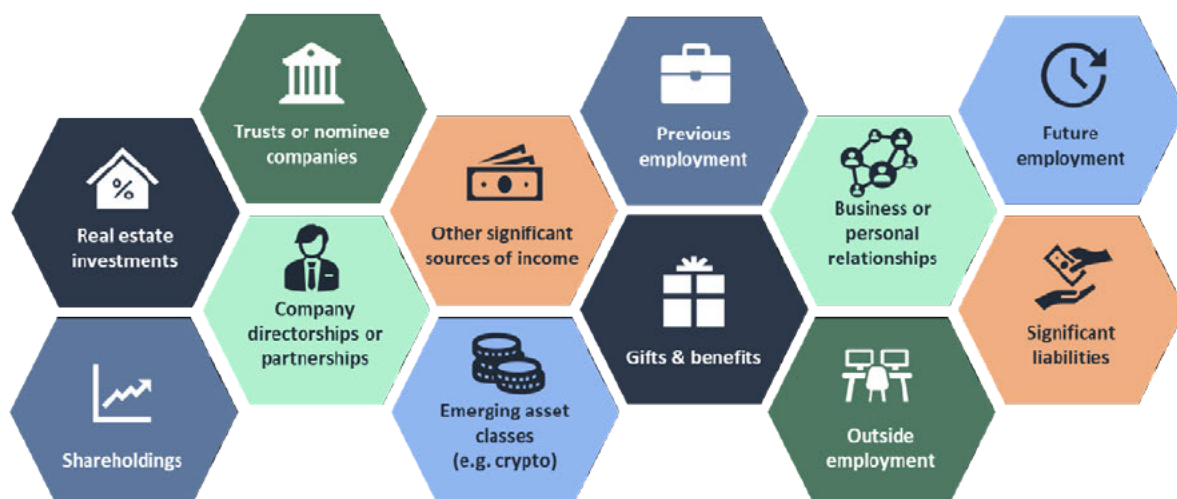


The nature or extent of the staff member's current or intended involvement in Treasury's decision or activity.

Personal interests

Personal interests include any stake or relationship of a financial, professional, or social nature which could be perceived to impact upon the decisions of the public service. Examples of personal interests include:

Types of Personal Interests



For the purpose of this policy, personal relationships may include relationships with family members, friends, or any other close or intimate relationships.

Interests of immediate family members

Any personal interests of immediate family members that are known must also be disclosed, where the person considers that these interests influence, or could be seen to influence, the decisions they are taking or the advice they are giving.

The term 'immediate family member' includes parents, spouses, and dependent children. It may also apply to any other relatives and close friends who live with the employee or with whom the employee has a dependent relationship.

Functions at higher risk of conflict of interest

Some functions present a higher risk of conflict of interest. This includes any advice or decision making related to:

Function	Activity
Procurement and recruitment	• Procuring goods or services • Tendering for and managing contracts • Engaging and promoting employees • Making appointments to statutory positions
Distribution of goods, services, or funds (including grants)	• Allocating grants of public funds • Approving loans, guarantees, and investments • Providing a service • Allocating subsidies, financial assistance, concessions, or other relief
Regulation of individual or business activities	• Developing regulation, including policy and legal work, as well as stakeholder engagement functions • Inspecting, regulating or monitoring standards, businesses, equipment, or premises • Issuing qualifications or licenses • Issuing or reviewing fines or penalties • Determining fees
Making binding decisions	• Issuing determinations on matters

Function	Activity
	• Issuing binding judgements • Exercising statutory powers • Voting as a member of a board or committee
Advising Government on policy reforms with significant impacts on business	• Advising Government on taxation policy • Advising on other key policy decisions by Government with impact across entities or sectors of the economy, particularly listed entities.

Disclose

Conflicts of interest, real or apparent, cannot always be avoided. Where this is the case, staff should raise the matter in discussion with their manager. Relevant factors to be considered include how the matter relates to the particular role and responsibility of the staff member and Treasury's overarching accountability and probity obligations. Only material personal interests need to be disclosed.

The overriding principle for a declaration of a material personal interest is: **if in doubt, disclose.**

Further guidance on personal interests that would often warrant, or not warrant, disclosure is provided on the intranet.

For guidance on how to make a conflict of interest declaration, see the 'General Conflict of Interest Management Procedure'.

All disclosures are to be managed in accordance with the *Privacy Act 1988*, which includes complying with the Australian Privacy Principles. Managers have a responsibility to ensure that any declarations made to them are handled discretely and on a need-to know basis. If a need to obtain specialist advice or to escalate is identified, the manager must only share the declaration with a relevant more senior manager or the specialist area, and if required, the Risk and Governance Unit as owners of the conflict of interest policy.

If a disclosure contains the personal information of another person, including a family member, it will generally be necessary for the employee to obtain that person's consent to disclose this information. If consent is not given, or is unable to be sought, then the employee should discuss with their SES manager, in general terms, their understanding of the conflict of interest. The SES manager can then decide what action may need to be taken.

If necessary, the [APSC's Ethics Advisory Service](#) is available to provide independent advice on ethical issues to all Australian Public Service employees.

Annual declarations for SES & Treasury office holders

Consistent with APSC requirements, officials in SES roles must make an annual declaration of their material private circumstances, and the circumstances of their immediate family, that could give rise to a real or apparent conflict. Office holders who are officials of Treasury for the purposes of the Finance Law are also subject to the requirement for annual declarations.

The annual declaration process provides the Secretary with awareness of any private circumstances or relationships which could, or could be seen to, influence the decisions SES officials and office holders are making or the advice they are giving. It also gives these staff a regular opportunity for in-depth consideration of whether their personal interests might give rise to a real or apparent conflict with their duties and take action to manage any conflicts that arise from those circumstances.

The annual declarations process is administered in confidence by Executive Coordination and Governance Branch (ECGB). Annual declarations should be reviewed at the occurrence of any of the 'trigger points' outlined in the ['Conflict of Interest Management Cycle'](#).

For information on how to complete the annual declaration see the ['Annual Declaration Process for Executive Level 2 staff, SES and Office Holders'](#).

Annual declarations for Executive Level 2 staff

Under this Policy, EL2 staff (including staff acting at the EL2 level for three or more months in a financial year) must make an annual declaration of their material private circumstances, and the circumstances of their immediate family, that could give rise to a real or apparent conflict.

The annual declarations process is administered in confidence by Executive Coordination and Governance Branch. Annual declarations should be reviewed at the occurrence of any of the 'trigger points' outlined in the ['Conflict of Interest Management Cycle'](#).

For information on how to complete the annual declaration see the ['Annual Declaration Process for Executive Level 2 staff, SES and Office Holders'](#).

Other declaration requirements

Some areas of Treasury present a higher risk of real or apparent conflict of interest for staff, requiring a higher level of transparency of interests to ensure the integrity and accountability of work undertaken. This includes areas that:

- handle national security information or have access to market sensitive or commercial information
- perform a regulatory function, or are involved in regulatory advice
- advise Government on key policy reforms for entities or sectors of the economy that would affect the value of a business, and
- work closely with industry and interest groups.

The relevant First Assistant Secretary of these areas may direct all staff or a subset of higher risk staff, regardless of level or employment basis, to complete a conflict of interest declaration, whether the staff

member has identified any real or apparent conflicts or not. This may occur on an annual or other frequency, as determined by the relevant First Assistant Secretary.

Probity

Certain new activities or programs may also need to establish a dedicated probity plan which will include documentation of probity risks specific to the activities undertaken, relevant treatments, and the decision maker for assessing probity risks of individual staff members.

For more information on establishing a probity plan, please contact General Counsel Branch.

Manage

Once a general disclosure is made, the staff member and their manager share responsibility for discussing and managing the conflict of interest. Depending on the level of risk, more senior managers may be involved in determining the response, in addition to seeking advice from the Risk and Governance Unit.

Where a disclosure is required for a specific activity such as recruitment, the staff member and person accountable for the specific activity - such as the chair of a recruitment panel or the chair of a tender evaluation committee - share responsibility for discussing and managing the conflict of interest. Depending on the level of risk, more senior managers may be involved in determining the response, in addition to seeking advice from the area that owns the function (e.g. procurement, HR).

Effective management of conflict of interest relies on joint participation to develop an appropriate management plan.

Discussing Conflicts of Interest



Detail the nature of the circumstances giving rise to a real or apparent conflict of interest, and the likelihood and consequence of it occurring.



Agree the actions the staff member and/or manager will take to manage the conflict of interest.



Identify any issues of privacy or sensitivity and how these can be managed.

Conflict of interest must be managed transparently, in a way that can be understood and defended. Mitigation options for a conflict of interest management plan include:

Mitigating Conflicts of Interest



Restricting or removing involvement of staff in matters in which they have (or may be seen to have) a conflict of interest



Recruiting third parties who do not have an interest (such as probity or legal advisers) to advise on or participate in the matter, and considering and where appropriate following their recommendations;



Reassigning the staff member to a role that mitigates the conflict



Relinquishing assets or other private interests that give rise to the conflict.

For more information on how to manage conflicts of interest, see the [‘General Conflict of Interest Management Procedure’](#).

Monitor

All staff have a responsibility to monitor their own personal interests and other observed interests across Treasury to ensure conflicts are appropriately identified, disclosed, and managed. Refer to the ‘trigger points’ in the [‘Conflict of Interest Management Cycle’](#) for guidance on when to re-assess your personal interests. Further guidance including case studies can be found on the intranet.

If you believe someone has not declared a material interest that represents a real or apparent conflict, you should report this to your manager, or the Director, Risk and Governance.

Managers should regularly monitor the conflict of interest management plans they are responsible for to assess compliance and ensure they continue to adequately mitigate the risks of disclosed conflicts. Managers should also have conversations with new staff, or staff that have changed roles, to ensure that they are aware of any relevant conflicts that the staff member previously declared.

Additionally, the Executive Coordination and Governance Branch has responsibility to monitor the conflict of interest policy as a whole, including assessing compliance and fitness for purpose.

Outside Employment

Prior to engaging in any paid outside employment, officials of Treasury as defined by the Finance Law must obtain approval from their SES manager. This includes officials on approved leave (regardless of the leave period or type). SES employees generally are not expected to engage in paid outside employment, but in

these instances, must obtain approval from the Secretary. If the Secretary wishes to engage in outside employment, they must obtain approval from the Minister.

It is important to note that although approval does not necessarily need to be sought prior to commencing an unpaid role, these roles may still present a real or apparent conflict. Where there is a risk of a material conflict of interest, real or apparent, arising from an unpaid role this must be declared, and in these instances, Treasury officials must also submit the outside employment form prior to commencing the unpaid role.

For consultants and contractors, approval does not need to be sought for outside employment (paid or unpaid), but where it represents a material real or apparent conflict this must be declared and managed in line with the rest of this policy.

Key considerations in assessing applications for outside employment include:

- Is there a real or apparent conflict of interest? If so, can it be adequately managed?
- Is there potential for the outside employment to adversely impact the employee's performance or wellbeing (for example, where the responsibilities of both roles require an unsustainable time commitment to successfully fulfil)?

Approval to undertake outside employment can be withdrawn if a conflict of interest subsequently arises and cannot otherwise be managed, or if it becomes apparent that the employee's performance or wellbeing is being adversely impacted.

Where a non-SES official disagrees with their SES manager's decision to not approve their outside employment application, the official may seek a review of that decision by their SES manager once removed.

Even if outside employment has been approved, it is inappropriate to use Treasury facilities or resources for purposes relating to the outside employment. For example, the use of meeting rooms, information technology equipment, telephones, stationery and office supplies, or Treasury's phone list.

For guidance on how to seek approval for outside employment, see the ['Outside Employment Procedure'](#).

Post Separation Employment Outside the Public Sector

When a public official resigns and obtains subsequent employment outside of the public sector, this is referred to as 'post separation employment'. Post separation employment can represent a conflict of interest risk where the official has access to information or decision making influence that could advantage their new employer.

To mitigate this risk, officials, as defined by the Finance Law, are required to disclose any offers of post separation employment that may present a real or apparent conflict upon receipt of the offer. This includes offers they are not inclined to accept, as an apparent conflict of interest may still arise. For example, where an official involved in a tender process is offered employment by a tenderer.

In exceptional circumstances, where an employee's application for a role presents a material real or apparent conflict with their Treasury role, this should be declared at the point of the application.

In assessing risks associated with post-separation employment, managers should consider the potential for the official to misuse information or inappropriately influence decisions or advice to advantage a new employer. Managers should also consider the:

- importance of the position held by the official
- nature of the employment offer and its relationship to the official's role
- relationship of the proposed employer with the Commonwealth
- period during which information gained or contacts made would continue to be of value to the official and the potential employer.

Where a manager has assessed there is a conflict arising from an official's intention to separate from Treasury, the following actions should be considered:

- **re-allocation** of the official's duties
- temporary **movement** of the official to a different work area
- taking **leave** until the new appointment commences
- seeking a **declaration** at separation to safeguard information obtained during the official's employment with Treasury.

Breach of Policy

Where Treasury staff fail to disclose or appropriately manage a conflict of interest, they may be investigated under Treasury's Procedures for Determining Suspected Breaches of the APS Code of Conduct or other administrative processes.

Procedures for Conflict of Interest Management

This section outlines detailed steps for how to manage conflict of interest. Refer to the appropriate procedures below for:

- General conflict of interest management
(*This applies to general duties, recruitment, procurement, grants, and post-separation employment*)
- The annual declaration process for SES and office holders
- Outside employment

General Conflict of Interest Management Procedure:

What	How	Who
Identify		
Step 1:	Identify any new or existing personal interests that may represent a real or apparent conflict with your work.	All staff
i HINT	Refer to ' <u>identify</u> ' guidance above for types of interests and higher risk activities. Refer to the trigger points in the ' <u>Conflict of Interest Management Cycle</u> ' for guidance on when to re-assess your interests.	
Disclose		
Step 2:	Discuss the identified interests with the relevant manager	You and a relevant manager
i HINT	Refer to the '<u>manage</u>' guidance above for what the discussion should cover. If the conflict relates to your day-to-day role, discuss with your manager. If the conflict relates to a specific activity, discuss with the relevant manager for that activity for example the chair of a recruitment panel, the delegate for a procurement etc.	
Step 3:	Complete the appropriate conflict of interest form. • If the conflict relates to general duties, grants, or is part of the annual declaration, complete the <i>Declaration of Private Interests</i> form in Aurion. It will automatically be work-flowed to your manager. If you don't have access to Aurion (for example some contractors and consultants), request and complete a copy of the offline version of the <i>Declaration of Private Interests</i> form and return to the relevant manager. • If the conflict relates to a procurement, complete the relevant <i>Procurement Conflict of Interest Declaration</i> form (either APS, non-APS, or organisation) and return to the relevant procurement officer in the Financial Frameworks Team in Chief Finance Officer Branch. • If the conflict relates to recruitment, complete the recruitment conflict of interest form, and return to the chair of the recruitment panel. Include a description of the personal interests and why they potentially raise a real or apparent conflict.	You

 WARNING	<i>When you submit a new Conflict of Interest form through Aurion it will supersede any previous declarations. Make sure all relevant interests are declared each time the form is submitted.</i>	
 HINT	<i>If the declaration includes the personal information of any immediate family members or close relationships, you must obtain their consent using the Family Member Declaration Form prior to submitting.</i>	
Manage		
Step 4:	Assess the risk and determine an appropriate management approach for the identified conflict/s	Relevant manager
 HINT	<i>Refer to '<u>manage</u>' guidance above, and the "Manager's checklist for assessing declarations" on the <u>intranet</u> for key considerations and management options.</i>	
Step 5:	Record the agreed conflict management plan. • If in Aurion, complete the 'Conflict Management Plan' section of the form outlining the agreed management approach. Click 'Submit'. • If a non-Aurion form, complete the 'Conflict Management Plan' section of the form outlining the agreed management approach.	Relevant manager
Monitor		
Step 6:	Regularly re-assess whether the agreed Conflict Management Plan is being adhered to, and whether it is adequately mitigating the risk.	Relevant manager & SES manager
Step 7:	Monitor for any 'trigger points' indicating a need to re-assess potential conflicts.	You
 HINT	<i>Refer to the trigger points in the '<u>Conflict of Interest Management Cycle</u>'.</i>	
Step 8:	If you move roles or your manager changes, you will need to submit a new Conflict of Interest Declaration form through Aurion, or forward your existing conflict of interest form and management plan to the new manager. If the relevant procurement officer or recruitment chair changes, you should forward your existing conflict of interest form and management plan to the new procurement officer or recruitment chair.	You

Annual Declaration Process for Executive Level 2 staff, SES and Office Holders:

What	How	Who
Identify		
Step 1:	Inform new Executive Level 2 staff and SES staff of their requirement to complete an annual conflict of interest declaration, starting with a declaration on commencement. Inform staff appointed to acting EL2 or SES roles for 3 months or more of their requirement to complete an annual conflict of interest declaration, starting with a declaration on commencement of the acting role. Inform office holders of their requirement to complete an annual conflict of interest declaration, starting with a declaration on commencement of their appointment.	SES Manager
Step 2:	Complete a <i>Declaration of Private Interests</i> form through Aurion as soon as practicable after commencing your role. If no potential conflicts have been identified, state this in the form.	EL2, SES & office holders
 HINT	Refer to the ' <u>General Conflict of Interest Management Procedure</u> ' for guidance on how to complete the declaration.	
Step 3:	Email all applicable staff annually, advising of their requirement to complete the annual declaration process.	Risk and Governance Unit
Step 4:	Complete the ' <u>General Conflict of Interest Management Procedure</u> ' to make your declaration through Aurion.	EL2, SES & office holders

Outside Employment Procedure

What	How	Who
Identify		
Step 1:	Identify any paid outside employment that you engage in or are seeking to engage in, as well as any unpaid voluntary engagement where a real or apparent conflict of interest could arise.	All Treasury officials (including if on approved leave)
Disclose		
Step 2:	Discuss the outside employment with your manager.	You and your manager
 HINT	Refer to the ' <u>outside employment</u> ' guidance above for what the discussion should cover.	

Step 3:	Complete the Outside Employment form in Aurion. The form will be automatically work-flowed to your manager. If you are on long term leave without pay, request a hard copy form from Risk and Governance. Complete and send to your manager.	You
Manage		
Step 4:	Assess the risk and determine whether the outside employment will be approved or not.	SES manager
 HINT	<i>Refer to 'manage' guidance above, and the "Manager's checklist for assessing declarations" on the intranet for key considerations and management options.</i>	
Step 5:	Note the decision (approve/not approve) and submit or sign (for hard copy) the Outside Employment Form. Advise the staff member of the outcome. For hard copies, email the completed form to People and Organisational Strategy Branch at employmentrelations@treasury.gov.au.	SES manager
Step 6:	If the application is rejected and you disagree with this decision, reach out to your SES manager once removed to request a review.	You
Monitor		
Step 7:	Regularly re-assess whether the outside employment is sustainable, or any new potential conflicts of interest arise. Discuss any concerns or conflicts with your SES manager. For staff on long term leave you should contact People and Organisational Strategy Branch at employmentrelations@treasury.gov.au .	You and your SES manager
Step 8:	If a conflict of interest subsequently arises that cannot be otherwise managed, or it becomes apparent that the employee's performance or wellbeing is being adversely impacted, the staff member can either voluntarily cease the outside employment, or the manager can withdraw approval for the outside employment.	You and your SES manager

Terminology

Term	Meaning
Apparent conflict of interest	Where it appears that a staff member's personal interests could improperly influence the performance of their duties, but this is not in fact the case.
Immediate family member	Spouses, dependent children and any other relatives and close friends who live with the employee or with whom the employee has a dependent relationship.
Material	Personal interests that could reasonably give rise to a real or apparent conflict of interest that could affect or be perceived as affecting the ability of the staff member in discharging their duties or obligations appropriately.
Finance Law	For the purpose of the PGPA Act, Finance law comprises: • the PGPA Act • the PGPA Rule • any other instrument made under the PGPA Act (for example: Commonwealth Procurement Rules (CPRs), Commonwealth Grants Rules and Guidelines (CGRGs) and PGPA (Financial Reporting) Rule 2015 (FRR); accountable authority instructions under section 20A; determinations establishing special accounts under section 78; determinations transferring functions between non-corporate Commonwealth entities under section 75; and government policy orders under sections 22 or 93) • an Appropriation Act.
Official	Section 13 of the PGPA Act provides that an Official is a person who is in, or forms part of, Treasury or another Commonwealth entity (other than a listed entity), including: • a person who is, or is a member of, the accountable authority of the entity; or • a person who is an officer, employee or member of the entity; or • a person, or a person in a class, prescribed by an Act or the rules to be an official of the entity. Each of the following is not an official of a Commonwealth entity (other than a listed entity):

	• a Minister; • a judge; • a consultant or independent contractor of the entity (other than a consultant or independent contractor of a kind prescribed as an official by an Act or the rules); • (d) a person, or a person in a class, prescribed by an Act or the rules not to be an official of the entity. A person who is prescribed by an Act or the rules to be an official of a Commonwealth entity that is a listed entity.
Office holder	A person appointed by a Minister to a statutory or non-statutory position within the Treasury portfolio.
Outside employment	A staff member engaging in any employment (paid or unpaid) or business in addition to their departmental employment. This includes voluntary work where a real or apparent conflict of interest could arise.
Personal relationship	Relationships with immediate family members, friends, or any other close relationships.
Post-separation employment	The role in which a staff member is employed outside the public sector after ceasing work at Treasury.
Real conflict of interest	There is a conflict, or the potential for a future conflict, between the public duty and a staff member's personal interests that improperly influences the staff member in the performance of their duties.
Staff member	Any member of Treasury staff including APS employees, secondees, contractors and consultants (to the extent their contracts require them to be subject to the conflict of interest policy), as well as office holders who are officials of Treasury for the purposes of the finance law.
Trigger points	Changes that should 'trigger' staff to re-assess their personal interests and whether they could represent a real or apparent conflict.

Related documents

Treasury Fraud and Corruption Control Plan

Treasury Conflict of Interest Case Studies

Treasury's Procedures for Determining Suspected Breaches of the APS Code of Conduct

Version control

Date Modified	Version	Section of document	Author of change	Summary of change
November 2022	1.0	All	Risk and Governance	New document for Secretary's approval



Australian Government
The Treasury



AUDIENCE	CATEGORY
All employees	People

Policies and procedures

Leave

This document was endorsed by the Chief People Officer on 17 October 2024.

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Overview

This policy covers leave entitlements contained in the [Treasury Enterprise Agreement 2024-2027](#) (the Agreement) and in relevant legislation.

Parental leave entitlements are covered separately in the [parental leave policy](#).

Purpose

This policy explains leave types, including eligibility, the process for applying, and considerations when taking leave and making decisions about leave.

Scope

This applies to all employees, including Senior Executive Employees (SES).

Individuals seconded to Treasury from another APS agency and contractors employed through a labour hire firm or recruitment agency are not Treasury employees, and are not covered by this policy.

How does this document relate to me?

If you are:	Then your responsibility is:
An employee	To understand the types of leave available to you and the processes for applying.
A manager or delegate	To understand the relevant considerations when making decisions about leave requests.

Contacts

In the first instance, employees should review this policy and speak with their manager, or manager once removed, for advice or support.

People and Organisational Strategy Branch can provide guidance as required. Contact Employment Relations at s 22 [REDACTED] [@treasury.gov.au](mailto:[REDACTED]@treasury.gov.au).

Contact Payroll Services for information on processing leave (Delphi: Payroll Services > Leave > Leave query or phone s 22 [REDACTED]).

[Treasury's Employee Assistance Program](#) (EAP), provides confidential, free counselling and coaching to Treasury employees and their immediate family members. Managers can access EAP for proactive support to work through workplace issues or challenges, including wellbeing and sensitive or personal matters.

Contact [Employment Relations](#) to provide feedback on this policy.

Definitions

Agreement means the [Treasury Enterprise Agreement 2024-2027](#).

APS means the Australian Public Service.

Bandwidth means the span of hours during which an employee can perform ordinary hours.

Casual employee (irregular and intermittent employee) means an employee engaged under paragraph 22(2)(c) of the *Public Service Act 1999* who:

- a. is a casual employee as defined by the *Fair Work Act 2009*; and
- b. works on an irregular and intermittent basis.

Delegate means someone to whom a power or function has been delegated. See the [Human Resources Delegations](#) to determine a delegate for a specific power or function.

Fair Work Act means the *Fair Work Act 2009*.

Family means:

- a. a spouse, former spouse, de facto partner or former de facto partner of the employee
- b. a child, parent, grandparent, grandchild, or sibling of the employee
- c. a child, parent, grandparent, grandchild, or sibling of a spouse, former spouse, de facto partner or former de facto partner of the employee
- d. a member of the employee's household, or
- e. a person with whom the employee has a relationship of traditional kinship where there is a relationship or obligation, under customs and traditions of the community or group to which the employee belongs.

Family and domestic violence has the same meaning as in subsection 106B (2) of the *Fair Work Act*.

Full-time employee means an employee employed to work an average of 37 hours and 30 minutes per week in accordance with the Agreement.

Manager means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may be the person referred to as a supervisor.

Maternity Leave Act means the *Maternity Leave (Commonwealth Employees) Act 1973*.

Non-ongoing employee means an employee engaged for a specified term or for the duration of a specified task in accordance with paragraph 22(2)(b) of the *Public Service Act 1999*, consistent with the *Fair Work Act*.

Ongoing employee means an employee engaged under paragraph 22(2)(a) of the *Public Service Act 1999*.

Ordinary hours, duty or work means an employee's usual hours worked in accordance with the Agreement and does not include additional hours.

Part-time employee means an employee employed to work less than an average of 37 hours and 30 minutes per week in accordance with the Agreement.

Portability refers to the ability to transfer an unused accrued leave type, or get recognition of prior service in respect to accruing that leave type, when transferring to or from Treasury. Further details are specified in clauses 330 to 332 of the Agreement.

Leave Guidance

Enterprise Agreement: Section 6

Employees and managers should work proactively to support employees to access leave entitlements and consider the needs and interests of the individual, team and Treasury.

Planning for leave

When planning for and requesting leave, it is expected that:

- employees access the leave most appropriate for the circumstance
- leave is applied for and approved through the specified channels
- leave plans, where possible, are discussed with managers in advance to ensure operational requirements can be met
 - : Except personal and carer's leave and family and domestic violence leave which can be applied for retrospectively, after an employee returns from an unexpected absence, or via communication with the manager in real time.
- leave plans are discussed during performance conversations under the Performance Development System (PDS)
- managers seek advance notice of leave plans during peak holiday or operational periods
- an employee who moves within Treasury, or changes manager, advises their new manager of planned or approved leave alongside discussions to update their performance agreement under the PDS.

Most leave types can be combined, for example, parental leave and long service leave can be taken together to form a continuous period of extended leave.

Employees can request to change approved leave arrangements prior to the leave commencing. Changing leave requires approval from the manager or approving delegate.

Approving or denying leave

Unless authorised by the Secretary, only Treasury employees can decide leave requests (note: secondees into Treasury are not Treasury employees). Managers must check the [Human Resource Delegations](#) to ensure they have the authority to approve the leave, noting delegations usually apply to employees within their reporting line only. Some types of leave require higher levels of approval, or are decided by a central delegate.

Delegates should be satisfied that the most appropriate type of leave is being taken and reasonable evidence is provided where necessary.

If leave is not approved, the delegate must provide clear reasons for the decision and discuss alternative options with the employee. Employees may request the delegate provides their reasons in writing.

Contact [Employment Relations](#) for advice on deciding leave requests.

Review of a leave decision

Disagreements relating to leave should be resolved at the lowest possible level; that is between the employee and their manager, manager once removed, or relevant SES. Suggestions to resolve disagreements must be given genuine consideration. Resolutions, outcomes and decisions are to be documented in writing.

Contact [Employment Relations](#) where disagreements cannot be resolved locally.

Refer to the [Review of Action Procedures](#) for information on the review options available, and the steps Treasury will take where a review is sought.

Conduct while on leave

Employees on leave remain subject to the APS Code of Conduct and all departmental policies, including the Conflict of Interest and Social Media policies. See: [Related Documents](#).

Employees planning to engage in outside employment while on leave, including unpaid or volunteer roles, must read the [Conflict of Interest Policy](#) and submit an outside employment form prior to commencing the outside employment.

Moving to or from another agency

Where an employee transfers to another APS agency, they should confirm with the other agency which leave entitlements will be transferred.

Where an employee transfers to Treasury from another APS agency, clauses 323 to 329 of the Agreement relating to portability of leave apply.

Public holiday substitution

Consistent with clause 202 of the Agreement, the delegate and an employee may agree to substitute an alternate work day for a public holiday observed at their normal work location. Requests may only be refused due to operational requirements. The delegate is Executive Level (EL) 2 or higher, with requests and decisions provided in email.

Consistent with clause 203 of the Agreement, the delegate and an employee may agree to substitute a cultural or religious day of significance to the employee for a public holiday. If the employee cannot work on the public holiday, the employee and delegate will agree times for the employee to work make-up hours. This substitution does not impact or reduce entitlements to First Nations ceremonial leave, NAIDOC leave or cultural leave.

If an employee is required by their manager to work on a public holiday, they are to be compensated with overtime for APS 1 to APS 6 employees or TOIL for EL employees. Restriction allowance may be appropriate

if an employee needs to be on-call on a public holiday. Refer to the [Working Hours and Arrangements Policy](#) for more information.

Unauthorised absences

Unauthorised absences are times an employee is away from work without approval or has failed to provide an appropriate reason for an absence.

Any instances of leave or absence from duty during agreed hours of work require agreement between the employee and manager, or the absence may be considered unauthorised. In certain circumstances, for example illness, injury or an emergency, leave can be applied for in Aurion retrospectively, however, employees should advise their manager they will be absent from work at the time of the absence. Where an employee has not notified their manager that they will be absent, the manager must attempt to contact the employee to confirm the reason for the absence prior to making a decision that the absence is unauthorised.

Managers must contact Payroll Services (s 22) when an absence is unauthorised. The employee will not receive payment or accrue leave entitlements for the absence, and it does not count as service. Where an employee mistakenly receives payment for an unauthorised absence, it will be considered an overpayment.

Unauthorised absences can be addressed through reasonable management action, such as written warnings and, where appropriate, a direction to attend work. Continued unauthorised absences will be investigated, and may be found to be abandonment of employment. Contact [Employment Relations](#) for advice.

Annual Leave

This section should be read in conjunction with clauses 214 to 222 of the Agreement.

Entitlement:	20 days per year (pro-rata for part-time employees)
Applied for in:	Aurion
Accrual method:	Daily
Cumulative:	Yes, unused credits accumulate
Half-pay option:	Yes. Annual leave taken at half pay is deducted at half the rate of the employee's ordinary working hours. Requests for annual leave at half pay should not be approved for employees with excess annual leave balances, where taking the leave at half pay would result in the employee continuing to have an excess annual leave balance (see <u>Excess leave</u>).
Delegate:	EL 1 manager and above
Counts for Service:	Yes, for all purposes
Portable:	Yes – as specified at clauses 323 to 325 and 328 to 329 of the Agreement
Re-creditable:	Yes – as specified at clauses 330 and 332 of the Agreement

Annual leave provides employees with a paid break from work for rest and recreation.

Managers and employees are responsible for employees taking regular time off work and managing annual leave balances effectively.

Approval

Managers must consider the operational requirements of the team and whether there is sufficient coverage to manage work demands during the period of requested leave.

Employees should request leave with reasonable notice, especially where other team members are likely to request annual leave for the same period (for example, Christmas and school holidays). Leave plans should be discussed during PDS.

If leave is not approved, the delegate must provide clear reasons for the decision within a reasonable timeframe, and discuss alternative options with the employee. Employees may request the delegate provides their reasons in writing.

Cancelling and recalling employees from annual leave

An Assistant Secretary or higher may cancel approved annual leave and recall an employee to duty. Such decisions must be taken in exceptional circumstances only. This may include, but is not limited to, an unexpected and urgent business priority which the employee's role is essential to delivering and no viable alternative arrangements can be made.

Where there is a financial impact to the employee as a result of the decision, the employee may apply for reimbursement of reasonable travel and other incidental expenses through the financial delegate (as specified in the [Financial Delegations](#)). The employee must not have claimed to recover the expenses under insurance or from another source, and it should be demonstrated that reasonable precautions were taken to avoid such expenses.

Cashing out

Cashing out annual leave means an employee receives payment instead of taking time off work.

Managers and employees may agree in writing to cash out an amount of accrued annual leave. Annual leave may be cashed out where:

- the amount of annual leave to be cashed out is 5 days or more, and
- the employee's remaining annual leave balance after the cash out is at least 20 days.

Where annual leave is cashed out, the payment will be the same as what the employee would have been paid if they took leave. Where an employee is in receipt of a higher duties allowance at the time of payment, only the approved period of acting will be paid out at the higher salary.

Employees are responsible for ensuring they are aware of the tax and financial implications of cashing out annual leave.

Complete the cash out of annual leave form in Aurion (Dashboard > My Forms > Add > Payroll Forms > Cash Out of Annual Leave) to submit a request.

Other leave during annual leave

Employees can request to alter previously approved annual leave where they become eligible for a leave type specified at clauses 330.8 to 330.13 of the Agreement. Once approved, the affected period of leave will be re-credited. Submit a request in Aurion (Dashboard > Leave > Leave history > select the leave to be replaced and then request the new type of leave).

Example:

If an employee is sick while on annual leave, they can request to have their annual leave recredited and the period of their sickness converted to personal leave. Evidence may be requested consistent with [personal and carer's leave evidence requirements](#).

Excess annual leave

Employees with an annual leave balance of 60 days or more, must reach an agreement with their manager to reduce their annual leave balance to 60 days or less.

Managers must monitor leave accruals and proactively discuss leave balances with employees to prevent excess annual leave balances. Leave balances should be discussed as part of the PDS.

Managers can view their employees leave balances in Aurion ( > select employee's name under 'My Staff' > Leave).

Personal and Carer's Leave

This section should be read in conjunction with clauses 227 to 242 of the Agreement.

Entitlement:	18 days per year (pro-rata for part-time employees)
Applied for in:	Aurion
Cumulative:	Yes, unused credits accumulate
Half-pay option:	Yes. Personal and carer's leave taken at half pay is deducted at half the rate of the employee's ordinary working hours.
Delegate:	EL 1 manager and above
Counts for Service:	Yes, for all purposes
Portable:	Yes – as specified at clauses 323 to 329 of the Agreement
Re-creditable:	Yes – as specified at clause 331 of the Agreement
Cash out available:	No

Personal and carer's leave is available for employees to take time off work to manage their health and the health of others.

Leave applications must be made as soon as reasonably practicable in the circumstances.

Accrual

Ongoing employees	Employees can access personal and carer's leave from their date of commencement. Employees accrue a year's worth of personal and carer's leave (18 days, pro-rata for part-time) in advance on their annual accrual date (typically their APS anniversary date, unless their accrual date is otherwise deferred). For part-time employees, a reconciliation will be undertaken at the end of the accrual year to ensure that the upfront pro-rata entitlement reflects the weekly hours worked during the accrual year.
Non-ongoing employees	Non-ongoing employees accrue 7 days of personal and carer's leave after one month of service and then one day for each month they work thereafter.

Under clause 235 of the Agreement, Treasury is moving to daily accrual of personal/carers leave. This policy will be updated to reflect the new accrual method.

Deferred annual accrual date

Employees (ongoing and non-ongoing) that take more than 30 calendar days (in one or more separate periods) of leave without pay not to count as service in an accrual year, will have the date of their annual accrual deferred by the period of the leave.

Eligibility

An employee may use personal or carer's leave:

- due to illness or injury
- to attend appointments with a registered health practitioner
- to manage a chronic condition
- to provide care or support for a family member (including a household member) or a person they have caring responsibilities for, because:
 - of a personal illness or injury affecting the other person, or
 - of an unexpected emergency affecting the other person. What is considered an unexpected emergency depends on the specific circumstances and is decided on a case-by-case basis.

A person that an employee has caring responsibilities for may include a person who needs care because they:

- have a medical condition, including when they are in hospital
- have a mental illness
- have a disability
- are frail or aged
- are a child, not limited to a child of the employee.

Carer's leave cannot be used to cover school holidays, pupil-free days, teacher strikes or other planned disruptions to childcare arrangements. Annual leave, flextime or TOIL, or an ad hoc flexible work arrangement (like working alternate hours) are appropriate in these circumstances.

Employees with longer term or regular caring responsibilities can discuss with their manager whether a flexible work arrangement (for example part time work, compressed hours, or working ordinary hours flexibly within the bandwidth) can be made.

Employees can use carer's leave to care for or support a family member or person they have caring responsibility for when they are ill, injured or affected by an emergency because of family and domestic violence. Refer to [Family and Domestic Violence Leave](#) and the [Family and Domestic Violence Policy](#) for more information.

Employees can request to use personal leave for gender affirmation purposes. Refer to the for more information.

Evidence

Delegates can request an employee to provide reasonable evidence:

- when the employee is or will be absent on personal or carer's leave for more than 3 consecutive working days
- if the delegate has reason to believe that the employee's absence is not consistent with the appropriate use of personal leave, or is concerned about regular or ongoing absences.

Where evidence is requested, it should be included in the leave request.

Evidence usually takes the form of a medical certificate from a health practitioner registered with the [Australian Health Practitioner Regulation Agency](#), or international equivalent. Where this is not practical, an employee can provide a statutory declaration. A certificate from a registered health practitioner can be used as evidence of a chronic condition for up to 12 months.

If a medical certificate states the employee is unfit for work for a particular period, the employee must not work (or be directed to work) during that period without providing a further medical certificate stating they are fit for work.

Supporting employees on leave

Treasury has a duty of care to its employees. Sensitive and positive contact during personal and carer's leave can be beneficial to check on the employee's wellbeing and recovery. The frequency and reason for contact will depend upon the circumstances and should be discussed with the employee.

Contact [Performance, Health and Safety](#) for advice where a manager is concerned, or considering early interventions or additional supports for the employee to return to work.

Additional leave where personal and carer's leave exhausted

Employees who have exhausted their personal and carer's leave entitlements and remain unable to attend work should discuss options with their manager in the first instance.

There is no entitlement to additional paid or unpaid personal and carer's leave and requests may be refused.

Additional unpaid leave may be granted with the following delegations:

- EL 2 managers or above can approve up to 5 days
 - Delegate approval should be sought by email and submitted in Delphi (Payroll Services > Leave > Leave without pay less than 3 months)
- Assistant Secretary level managers or above can approve up to 3 months

- Delegate approval should be sought by email and submitted in Delphi (Payroll Services > Leave > Leave without pay less than 3 months)
- the Chief People Officer can approve up to 12 months at a time
 - Submit the [leave without pay application – 3 months or more](#) to [Performance, Health and Safety](#) to facilitate delegate approval.

The Chief People Officer may choose to refer a decision to a higher level delegate (Chief Operating Officer and Deputy Secretary Corporate) as appropriate.

Where a request for unpaid leave takes the total period of unpaid absence beyond the delegated threshold of approval, the request (or extension) must be escalated to the relevant delegate, regardless of the length of the request.

Managers must maintain contact with employees during periods of extended absence and engage with [Performance, Health and Safety](#), particularly if there are repeated or extended requests.

In exceptional cases, the Chief People Officer may approve additional paid or unpaid leave and may determine conditions under which the leave is available. The Chief People Officer may choose to refer a decision to a higher level delegate (Chief Operating Officer and Deputy Secretary Corporate) as appropriate.

Cases will be considered in consultation with the relevant SES. Contact [Employment Relations](#) for advice.

Personal and carer's leave during other forms of leave

Leave for personal illness or caring responsibilities can be accessed during periods of other types of leave specified at clauses 330.1 to 330.7. Evidence may be requested consistent with [personal and carer's leave evidence requirements](#). Submit a request in Aurion (Dashboard > Leave > Leave history > select the leave to be replaced and then request the new type of leave).

An employee on unpaid leave cannot convert their leave to personal or carer's leave.

Purchased Leave

This section should be read in conjunction with clauses 223 to 226 of the Agreement

Entitlement:	By agreement, ongoing employees may purchase up to 40 days leave in a 12 month period
Applied for in:	Aurion
Cumulative:	No, unused credits do not accumulate
Half pay option:	No
Delegate:	EL 1 manager and above
Counts for Service:	Yes, for all purposes
Portable:	No.
Re-creditable:	Yes – as specified at clauses 330 and 332 of the Agreement
Changing or ceasing an arrangement:	Employees must contact their manager and Payroll Services (x2222, option 1) so alternative plans or acquittal arrangements can be made.
Separation:	On separation, remaining purchased leave will be paid out at the rate at which it was purchased. Salary recovery action will be taken where an employee has taken purchased leave that has not been fully paid.

Ongoing employees can request to reduce their fortnightly pay to purchase additional leave for a specific purpose.

Purchased leave:

- is funded by fortnightly deductions from net pay (after tax and superannuation contributions have been deducted) over 12 months (or a lesser period) from the date the purchased leave application is approved
- must be taken within 12 months on an agreed schedule – any remaining leave will be paid out at the rate at which it was purchased
- is maintained separately from annual leave
- can be taken before it is fully paid
- must be taken in whole days and cannot be taken at half pay
- is not available to employees who have an excess annual leave balance
- counts as service for all purposes.

The fortnightly deduction:

- is calculated at an appropriate rate to cover the cost of the leave when it is taken – for example, if a part-time employee will take the purchased leave after reverting to full-time hours, then the deductions are calculated on full-time hours
- will increase with pay increases – for example pay point advancement or promotion
- continues on periods of paid or unpaid leave - this means where an employee takes unpaid leave, the deduction will be recovered when pay resumes.

Employees are responsible for ensuring they are aware of the tax and financial implications of purchased leave deductions, pay outs and other consequences associated with a purchased leave arrangement.

Application

Complete the Purchased Leave Application form in Aurion (Dashboard > My Forms > Add > Payroll Forms > Purchased Leave Application) to request a purchased leave arrangement. Once approved, employees can request to take purchased leave through Aurion (Apply for leave).

Employees must discuss a proposed leave plan with their manager prior to submitting a Purchased Leave Application. Discussions should consider:

- the purpose of the purchased leave (in general terms)
- the amount of leave to be purchased and proposed timing of when it is to be taken
- if operational requirements can accommodate the request
- the period over which the leave will be purchased (12 months or a lesser period)
- whether the employee intends to combine purchased leave with other forms of leave
- whether there are other leave options available to the employee that may be more appropriate
- whether the employee has limited options with respect to accessing other forms of leave, for example in the case of a new employee or an employee that has limited annual or long-service leave available.

An approved purchased leave arrangement must be taken and paid for before further leave can be purchased.

Records and reconciliation

Payroll Services maintains records of the total amount deducted from an employee's salary over the period of the agreed arrangement. Audits are completed on a regular basis (typically every 12 months) to ensure the salary deductions are correct. Where adjustments are needed, they are completed on the next pay day following the audit.

Sabbatical Leave

This section should be read in conjunction with clause 284 of the Agreement

Entitlement:	An ongoing employee may purchase up to one year of leave to enable a period of sabbatical leave
Applied for:	By email to the Chief People Officer through relevant First Assistant Secretary
Cumulative:	No
Half pay option:	No
Delegate:	Chief People Officer, in consultation with the relevant First Assistant Secretary
Counts for Service:	Yes
Portable:	No
Re-creditable:	No
Changing or ceasing an arrangement:	Employees must contact their manager and Payroll Services (x2222, option 1) so alternative plans or acquittal arrangements can be made. If a sabbatical leave arrangement ceases, the employee will receive a lump-sum reimbursement of the total amount deducted to date.
Separation:	Employees who leave Treasury before taking their sabbatical leave will receive a lump-sum reimbursement of the total amount deducted to date. Employees who leave Treasury while on sabbatical leave will receive a lump-sum reimbursement of the remaining deducted amount. The remaining deducted amount is calculated by subtracting the total payment already made to the employee during the period of sabbatical leave from the total amount deducted during the purchasing period.

Ongoing employees can request to reduce their fortnightly pay over an extended period of at least 1.5 years (purchasing period) to purchase up to one year of paid leave for a specific purpose (sabbatical). The total amount deducted from the employee's pay over the purchasing period will be paid to the employee during their sabbatical.

An arrangement is not within the spirit for which sabbatical leave is intended if, for example, it is intended solely as a tax reduction exercise.

Sabbatical leave:

- must be paid for in fortnightly instalments over the agreed purchasing period

- must be taken in its entirety after it is purchased
- counts as service for all purposes
- must be operationally viable for Treasury
- is not available as unpaid leave – employees must apply for miscellaneous leave without pay to request an extended unpaid absence.

The Chief People Officer may amend or terminate an approved sabbatical leave arrangement in exceptional circumstances. Where amending or terminating a sabbatical leave arrangement results in expenses being incurred by the employee, the employee may request reimbursement of reasonable expenses from Treasury.

Application

Employees considering sabbatical leave should first discuss leave plans with their manager. Discussions should consider:

- the purpose of the sabbatical leave (in general terms)
- the amount of sabbatical leave to be purchased
- the period over which it will be purchased
- the proposed timing of when the leave will be taken
- how the team's operational needs can be managed in the leave period
- whether the employee intends to work when taking the leave, and
- whether the employee intends to combine sabbatical leave with other forms of leave.

Once the arrangement is endorsed in principle by the work area, contact Payroll Services (Delphi: Payroll Services > Leave > Leave query or phone x2222 option 1) to develop the specifics of the request. Requests must be sent from the relevant First Assistant Secretary to the Chief People Officer for approval.

Funding

The employee's salary will be adjusted for the agreed period. The adjustment is in the form of a fortnightly deduction from net pay (after tax and superannuation contributions have been deducted). The amount of the fortnightly deduction is calculated by dividing the total amount to be paid to the employee on sabbatical by the purchasing period.

Example 1:

A full-time EL1 with an annual salary of \$127,925 wants to be paid 80 per cent of this annual salary (\$102,340.00) while on one year sabbatical leave, with a purchasing period of 4 years.

The fortnightly deduction each pay for 4 years will be \$984.04 (\$102,340.00 / 104 fortnightly pays in 4 years) or 20 per cent of their fortnightly pay.

Example 2:

A part-time APS employee with an annual pro-rata salary of \$89,385.60 wants to take 6 months sabbatical leave and be paid 60 per cent of what they would have been paid if they had been working, with a purchasing period of 18 months.

The fortnightly deductions each pay for 18 months will be \$687.58, or 20 per cent of their fortnightly pay, calculated as follows:

(Half the annual pro-rata salary (i.e. \$44,692.80) x 60 per cent) / 39 fortnightly pays in 18 months

The fortnightly deduction:

- is not adjusted during the purchasing period unless the employee submits a request for recalculation to Payroll Services in Delphi (Payroll Services > Leave > Leave Query) – this means the deduction amount does not increase with pay increases
- continues on periods of paid or unpaid leave - this means where an employee takes unpaid leave, the deduction will be recovered when pay resumes.

Employees are responsible for ensuring they are aware of the tax and financial implications of sabbatical leave arrangements.

Contact Payroll Services (x2222, option 1) for information on funding arrangements.

Records

Payroll Services maintains records of the total amount deducted from the employee's salary over the purchasing period. Audits are completed on a regular basis to ensure the salary deductions are correct. Although unlikely, where adjustments are needed, they are completed on the next pay day following the audit.

Compassionate Leave

This section should be read in conjunction with clauses 276 to 279 of the Agreement

Entitlement:	3 days per occasion
Applied for in:	Aurion
Evidence:	Not generally required. Delegates must exercise sensitivity if asking an employee to provide evidence to support the leave request.
Cumulative:	No
Half-pay option:	No
Delegate:	EL 1 manager and above
Counts for Service:	Yes, for all purposes
Portable:	No
Re-creditable:	No

Eligibility

Employees are entitled to up to 3 days of compassionate leave on each occasion:

- a member of their family (including a member of their household) or someone they have a close personal relationship with contracts, develops or sustains a life-threatening illness or injury, or
- the employee or their partner has a miscarriage (see also: pregnancy loss leave – clauses 260 to 261 of the Agreement).

Compassionate leave can be taken consecutively or in separate periods totalling 3 days. For example, an employee could access compassionate leave to visit a family member with a life-threatening injury in hospital for half a day each day over 6 business days.

Compassionate leave is unpaid for casual employees.

Interaction with other leave

Employees can request other forms of leave in conjunction with compassionate leave.

Compassionate leave can be accessed during periods of other types of leave specified at clauses 330.8 to 330.13 of the Agreement. Submit a request in Aurion (Dashboard > Leave > Leave history > select the leave to be replaced and then request the new type of leave).

Bereavement Leave

This section should be read in conjunction with clauses 280 to 283 of the Agreement

Entitlement:	3 days per occasion
Applied for in:	Aurion
Evidence:	Not generally required. Managers must exercise sensitivity if asking an employee to provide evidence to support the leave request.
Cumulative:	No
Half-pay option:	No
Delegate:	EL 1 manager and above
Counts for Service:	Yes, for all purposes
Portable:	No
Re-creditable:	No

Eligibility

Employees are entitled to up to 3 days of paid bereavement leave on each occasion:

- a member of their family (including a member of their household) or someone they had a close personal relationship with dies, or
- a baby in their immediate family (including a member of their household) is stillborn (refer to [Parental Leave Policy](#) and associated leave entitlements).

Bereavement leave can be taken consecutively or in separate periods totalling 3 days. For example, an employee could access bereavement leave over a period of days and weeks to organise commitments and arrangements following a death in the family, up to a total of 3 business days.

Bereavement leave is unpaid for casual employees.

Additional leave—funeral arrangements, executor duties or administrative estate duties

EL 2 managers or higher may grant up to 3 days of additional paid miscellaneous leave on each occasion a member of an employee's family dies, and the employee has responsibilities for funeral arrangements, executor duties or administrative estate duties.

Interaction with other leave

Employees may request other forms of leave in conjunction with bereavement leave.

Bereavement leave can be accessed during periods of other types of leave specified at clauses 330.8 to 330.13 of the Agreement. Submit a request in Aurion (Dashboard > Leave > Leave history > select the leave to be replaced and then request the new type of leave).

Long Service Leave

This section should be read in conjunction with clauses 274 to 275 of the Agreement

Entitlement:	90 calendar days paid leave after 10 years of eligible service, with an additional 9 calendar days per year for each subsequent year of eligible service.
Minimum period	7 calendar days at full pay or half pay
Interaction with other leave types	Long service leave cannot be broken with other periods of leave, except as otherwise provided by legislation or provided for in re-crediting of leave clauses of the Agreement.
Applied for in:	Aurion (My Forms)
Accrual method:	Credited after 10 years (initial credit) and annually thereafter
Cumulative:	Yes, unused credits accumulate
Half-pay option:	Yes
Delegate:	EL 1 manager and above
Counts for Service:	Yes, for all purposes
Portable:	Yes – as specified in clauses 323 to 329 of the Agreement. Long service leave is portable between APS agencies and other Commonwealth employers, provided there is no break in continuity of service of more than 12 months.
Re-creditable:	Yes – as specified in clauses 330 to 332 of the Agreement

Long service leave entitlements are determined under the [Long Service Leave \(Commonwealth Employees\) Act 1976](#) (the Long Service Leave Act).

Prior service with Commonwealth or State employers may be recognised as service for long service leave. Contact Payroll Services (x2222, option 1) for advice.

Accrual

Employees accrue 90 calendar days of full pay leave after 10 years of service (continuous or aggregate), with an additional 9 days for each subsequent year of eligible service.

Long service leave is measured in completed months and calendar days (not working days). A month for long service leave purposes is always treated as 30 days. If an employee has part-time service, long service leave accrues at the hours worked.

Leave accrued while part-time does not reduce the duration of long service leave available (it is still 90 calendar days after 10 years of service) but does reduce the rate of pay received while taking the long service leave.

Long service leave can only be taken once accrued and it cannot be advanced.

Approval

Employees should discuss plans to take long service leave with their manager as early as possible, especially where the leave is for a longer period.

An employee's available long service leave balance is provided in Aurion. Employees can apply to take long service leave in Aurion (My Forms > Add > Payroll Forms > Application for Long Service Leave).

Long service leave is credited and taken in calendar days, inclusive of weekends and public holidays. This means that long service leave should not be approved if consecutive periods are broken by weekends or public holidays.

Long service leave cannot be taken in periods of less than 7 calendar days.

Interaction with other leave

Long service leave cannot be broken by paid leave other than maternity leave under the Maternity Leave Act (or as outlined in the Long Service Leave Act).

Employees can request to alter previously approved long service leave where they become eligible for a leave type specified at clauses 330.8 to 330.13 of the Agreement. Once approved, the affected period of leave will be re-credited. Submit a request in Aurion (Dashboard > Leave > Leave history > select the leave to be replaced and then request the new type of leave).

Family and Domestic Violence Leave

This section should be read in conjunction with clauses 341 to 357 of the Agreement, the [Family and Domestic Violence Policy](#), and Fair Work Act.

Entitlement:	An employee experiencing family and domestic violence can access paid miscellaneous leave. This includes part-time and casual employees.
Applied for in:	By email request to Performance, Health and Safety from the employee or their manager. To support anonymity and mitigate the risk of a manager thinking an absence is unauthorised, employees must apply for a different type of leave (for example, personal/carer's leave or annual leave) with their manager before contacting Performance Health and Safety to have the leave discreetly changed to family and domestic violence leave.
Cumulative:	No
Half-pay option:	No
Delegate:	People and Organisational Strategy Branch EL 1 and above
Counts for Service:	Yes
Portable:	No
Re-creditable:	No

Definition

Family and domestic violence means violent, threatening or other abusive behaviour by certain individuals known to an employee that both:

- seeks to coerce or control the employee
- causes them harm or fear.

Support

Treasury will provide support for employees affected by family and domestic violence, depending on the employee's circumstances. Refer to Treasury's [Family and Domestic Violence Policy](#) for more information.

Eligibility

Employees can access paid family and domestic violence leave if they are experiencing family and domestic violence, and need support or to access services to manage the impact of family and domestic violence. Clause 344 of the Agreement provides a non-exhaustive list of reasons for which this leave can be accessed.

Access

To access paid family and domestic violence leave, employees must record the absence in Aurion under another leave type before contacting Performance, Health and Safety via [email](#) or call s 22

Delegation for this leave is held centrally to ensure Treasury can apply appropriate discretion to the recording of absences, and facilitate appropriate and tailored support for the employee.

Family and domestic violence leave can be sought retrospectively, with regard for the emergency context in which it may need to be accessed. Alternatively, managers may contact Performance, Health and Safety on behalf of the employee if the employee agrees.

Treasury requires an agreed form of contact with the employee to maintain an understanding of their intended return to work arrangements and to seek updates on their safety and wellbeing. Contact will have regard for individual circumstances.

Evidence

Evidence is generally not requested for applications of paid family and domestic violence leave. Where evidence is requested, it will be discussed with the employee and a statutory declaration is sufficient unless the employee chooses to provide another form of evidence.

Treasury may request evidence with regard for individual circumstances, such as where there is reason to believe the employee's absence is not consistent with the appropriate use of family and domestic violence leave.

Employees supporting a victim-survivor of family and domestic violence

Employees can use carer's leave to care for or support a family member or person they have caring responsibilities for when they are ill, injured or affected by an emergency because of family and domestic violence.

Employees can access other arrangements depending on the circumstances, this may include using accrued flextime, TOIL, agreeing a flexible working arrangement, or working their hours flexibly within the bandwidth.

NAIDOC Leave

This section should be read in conjunction with clauses 264 to 265 of the Agreement

Entitlement:	First Nations employees can access up to one day (can be taken as part days) of paid leave to participate in NAIDOC week activities.
Applied for in:	Aurion
Accrual method:	1 day per calendar year
Cumulative:	No
Half-pay option:	No
Delegate:	EL 1 manager and above - applications will not be unreasonably refused.
Counts for Service:	Yes
Portable:	No
Re-creditable:	Yes – as specified in clauses 330 to 332 of the Agreement

Interaction with other leave

Leave is not required to participate in Treasury or APS sponsored NAIDOC events, which can be attended during work time with manager's prior approval.

All Treasury employees, including First Nations employees, are eligible for one day paid miscellaneous leave per calendar year to participate in NAIDOC Week activities (see: [miscellaneous leave](#)). There is a general expectation that First Nations employees access NAIDOC leave prior to seeking miscellaneous leave for this purpose.

First Nations Ceremonial Leave

This section should be read in conjunction with clauses 266 to 269 of the Agreement

Entitlement:	First Nations employees can access up to 6 days (can be taken as part days) paid leave over 2 calendar years to participate in significant activities associated with their culture or to fulfil ceremonial obligations.
Applied for in:	Aurion
Accrual method:	6 days credited over 2 calendar years
Cumulative:	No
Half-pay option:	No
Delegate:	EL 1 manager and above
Counts for Service:	Yes
Portable:	No
Re-creditable:	Yes – as specified in clauses 330 to 332 of the Agreement

Calendar year

A calendar year is a one-year period from 1 January to 31 December. For the purposes of First Nations ceremonial leave, 2 calendar years is a rolling period. This means Aurion will confirm how much ceremonial leave an employee has taken in the current calendar year and in the previous calendar year to determine if sufficient leave is available for a request.

Example:

In 2024, a First Nations employee took a total of 4 days ceremonial leave across the calendar year. In 2025, they took 2 days ceremonial leave. In 2026, they can apply for up to 4 days ceremonial leave because in the previous calendar year they had only accessed 2 days ceremonial leave.

Having taken only 1 day ceremonial leave in 2026, in 2027, the employee can apply for up to 5 days ceremonial leave across the calendar year.

Approval

Employees must discuss the leave request with their manager, with reasonable notice where possible.

While there are no prescribed evidence requirements, it is reasonable for the delegate to respectfully ask about the intended use of the leave so they can decide if the request is consistent with the purpose of the leave. Requests will not be unreasonably refused.

Interaction with other leave

First Nations employees can apply to use other leave types in conjunction with First Nations ceremonial leave.

Employees can request additional leave for cultural or ceremonial purposes as miscellaneous leave, with or without pay (see: [miscellaneous leave](#)).

First Nations ceremonial leave is in addition to compassionate and bereavement leave.

Cultural Leave

This section should be read in conjunction with clauses 270 to 273 in the Agreement

Entitlement:	3 days per calendar year (can be taken as part days) for the purpose of attending significant religious or cultural obligations associated with the employee's particular faith or culture.
Applied for in:	Aurion
Accrual method:	3 days credited per calendar year
Cumulative:	No
Half-pay option:	No
Delegate:	EL 1 manager and above
Counts for Service:	Yes
Portable:	No
Re-creditable:	Yes – as specified in clauses 330 to 332 of the Agreement

Purpose

Cultural leave is a mechanism to recognise employees from all cultural and/or religious backgrounds.

Cultural leave is available for the purpose of attending significant obligations associated with an employee's cultural or religious identity and community. It does not supplement annual leave entitlements.

Access to cultural leave means employees can balance their cultural or religious obligations more appropriately with their work obligations.

Eligibility

What constitutes a significant cultural or religious obligation is based on an employee's culture or faith, and the significance of the obligation to the employee and/or their family.

Consideration should be given to what allows the employee to participate in cultural or religious obligations which are:

- celebrated broadly across a cultural or religious community, or
- where their family obligations or commitments require them to attend obligations related to their family's culture or faith.

Cultural communities are not limited to ethnic or national groups, and may include cultural communities which the employee has a strong identification or affiliation with.

Principles

Cultural leave is intended for obligations that require an employee's participation during work hours, acknowledging some obligations may require preparation within work hours.

In considering applications for cultural leave there should be regard to the following principles:

- it is not appropriate for a manager to question or request evidence of an employee's culture or faith
- requests will not be unreasonably refused and normally not on operational grounds
- familial commitments can be considered, for example responsibilities associated with a spouse or de facto partner's cultural or religious obligations.

Approval

Employees must discuss the leave request with their manager, with reasonable notice where possible.

While there are no prescribed evidence requirements, a respectful discussion between the employee and their manager should occur so the delegate can decide if the request is consistent with the purpose of cultural leave. Generally, it will be sufficient for an employee to state in their application that:

- they are an eligible employee, and
- they are proposing to attend to a significant obligation that is associated with their cultural or religious identity and community.

Managers will manage requests for cultural leave in a responsive, consistent, respectful and inclusive manner, and avoid making assumptions about an employee's culture or faith. Where a manager is minded to deny an application, they should discuss the request with the relevant Assistant Secretary prior to making a decision. If the leave is not approved, the delegate must provide clear reasons for the decision. Employees may request the delegate provides their reasons in writing.

Employees and managers may consider discussing cultural leave plans periodically or during performance discussions under the PDS, to manage operational requirements around cultural leave plans.

Employees attending significant religious or cultural obligations on a Saturday or Sunday, cannot substitute a work day in lieu (excluding where an obligation on a weekend requires preparation within work hours).

Interaction with other leave

Cultural leave is not available for cultural purposes or obligations which are eligible for paid First Nations ceremonial leave.

Consistent with clause 203 of the Agreement, employees can request to substitute a cultural or religious day of significance to the employee for any day that is a prescribed public holiday. Public holiday substitution is approved by managers at an EL 2 level or higher.

OFFICIAL

Employees can use other forms of leave in conjunction with cultural leave. Additionally, employees can request additional leave for cultural purposes as miscellaneous leave, with or without pay (see: [miscellaneous leave](#)).

OFFICIAL

Defence Reservist Leave

This section should be read in conjunction with clauses 299 to 309 of the Agreement

Entitlement:	Employees who are members of the Australian Defence Force (ADF) Reserve may access paid and unpaid leave to render Defence service, including undertaking a defined period of continuous full-time service (CFTS). Employees who are ADF Cadet Officers or Instructors may access paid and unpaid leave to perform their duties. Paid leave may also be provided to an employee in connection with ADF onboarding activities, such as attending interviews or medical examinations in connection with their enlistment in a Reserve Force of the Defence Force.
Applied for in:	Initial request: Delegate approval sought by email and submitted in Delphi (Request a service > Payroll Services > Leave > Leave query) Subsequent requests: Aurion, with as much notice as possible.
Evidence:	Initial request: Reasonable evidence to show the employee is a Defence Reservist or ADF Cadet officer or instructor. Subsequent requests: Reasonable evidence (if requested) to demonstrate the leave will be used to render service.
Cumulative:	Yes, noting it can be built up and taken over 2 consecutive years
Half-pay option:	No
Delegate:	Assistant Secretary and above
Counts for Service:	Yes, for all paid defence reservists leave. Yes, for unpaid defence reservists leave for 6 months or less. Yes, for unpaid defence reservists leave greater than 6 months, other than for annual leave accrual.
Portable:	No
Re-creditable:	Yes – as specified in clauses 330 to 332 of the Agreement

Accrual

ADF Reservists are provided 20 days paid leave each financial year (pro-rata for part-time employees). An additional 10 days (pro-rata for part-time employees) is provided in the employee's first year of Reserve service.

ADF Cadet officers or instructors, can get paid leave up to 3 weeks in each financial year to perform their duties.

Interaction with other leave

Employees can use annual leave, long service leave, leave without pay, flextime or TOIL to fulfil ADF Reserve, CFTS or Australian Defence Force Cadet obligations.

Employees may not access this leave if they are on personal leave from Treasury, except in extenuating circumstances.

Defence Service Sick Leave

This section should be read in conjunction with clauses 310 to 315 of the Agreement

Entitlement:	Employees are eligible for defence service sick leave credits when the Department of Veterans Affairs (DVA) has certified that their medical condition is because of either war-like or non-war like service.
Applied for in:	Initial request: Delegate approval sought by email and submitted in Delphi (Request a service > Payroll Services > Leave > Leave query) Subsequent requests: Aurion
Evidence:	Initial request: Relevant documentation from the DVA certifying the medical condition. Subsequent requests: A certificate from a recognised medical practitioner stating the absence was due to the DVA certified medical condition.
Accrual method:	An initial credit of 9 weeks (45 days and pro-rata for part-time employees) and an additional annual credit of 3 weeks (15 days and pro-rata for part-time employees).
Cumulative:	Yes – up to 9 weeks <i>Note: Employees cannot use annual credits until initial credit is exhausted.</i>
Half-pay option:	No
Delegate:	EL 2 manager and above
Counts for Service:	Yes
Portable:	No
Re-creditable:	No

Emergency Response Leave

This section should be read in conjunction with clauses 285 to 290 of the Agreement

Entitlement:	Employees who engage in eligible community service activities can volunteer for emergency management duties and access leave for the response, travel time and recovery time. Paid or unpaid leave may also be considered for associated ceremonial duties and training.
Applied for in:	Aurion
Evidence:	Evidence that the organisation requests the employee's services must be provided. Employees can provide evidence before or as soon as practical after their emergency service activity.
Accrual method:	20 days available per calendar year – additional leave may be considered on an individual basis
Cumulative:	No
Half-pay option:	No
Delegate:	EL 2 manager and above
Counts for Service:	Yes, in all cases
Portable:	No
Re-creditable:	No

Employees must contact their manager if they are required to be absent from work to undertake emergency management duties. The leave may be applied for in Aurion retrospectively, with regard for the emergency context in which it may need to be accessed.

Paid emergency response leave may be refused in circumstances where the employee's Treasury duties are identified as essential to Treasury's response to an emergency.

Miscellaneous Leave

This section should be read in conjunction with clauses 316 to 322 of the Agreement

Entitlement:	Discretionary
Applied for in:	Leave with pay: Aurion Leave without pay less than 3 months: Delegate approval sought by email and submitted in Delphi (Service Catalogue > Payroll Services > Leave > Leave without pay less than 3 months). Leave without pay greater than 3 months: Application form is available in Delphi (Service Catalogue > Payroll Services > Leave > Leave without pay greater than 3 months)
Accrual method:	N/A
Cumulative:	No
Half-pay option:	No
Delegate:	Various (see specific details below)
Counts for Service:	Leave with pay: Yes Leave without pay: Dependent on the circumstances
Portable:	No
Re-creditable:	No

Miscellaneous leave with or without pay

Where leave is not otherwise provided or available under the Agreement, the Secretary (or delegate) may grant an employee miscellaneous leave (with or without pay) and determine the conditions that apply depending on the circumstances.

In deciding to provide paid or unpaid miscellaneous leave, delegates must consider:

- the nature of the request and the employee's circumstances, particularly circumstances that are unexpected
- if the leave is in the interests of Treasury, the Australian Public Service or the Australian community.

There is no entitlement to miscellaneous leave and requests may be refused.

Delegations

With the exception of leave without pay for parenting purposes, and unless otherwise provided in Treasury's HR delegations or in this policy, the delegate for periods of paid or unpaid miscellaneous leave for:

- up to 5 days — EL 2 or higher (within employee's reporting line)
- up to 3 months
 - Non-SES: Assistant Secretary or higher.
 - SES 1-2: Deputy Secretary in consultation with the Chief Operating Officer.
 - SES 3: Secretary in consultation with the Chief Operating Officer.
- more than 3 months
 - Non-SES: Chief People Officer, following endorsement from the employee's First Assistant Secretary.
 - SES 1-2: Chief Operating Officer or Deputy Secretary Corporate, following endorsement from the employee's Deputy Secretary.
 - SES 3: Secretary in consultation with the Chief Operating Officer or Deputy Secretary Corporate.

Delegates may choose to refer a decision to a higher level delegate (Chief Operating Officer and Deputy Secretary Corporate) as appropriate.

Where a request for miscellaneous leave takes the total period of absence beyond the delegated threshold of approval, the request (or extension) must be considered by the relevant delegate, regardless of the length of the request.

Example 1:

An Assistant Secretary approves 3 months unpaid miscellaneous leave for an APS 6 employee. Prior to the expiration of the 3 months, the employee requests a 2 month extension. Because the total period of leave would be 5 months, the requested extension must be sent to the Chief Operating Officer for decision.

Example 2:

The Chief Operating Officer approves 12 months unpaid miscellaneous leave for an APS 5 employee. Prior to the expiration of the 12 months, the employee requests a 2 week extension from their manager. Because the total period of leave would be 12 months and 2 weeks, the requested extension must be sent to the Chief Operating Officer for decision.

Miscellaneous leave with pay for particular purposes

Consistent with clause 317 of the Agreement, delegates may grant miscellaneous leave with pay in the following circumstances:

- [participation as a community volunteer](#)
- [participation in international sporting events](#)
- [participation in NAIDOC week activities](#)
- [circumstances such as graduation ceremonies, moving house and emergencies](#).

Paid miscellaneous leave counts as service for all purposes.

Participation as a community volunteer

Delegates may approve one day of paid leave each year to enable an employee to participate as a volunteer for a not-for-profit community organisation.

Leave can be granted at the manager's discretion and does not accumulate. In considering requests for community volunteer leave, managers should consider operational priorities and any potential conflict of interest.

Participation in international sporting events

A delegate may approve up to 5 days of paid leave to enable an employee to represent Australia in an international sporting event as an accredited official or competitor.

For the avoidance of doubt, an international sporting event is an event organised by an accredited international sporting body to which the relevant Australian sporting organisation selects a team. It is not a sporting event hosted overseas to which a team from Australia is sent (for example, a local club).

The amount of leave approved should take into account actual competition time and reasonable travelling time. The employee must provide evidence of their selection in the event, usually documentation from the relevant national sporting organisation.

Employees who wish to attend trials, warm-up competitions or participate in acclimatisation periods should apply for annual leave, long service leave, leave without pay or purchased leave, flextime or TOIL, as appropriate. Employees may also seek unpaid miscellaneous leave.

Participation in NAIDOC week celebrations

A delegate may approve one day of paid leave each year to enable an employee to participate in NAIDOC week celebrations. Leave to participate in NAIDOC week celebrations is non-cumulative and will count as service for all purposes. There is a general expectation First Nations employees access NAIDOC leave prior to seeking additional miscellaneous leave for this purpose.

Employees seeking to access miscellaneous leave to participate in NAIDOC week celebrations should communicate their leave request with reasonable notice to allow proper consideration of the request and whether there is sufficient coverage in the team to cover operational requirements.

Circumstances such as graduation ceremonies, moving house and emergencies

A delegate may approve leave for an employee to attend a graduation ceremony, move house, or attend to an emergency or other compelling exceptional occurrence in the affairs of an employee or their family.

These circumstances include:

- A short period of leave to attend to an emergency household situation such as fire, theft, flooding. The circumstances of each case should be considered sympathetically.
- A short period of leave for moving house on each occasion a move is required and the move or associated tasks are undertaken on a workday. Typically, up to one day of leave is considered reasonable.
- Where employees are not eligible for compassionate leave, a short period of leave to attend a funeral, with special consideration if extended travel is required. The circumstances of each case should be considered sympathetically.
- A short period of leave for an employee to attend their graduation ceremony for a course of study directly relevant to Treasury. Typically, half a day of leave may be approved for local ceremonies and a full day of leave may be approved for interstate ceremonies.

In considering the amount of leave to be granted, delegates should consider each case on its merits and circumstances. An employee may choose to combine miscellaneous leave with other types of leave.

Miscellaneous Leave without pay

In all cases, miscellaneous leave without pay is subject to operational requirements, except leave without pay for parenting purposes and specific types of leave provided by the Fair Work Act. Leave without pay may be subject to conditions determined by the appropriate delegate.

A period, or cumulative periods, of miscellaneous leave without pay exceeding 30 days within a 12 month period will not count as service for annual or personal/carer's leave purposes, except that it may count for personal/carer's leave if the leave without pay is determined by the delegate to be in the interests of Treasury and the employee returns to duty with Treasury following the leave.

Any period of miscellaneous leave without pay regardless of duration will not count as service for long service leave purposes, unless a delegate determines otherwise on a case-by-case basis. Exceptions apply under the Long Service Leave Act where an employee is absent on account of ill-health, for specified Defence service, or to occupy an executive office.

The Leave Without Pay forms are available via Delphi (Service Catalogue > Payroll Services > Leave).

Applications for leave without pay:

- must include a clear statement about the purpose of the leave - employees should refer to the section below about factors that will be taken into consideration when making their application
- should have a fixed duration
- should be submitted with as much notice as possible (at least 6 weeks' notice for leave without pay for periods of 3 months or more)
- include an undertaking that the employee will return to Treasury following the period of leave, where the proposed leave is for an extended period.

Employees seeking to participate in outside employment while on leave without pay must satisfy [Treasury's conflict of interest requirements](#). This requires approval by the respective SES.

Unless an alternative arrangement is agreed, the Branch the employee works in prior to the leave, will be the area the employee returns to following the period of leave. It is the responsibility of the employee and their manager to confirm return from leave arrangements prior to the nominated return date. Employees will need to seek approval if they wish to return prior to the agreed date. Treasury may not agree to an early return.

Factors in considering applications for leave without pay

In considering applications for miscellaneous leave without pay for extended periods, regard should be had to the following:

- whether another leave type may be more appropriate
- Treasury's operational requirements (including whether the impact of the leave on the workload of the employee's work area can be managed)
- capacity to manage the employee's absence with regard to business continuity
- the employee's length of service, both with Treasury and the APS
- the long-term development of the employee – however, not all further study may result in a benefit to Treasury. If the employee wants to study something unrelated to their role or not of any likely value to the role, this may not be a compelling reason to approve leave without pay
- the number of employees already on long-term leave
- any potential conflict of interest arising out of the reason for leave
- the availability of paid leave for the employee (including annual leave and long service leave)
- the cost to Treasury, including, in some cases, the continued accrual of long service leave and personal leave and indirect costs, such as costs relating to backfilling the role or the liability for the employee's annual and long service leave remaining with Treasury

- the benefit to Treasury and the APS
- the likelihood that the employee will return to Treasury after the period of leave – for example, if the employee wants a career change and the delegate thinks it is unlikely they will return to Treasury, then approving leave without pay might not be in Treasury's interest
- any previous extended leave provided for a similar purpose.

Miscellaneous leave without pay for particular purposes

Consistent with clause 317 of the Agreement, delegates may grant miscellaneous leave without pay in the following circumstances:

- [parenting purposes](#)
- [accompanying a spouse or partner on a posting](#)
- [employment in the interest of the APS](#)
- [other personal reasons](#)
- [study leave \(in addition to leave provided for in the Studies Assistance Policy\)](#)
- [unpaid leave where personal and carer's leave exhausted](#).

Parenting purposes

Eligible Treasury employees may access a range of paid or unpaid parental leave entitlements. Parental leave entitlements will be covered separately in the parental leave policy which is still being finalised. You can refer to the Agreement for detailed information on parental leave and follow the [interim guidance on TERI](#).

Accompanying a spouse or partner on a posting

Employees may be granted miscellaneous leave without pay to accompany their spouse or partner on an APS Government overseas posting. The posting should be for a known period and the employee should indicate they intend to return to Treasury following the posting. The period of leave does not count as service for any purpose.

Employees must seek Treasury approval to participate in outside employment while on leave without pay. Refer to [Treasury's Conflict of Interest Policy](#) for further guidance.

Employees may also request to work remotely when accompanying a partner on an APS Government posting by submitting a Remote Overseas Work form in Delphi (Request a service > Security > Travel > Remote Overseas Work Request). Requests require Deputy Secretary approval and are subject to final approval by the Chief Information Officer. The Treasury Security team must be consulted prior to seeking approval. Employees should also refer to the [Mobile Device Policy](#) for guidance regarding remote overseas work to accompany a partner on an APS Government posting.

Employment in the interest of the APS

Employees may be granted miscellaneous leave without pay to participate in other employment that is in the interest of the APS. There must be consideration for any real or perceived conflicts of interest (see [Treasury's Conflict of Interest Policy](#)).

Employment in the interest of the APS might include:

- employment with statutory authorities (for example, the Australian Prudential Regulation Authority)
- fixed term appointments to organisations such as the International Monetary Fund, the World Bank, Asian Development Bank, Organisation for Economic Cooperation and Development, and
- employment with State and Territory governments.

Employment in the private sector may be considered, provided the experience gained is relevant to Treasury's interests.

The employee should articulate how the leave and employment would facilitate the employee's development in terms of knowledge and skills that would benefit Treasury or the Commonwealth on their return and further government policy objectives, such as enhancing inter-governmental relations.

Leave without pay for employment in the interests of the APS counts as service for long service leave and personal/carer's leave subject to resumption of duty, and is pro-rata based on the work arrangement (casual, part time or full time). Any personal/carer's leave taken at the employing organisation will be deducted from the employee's personal/carer's leave balance on their return to Treasury. Annual leave does not accrue.

Where the employee is a member of the PSSap or PSS super fund, they must seek agreement from the employing organisation to pay the employer and/or productivity contributions. Treasury will not make superannuation contributions while the employee is on leave.

Other personal reasons

Employees may be granted miscellaneous leave without pay for other personal reasons.

Applications for 3 months or more will generally only be considered where the employee has had at least 3 years of continuous service with Treasury. Where employees have less than 3 years of continuous service, Treasury will generally only consider applications for 3 months or less.

The maximum period of miscellaneous leave without pay is 12 months. Further requests or extensions beyond 12 months require a new application. When considering additional leave, any previous periods of extended leave for similar purposes (other than parental leave) in the past 5 years will be considered.

Where a period, or cumulative periods, of leave without pay exceeds 30 days within a 12 month period the whole period will not count as service for annual or personal/carer's leave purposes. The leave will not count as service for long service leave.

Where leave is sought because the employee wants a career change, the delegate should be satisfied that the employee is committed and intends to return to Treasury following the period of leave.

Study Leave (in addition to leave provided for in the Studies Assistance Policy)

The [Studies Assistance Policy](#) details the available assistance for study, including leave entitlements (for example, study and exam leave). Employees who are awarded a Post Graduate Study Award must apply for leave without pay, prior to commencing their studies. The period of leave counts for service subject to the return to duty obligations specified in the Deed of Agreement.

For personal and private study not covered under the [Studies Assistance Policy](#), employees can apply for miscellaneous leave without pay. Applications for personal and private study leave exceeding 6 months will generally only be considered where the employee has had over 3 years of continuous service with the Treasury. Leave for personal and private study is generally approved only where the employee agrees to return to duty for a minimum period of 12 months.

Where the personal and private study is of direct relevance or benefit to Treasury, the leave will count as service for long service leave subject to the employee returning to duty for a minimum period of 12 months. Where the study is not relevant to Treasury, the leave does not count as service for any purpose.

Unpaid leave where personal and carer's leave exhausted

Employees who exhaust their paid personal and carer's leave entitlements, and remain unable to attend work, should discuss options with their manager in the first instance. For more information refer to [Additional leave where personal and carer's leave exhausted](#)

Reasonable time away from duty

There are circumstances where employees may take reasonable time away from duty to attend to matters and that time will be considered part of their ordinary hours of work.

Blood donation

Employees who, during working hours, give blood, plasma or platelets are not required to complete an application for leave, but should discuss the anticipated absence from the office for this purpose with their manager.

Vaccinations for official duty

Employees who, during working hours, attend a medical practitioner for the purposes of vaccinations for official duty, are not required to complete an application for leave, but will advise their manager they will be absent from the office for this purpose.

Leave for jury duty

This section should be read in conjunction with clauses 291 to 294 of the Agreement

Employees who attend court for either jury selection, or as a juror, will be released from duty without having to apply for leave. Full-time and part-time employees will receive their full rate of pay and casual employees will be remunerated in accordance with the relevant state or territory legislation.

The employee must notify their manager as soon as practical of their obligations and before they are required to be absent. This should include a formal notice showing the requirement and, if known, the expected duration of attendance. Following completion of jury duty, the employee may be asked to also provide attendance records if available.

Employees should not accept any payment from the court of a salary nature while being paid by Treasury. If the employee receives a payment, which is not expense related such as an allowance or reimbursement, they must repay that amount to Treasury.

Leave to attend proceedings

This section should be read in conjunction with clauses 295 to 298 of the Agreement

An employee who gives evidence before a Court, Tribunal or Royal Commission on behalf of the Commonwealth in the course of their duties, is considered to be working.

An employee who is required to give evidence to, appear before, or attend to instruct a representative at a Court, Tribunal or Royal Commission in relation to their duties, will be released from duty without loss of pay and without having to apply for leave. This includes in proceedings relating to a dispute between the employee and Treasury.

OFFICIAL

An employee who is required to give evidence to a Court, Tribunal or Royal Commission for any other reason may be granted paid or unpaid miscellaneous leave. Employees granted unpaid miscellaneous leave may be eligible to apply to the Court, Tribunal or Royal Commission to be reimbursed for reasonable lost salary.

Where employees are continuing to be paid by Treasury while they are away from work in any of the above circumstances, they are not losing income and so should not seek to claim a loss of income reimbursement or accept a salary-like payment from the Court, Tribunal or Royal Commission. If the employee receives a payment, which is not expense related such as an allowance or reimbursement, they must repay that amount to Treasury.

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Related documents

[APS Code of Conduct](#)

[Breastfeeding in the Workplace Policy](#)

[Conflict of Interest \(including outside and post-separation employment\) Policy](#)

[Fair Work Act 2009](#)

[Family and Domestic Violence Policy](#)

[Flexible Working Arrangements Policy](#)

[Human Resource Delegations](#)

[Maternity Leave \(Commonwealth Employees\) Act 1973](#)

[Parental Leave Policy](#)

[Studies Assistance Policy](#)

[Supporting Gender Affirmation and Gender Diversity Guidelines](#)

[Treasury Employee's Social Media Policy](#)

[Treasury Enterprise Agreement 2024-2027](#)

[Treasury Use of Social Media Policy](#)

[Working Hours and Arrangements Policy](#)

Version control

Date Modified	Version	Section of document	Author of change	Summary of change
19/09/2024	1	All	Employee Relations	New policy to support <i>Treasury Enterprise Agreement 2024-2027</i>
17/02/2026	1.1	Personal/carer's leave and miscellaneous leave	Workplace Relations	Lowered delegation of authority to approve extended periods of unpaid leave



Australian Government
The Treasury



AUDIENCE

All staff

CATEGORY

People

Policies and procedures

Workplace Behaviours

This document was endorsed by acting Chief People Officer on 23 December 2025.

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ARE YOU IN IMMEDIATE DANGER?

If you are feeling unsafe in the workplace right now, **contact** our **security team** or **call 000**.

Treasury building - Canberra	Protective security unit	s 22
One Canberra Avenue	Protective security unit	s 22
All other locations	Police emergency	000
Melbourne office	Protective security unit	s 22
Sydney office	Protective security unit	s 22
Perth office	Police emergency	000

Overview

This policy provides Treasury employees with information and guidance on expected workplace behaviours; and information on preventing, identifying and responding to inappropriate workplace behaviours to promote a safe, productive, and cooperative workplace.

This policy consists of three parts:

- **Part A** covers general topics, including roles and responsibilities, privacy, work health and safety, and support
- **Part B** covers appropriate and inappropriate workplace behaviours, including bullying, harassment, and discrimination
- **Part C** covers sexual misconduct

Purpose and scope

This policy outlines the expectations of Treasury employees, secondees and contractors in relation to their conduct in the workplace and details available supports. Information on complaint and reporting pathways related to inappropriate workplace behaviours is in the complaints management guide.

Contacts

The [Wellbeing Hub](#) provides information and resources to assist employees to support wellbeing in the workplace. Employees seeking further support or advice may contact:

- their manager or manager once removed
- People and Organisational Strategy Branch (POSB): employmentrelations@treasury.gov.au
- [Workplace Harassment Contact Officer \(WHCO\)](#) or [Health and Safety Representative \(HSR\)](#)
- external agencies: Australian Human Rights Commission, Fair Work Commission or Australian Federal Police; depending on the severity of the incident

For steps on reporting inappropriate behaviour, please see the Complaints Management Guide.

PART A – General

Treasury's commitment

In accordance with the obligations under the [Work Health and Safety Act 2011](#), the [Work Health and Safety Regulations 2011](#), and other relevant legislation, as far as reasonably practicable. Treasury is committed to providing a safe, healthy and respectful workplace, including:

- preventing and addressing workplace bullying, harassment, discrimination, sexual misconduct and other inappropriate behaviours
- identifying and managing risks, including psychosocial hazards
- monitoring trends and patterns to proactively address issues
- building an inclusive, safe, and respectful workplace culture
- providing adequate resources and support systems for Treasury employees and workers
- ensuring reasonable adjustments are available throughout all workplace processes, including complaint resolution

Refer to the Model Codes of Practice for further information:

- [Sexual and gender-based harassment](#)
- [Managing psychosocial hazards at work](#)

1. Legal Obligations

Treasury is committed to providing a workplace free from bullying, harassment, discrimination and sexual harassment in line with the following legislative requirements:

- [Public Service Act 1999](#) – all employees, including Agency Head and Senior Executive Service (SES) employees are required to uphold and promote the APS Values and APS Code of Conduct, ensuring respectful and ethical behaviour at all times.
- [Fair Work Act 2009](#) – prevent workplace bullying and sexual harassment and to take reasonable steps to address complaints promptly.
- [Work Health and Safety \(WHS\) Act 2011](#) – duty to eliminate or minimise psychosocial hazards and maintain safe workplaces.
- [Sex Discrimination Act 1984](#) & [Anti-discrimination and Human Rights Legislation Amendment \(Respect at Work\) Act 2022](#) – Treasury has a positive duty to take reasonable measures to eliminate sexual harassment and sex-based discrimination.
- [Age Discrimination Act 2004](#) – prevent discrimination based on age in all employment practices.
- [Disability Discrimination Act 1992](#) – mandates prevent of disability-based discrimination and provision of reasonable workplace adjustments.

- [Australian Human Rights Commission Act 1986](#) – cooperate with investigations and ensure compliance with anti-discrimination obligations.
- [Racial Discrimination Act 1975](#) – prohibits racial discrimination and requires Treasury to take steps to prevent race-based harassment and vilification.

2. Roles and Responsibilities

Role	Responsibilities
All Employees and Workers	• uphold APS Values: act with integrity and maintain the reputation of the APS. • model positive behaviour: foster respect, inclusion, and diversity in the workplace. • treat others with dignity: avoid harm or disrespect and value different communication styles and work approaches, including those linked to disability, culture, or identity. • avoid all forms of misconduct: never engage in bullying, harassment, discrimination, or sexual misconduct. • take responsibility for safety: care for your own health and safety and follow reasonable instructions. • speak up: report inappropriate behaviour when safe to do so. • stay informed: familiarise yourself with this policy, keep up to date with trainings and regularly discuss expectations. • use resources responsibly: follow rules for Treasury resources, systems, and data in line with policy and the APS Code of Conduct. • support accessibility: help create accessible environments and communications when needed. • use inclusive language: avoid language that stigmatises or excludes people including but not limited to disability, cultural background, gender identity, sexuality, or First Nations heritage. • follow legal requirements: comply with the Public Interest Disclosure Act 2013 when required. Note: More information on public interest disclosures is available on <u>TERI</u> and the <u>Commonwealth Ombudsman's website</u>.
Bystanders – Everyone's Role	Bystanders play a key role in maintaining a respectful workplace. Their actions can help prevent escalation and foster a culture of respect and inclusion. Treasury encourages and values safe and reasonable active bystander intervention.

	What bystanders should do: • speak up: address inappropriate behaviour when it is safe to do so • support others: support colleagues who may be experiencing inappropriate behaviour • report incidents: report any observed incidents or inappropriate behaviour to a manager, manager once removed, or POSB, as appropriate and if they feel safe to do so Safe active bystander intervention steps: • notice the situation: pay attention to what is happening around you – decide if it's a problem - ask whether someone might need help, and check with a manager if unsure – accept responsibility - don't assume someone else will act • step in safely - address the issue indirectly or directly, if safe to do so, in an informed, planned way, without being aggressive or putting anyone or yourself at risk
Managers	Managers have additional leadership responsibilities, due to their position, to: • respond promptly and fairly: address incidents, complaints, and concerns as quickly as proper consideration allows while remaining neutral and impartial, and ensure complaints are handled effectively and fairly. • listen with care: respond to complaints or disclosures in a non-judgemental, sensitive, and compassionate manner. • manage conflicts and confidentiality: refer matters to the next-level manager if there is a real or perceived conflict of interest, and respect privacy by sharing information only on a need-to-know basis. • ensure safety and provide support: take action to prevent or minimise health and safety risks and refer staff to supports.
SES Officers	SES officers have further leadership responsibilities, due to their position of leadership, to: • set clear expectations: establish clear expectations for staff to uphold the <u>APS Values</u> and <u>APS Code of Conduct</u> • lead by example: model APS Values and the Secretaries Charter of Leadership Behaviours (DRIVE) and address instances of inappropriate behaviour

	• be accessible: ensure staff know they can raise concerns directly or through escalation to you • foster culture: regularly discuss what respect and professional conduct looks like in Treasury and the APS • recognise good behaviour: acknowledge, encourage and reward respectful and professional conduct • meet legal obligations: ensure compliance with the positive duty under the Sex Discrimination Act 1984 by proactively preventing unlawful behaviour and fostering a safe, respectful workplace • refer matters: refer matters to POSB when they can't be resolved
Workplace Harassment Contact Officers (WHCOs)	• promote awareness and provide information: raise awareness of this policy and inform employees, workers, and managers about options for resolving incidents and complaints. • support and assist: help employees make complaints where appropriate and provide support during the resolution process, including attending meetings if requested. WHCOs should not: • resolve grievances or advocate for parties • support both parties in the same matter • place their own health, safety, or wellbeing at risk in the course of supporting others
People and Organisational Strategy Branch (POSB)	• framework development: develop frameworks, policies, processes and supports that enable Treasury to meet its work health and safety (WHS) and legal obligations • policy monitoring: monitor the implementation of the policy and reporting on its effectiveness to the Accountable Authority, through enterprise governance systems • guidance and support: provide guidance to support managers and employees • investigations: conduct impartial investigations where needed • WHCO oversight: overseeing Treasury's network of WHCOs • trend reporting: report trends to the Executive Board
Protective Security Unit (PSU)	• respond to immediate safety concerns: provide assistance during incidents involving physical threats, suspicious behaviour, or emergencies • monitor and manage access: ensure secure access to Treasury premises and investigating unauthorised entry or access attempts

- **support incident response:** assist with the management of workplace incidents, including those involving insider threats or misconduct
- **provide security advice:** offer guidance to staff and managers on physical security, personal safety, and insider threat risk mitigation
- **collaborate with POSB and WHCOs:** support investigations and resolution processes where security concerns are involved

3. Reporting inappropriate behaviour

3.1 When to Report Inappropriate Behaviour

If you experience or witness behaviour, including sexual misconduct that makes you or others, feel unsafe or uncomfortable, seems to single you or someone out based on personal characteristics, or contributes to a hostile work environment, it is important to report it. This also includes conduct that interferes with work performance or might, if proven, breach Treasury or APS Code of Conduct and Values.

3.2 Immediate Safety

If you are in immediate danger, contact:

- **Treasury building Canberra:** Protective Security Unit s 22
- **Any other locations:** Emergency services 000

3.3 How to Report

Refer to the Complaints Management Guide for further detail.

4. Confidentiality and Privacy

When handling complaints Treasury will maintain confidentiality and shares information only on a need-to-know basis and protect complainants from victimisation. Privacy will be respected while ensuring a thorough investigation, and regular updates will be provided throughout the process.

Complainants, respondents and witnesses must also maintain confidentiality and comply with any reasonable confidentiality directions.

Treasury collects, uses, stores, and discloses personal information in the complaints management process in accordance with the [Privacy Act 1988](#).

PART B – Appropriate workplace behaviours

1. Foundation: APS Values and Code of Conduct

The [APS Code of Conduct and APS Values](#) set out the required behaviours for all employees, establishing the foundation for a safe, inclusive and respectful workplace.

The APS Values further stress integrity, respect, collaboration, accountability, and innovation, fostering a positive work culture where all interactions are dignified and considerate. Bullying, harassment, discrimination, and victimisation directly breach these standards and will not be tolerated.

All APS employees, including APS employees and secondees to Treasury are required to comply with the APS Code of Conduct, including behaving at all times in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of Treasury and the APS.

Treasury expects all non-APS secondees and contractors to comply with the APS Code of Conduct and to act in a way that upholds these same values and principles. This expectation applies for the duration of their engagement with Treasury.

2. What Constitutes Appropriate Behaviour

2.1 Core Principles of Respectful Behaviour

Appropriate behaviour means acting in a way that a reasonable person would consider respectful and professional in the circumstances. The below table provides practical examples of appropriate behaviour.

Appropriate Behaviour	Practical Examples
Daily interactions	- greeting colleagues courteously - using people's preferred names and pronouns - acknowledging others' contributions and achievements - offering assistance when appropriate - expressing appreciation for work - understanding that people may need different approaches to complete tasks effectively - Include individuals in everyday activities
In meetings and discussions	- allowing others to speak without interruption - listening actively and responding thoughtfully - asking clarifying questions respectfully

	• acknowledging different viewpoints • keeping discussions focused and productive • providing materials in advance in accessible formats where practicable • ensuring, as much as possible, the physical and digital accessibility of meeting spaces and platforms
When providing feedback	• being specific about behaviours, not personal characteristics • focusing on work-related issues • offering constructive suggestions for improvement • timing feedback appropriately • encouraging employees to provide and seek feedback • delivering feedback privately when addressing concerns or potential sensitivities
In challenging situations	• remaining calm and professional • addressing matters directly and respectfully • seeking to understand before being understood • finding common ground where possible • escalating appropriately when needed

2.2 Inclusion and Respect

Demonstrating inclusion and respect means recognising and valuing diversity and interacting in ways that ensure everyone feels respected and included. This involves:

- recognising that disability includes both visible and non-visible disabilities.
- demonstrating cultural competency, understanding and respecting differences in communication styles, values, and practices.
- using inclusive language that avoids excluding or marginalising anyone(see [Inclusive Teams – Conversation Guide](#)).
- being willing to accommodate varying circumstances and needs through flexibility in communication and workplace adjustments for visual, auditory, cognitive or processing differences.
- offering interpreter services when English is not someone's preferred language, ensuring everyone can participate fully and feel understood.

The [Cultural Learning Journey Program](#) is mandatory and is a key resource for building cultural awareness, competency and appreciation of Australian Aboriginal and Torres Strait Islander cultures and histories. Complete the training to strengthen inclusive workplace practices.

2.3 Digital Communication and Modern Workplace Behaviour

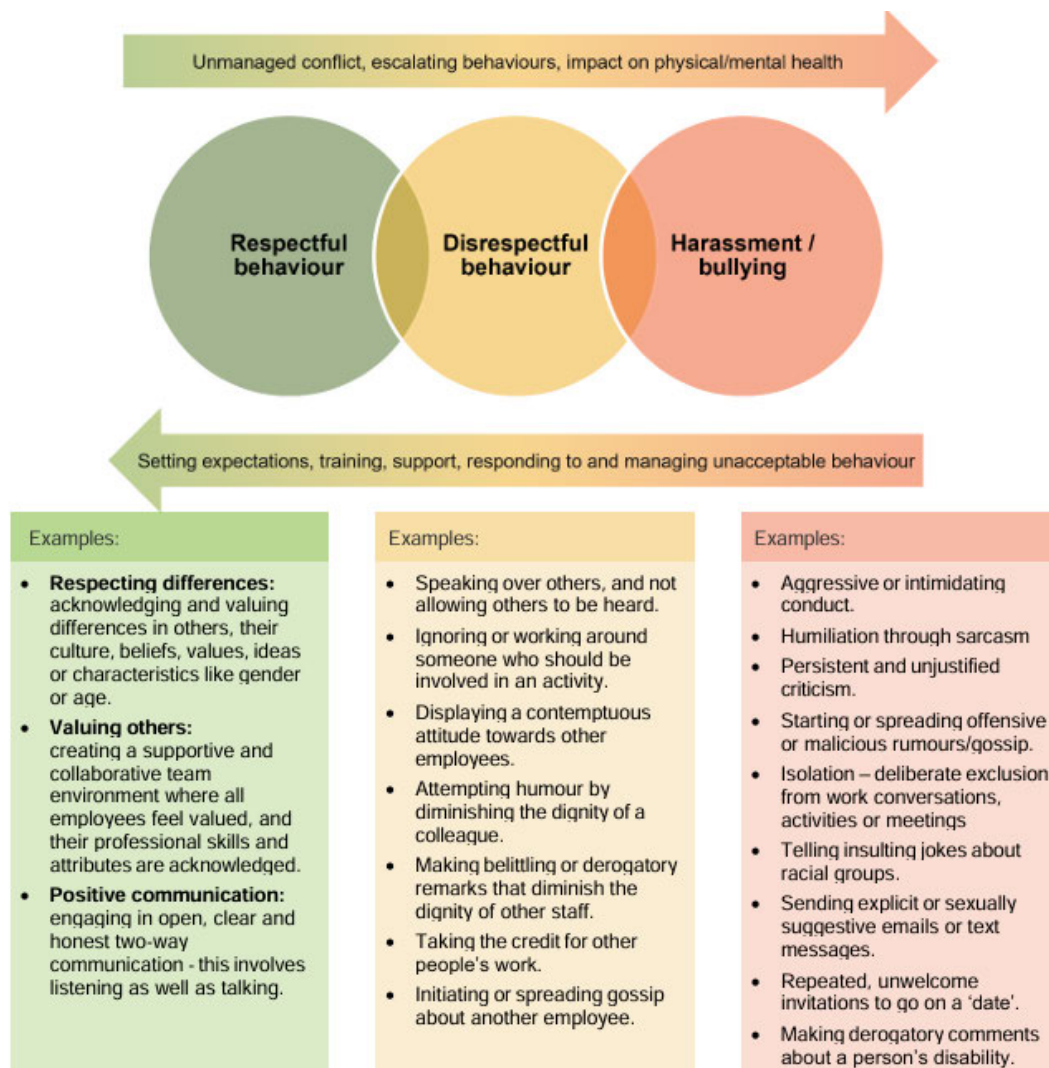
2.3.1 Professional Digital Communication

- respectful behaviour applies to all work interactions, including emails, messaging, and virtual meetings.
- maintain a professional tone by using clear and respectful language; consider timing and urgency before sending messages; avoid hostile practices such as all caps, excessive punctuation or aggressive language.
- using Treasury ICT resources or equipment for personal purposes may constitute a breach of the Code of Conduct.

2.3.2 Social Media and External Platforms

refer to the [Social Media policies](#) for comprehensive guidance on social media usage.

3. Inappropriate Workplace Behaviour



3.1 Definition and Impact

Inappropriate behaviour means behaviour that a reasonable person would consider unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

3.2 Categories of Inappropriate Behaviour

3.2.1 Workplace Bullying

Definition: Repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

Bullying can be intentional, where actions are deliberately meant to humiliate, intimidate, or distress, or unintentional, where behaviour—though not intended to harm—could reasonably be expected to have that effect.

Examples of bullying behaviour, can include but is not limited to:

- abusive, insulting, or offensive language
- displaying offensive material or behaviour that frightens or intimidates
- unjustified criticism or complaints or spreading misinformation or malicious rumours
- humiliating others through sarcasm, belittling opinions, or harmful practical jokes
- deliberately intruding personal space or tampering with their belongings, including work equipment
- excessive scrutiny, micromanagement or changing work arrangements to deliberately inconvenience someone
- setting unrealistic tasks or deadlines, assigning unnecessary/irrelevant tasks or unfairly distributing work
- deliberately withholding information or resources needed for work
- collective bullying or deliberate exclusion from workplace activities
- isolation: deliberate exclusion from work communications, activities, or meetings

Criminal behaviour: Some bullying may constitute criminal behaviour (e.g., stalking, physical assault etc.). Contact police if criminal activity is suspected.

3.2.2 Workplace Harassment

Definition: Unwelcome behaviour that intimidates, offends, or humiliates a person because of their personal characteristics.

These characteristics may include race or ethnicity, sex or gender identity, sexual orientation, age, disability (including physical, intellectual, sensory, neurological, psychosocial, or neurodivergence), religion, pregnancy or family status, political opinion, or union membership. Workplace harassment can arise from a single incident and intention to harass is not required, meaning the harassment can be direct or indirect.

Examples of workplace harassment can include but is not limited to:

- telling insulting jokes about racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screensavers
- making derogatory comments or taunts about a person's disability
- asking intrusive questions about someone's personal life

3.2.3 Workplace Discrimination

Definition: Treating someone unfairly because of who they are or a group they may belong to.

Forms include:

- **direct discrimination:** treating someone less favourably because of a protected characteristic.
- **indirect discrimination:** applying rules or policies that inadvertently disadvantage certain groups.

- **systemic discrimination:** patterns of behaviour or policies that create ongoing disadvantage.

3.2.4 Victimisation

Victimisation is retaliatory action, or the threat of it, against someone because they made a complaint or supported another person who did. Examples include excluding someone from meetings or opportunities, increasing scrutiny or criticism, changing work arrangements punitively, making threats or intimidation, or damaging, or seeking to damage their reputation or career prospects.

No Victimisation

No one should be treated unfavourably for making a complaint in good faith, providing information during an investigation, supporting a complainant, or being an active bystander. Retaliation is unacceptable and reports of victimisation will be reviewed and may be investigated as a suspected breach of the [APS Code of Conduct](#).

4. What is Not Bullying or Harassment

4.1 Legitimate Workplace Activities

Not all challenging behaviour or workplace actions amount to bullying and harassment, although they may feel unpleasant. The following activities are appropriate when carried out reasonably and respectfully.

4.1.1 Reasonable Management Action

Managers have the authority to direct work and manage performance. Reasonable management actions include:

- setting performance goals and deadlines and allocating work and managing schedules
- providing constructive feedback or addressing underperformance or misconduct
- making legitimate employment decisions and issuing lawful directions
- approving or declining leave requests based on operational requirements
- managing flexible work arrangements (e.g., remote work) in line with policy and business needs
- determining appropriate staffing levels and adjusting workloads accordingly
- prioritising tasks and reallocating resources based on business needs and peak periods

These actions must be proportionate, undertaken in a reasonable way, professional, follow proper procedures, and be based on genuine business needs.

4.1.2 Constructive Feedback

Regular and constructive performance feedback is essential for workplace effectiveness. Feedback should be specific, actionable and focused on work performance rather than personal traits. It should balance strengths and areas for improvement wherever practicable and delivered professionally and privately.

Either party may request to bring a support person to a performance conversation. Refer to the [Performance Development System](#) for more information.

4.1.3 Workplace Disagreements

Professional disagreements are normal when handled respectfully. They should remain focused on work-related issues, allow all parties to express views, seek constructive solutions, and avoid personal attacks. Disputes should be resolved through appropriate channels.

4.2 Single Incidents

A single incident does not constitute bullying. A single incident of inappropriate behaviour is unacceptable and must be promptly addressed through the implementation of feedback, counselling and, if necessary additional training. Serious one-off incidents may warrant formal action, including investigation as a suspected breach of the [APS Code of Conduct](#).

4.3 Low-Level Workplace Conflict

Not all conflict is harmful. Healthy conflict is task-focused, respectful, and can lead to better solutions without creating ongoing tension. Managers should monitor for escalation; intervene early if needed; and provide support and address underlying issues. Examples of low-level workplace conflict include differences of opinions or a spirited policy debate.

PART C – Sexual misconduct

Treasury is committed to creating and maintaining a workplace free from sexual misconduct through proactive prevention, clear reporting processes, and appropriate responses to incidents.

1. Legal Obligations

Under the [Sex Discrimination Act 1984](#), Treasury has a **positive duty** to take proactive steps to eliminate sexual misconduct before it occurs. This means Treasury must:

- actively work to prevent sexual misconduct
- create policies and procedures to address these behaviours
- provide training and education to staff

- respond appropriately when incidents occur
- regularly review and improve prevention measures

2. What is Sexual Misconduct?

Sexual misconduct is an umbrella term covering any inappropriate behaviour of a sexual nature that violates another person's dignity, safety, or rights. It includes:

- **sexual harassment** – unwelcome behaviour of a sexual nature that a reasonable person would anticipate could offend, humiliate, or intimidate.
- **sex-based harassment** – unwelcome behaviour that targets someone because of their sex or gender.
- **sex discrimination** – treating someone unfairly because of their sex, pregnancy, family responsibilities, or breastfeeding.

3. Prohibited Behaviours

All Treasury employees, workers, contractors, and visitors must not engage in any form of sexual misconduct. The following provides an outline of the different forms this may come in, as well as a non-exhaustive list of potential behaviours.

Form	Behaviours may include
Verbal Conduct	• sexually suggestive comments, jokes, or innuendo • intrusive questions about private life, relationships, or physical appearance • sexually explicit comments made in person, in writing, or digitally • discriminatory comments based on sex, gender, pregnancy, or family status • threats or promises in exchange for sexual favours
Physical Conduct	• unwelcome touching, hugging, kissing, or physical contact • inappropriate touching or contact of a sexual nature • non-consensual sexual contact or activity • cornering someone or deliberately invading personal space • inappropriate staring, leering, or gesturing
Visual and Written Conduct	• displaying sexually explicit materials, images, or objects • sharing intimate images or videos without consent

	• sending indecent messages (including via Teams, SMS, email, or social media) • using emojis, memes, or images with sexual connotations inappropriately • leaving sexually explicit notes or materials
Digital and Technology-Based Conduct	• sending unwanted sexual messages through any digital platform • inappropriate use of video calls or screen sharing • stalking or monitoring someone through technology • sharing or threatening to share intimate content without consent • using Treasury systems to access or distribute sexual content • creating, sharing or threatening to share sexually explicit material, including with the use of generative AI technologies
Misuse of Authority or Power	• using position, influence, or authority to pressure someone into sexual activity • offering job benefits in exchange for sexual favours • threatening negative consequences for refusing sexual advances • showing favouritism based on sexual relationships or interest • creating quid pro quo situations involving sexual conduct
Creating a Hostile Environment	• persistent unwanted attention or requests for dates • making the workplace uncomfortable through sexual behaviour • excluding or isolating someone based on their response to sexual advances • creating an environment where sexual conduct is normalised or expected

4. Consent and Professional Boundaries

Consent means voluntary agreement to participate in sexual activity:

- consent can be withdrawn at any time
- previous consent does not imply ongoing consent
- consent obtained through coercion, threats, or manipulation is not valid
- consent cannot be given if a person is not in the right state of mind, for example, if they have consumed alcohol at a work event

Significant Power Imbalances: Power dynamics aren't always negative, but they carry responsibility. Those who hold authority should remember that imbalances exist and this can make genuine consent difficult, even if the other party seems willing.

Criminal behaviour note: Where consent has not been voluntarily given, this may constitute criminal behaviour. Contact the police if criminal activity is suspected.

Professional boundaries must be maintained in all work-related interactions. This includes keeping personal and professional relationships separate, avoiding behaviour that could be perceived as sexual interest, respecting personal space and comfort levels and recognising that what feels acceptable to one person may not be acceptable to another.

5. Responding to sexual misconduct; employees, managers and witnesses

If you receive a report of sexual misconduct or witness concerning behaviour, respond professionally and with care. Do not dismiss or question the person's account and maintain confidentiality by involving only those necessary. Avoid informal handling or making promises you cannot guarantee. Your role is to listen, provide support, and follow the correct reporting procedures.

The following details some immediate steps and guidance which may be applicable in the circumstances:

- ensure the person's immediate safety
- listen without judgement and take the report seriously, do not investigate or question the person extensively
- contact POSB for guidance, with the employee's consent
- keep up to date records of key details as necessary
- respect the victim's preferences and decision regarding the approach to reporting/resolution, depending on the circumstances and Treasury's obligations, the matter may still require investigation
- offer supports – refer to supports services available in the Complaints Management Guide.

6. Investigation and Resolution

Sexual misconduct complaints will be handled according to the process in the Complaints Management Guide, with additional considerations for:

- **trauma-informed approach:** recognising the impact of sexual misconduct on individuals
- **specialist expertise:** using trained investigators for complex matters
- **interim measures:** immediate steps to ensure safety and prevent further incidents

7. Investigation outcomes

Sexual misconduct is serious and may result in:

- formal disciplinary action up to and including termination
- referral to external agencies (police, professional bodies)
- restriction of access to Treasury premises or systems
- local management action or direction

8. Data and Reporting Requirements

Treasury reports aggregate, de-identified data on sexual harassment complaints and outcomes to the Australian Public Service Commission through the APS Agency Survey.

9. External Reporting Options

You also have the right to make complaints to external agencies:

- [Australian Human Rights Commission](#): complaints about discrimination and harassment
- [Fair Work Commission](#): complaints about workplace rights
- [Australian Federal Police](#): if alleged criminal behaviour is involved
- **professional bodies**: if professional standards are breached

10. Legal Framework and Compliance

This policy operates within the framework mentioned within *Legal Obligations* as well as:

- [Public Interest Disclosure Act 2013](#)
- [Privacy Act 1988](#)

Remember

You don't have to handle workplace issues alone. We're here to help create a safe, respectful workplace for everyone.

Annex A

Definitions

Term	Definition
APS Code of Conduct	The APS Code of Conduct as provided at section 13 of the <u>Public Service Act 1999</u> .
APS Values	The APS Values as provided at section 10 of the <u>Public Service Act 1999</u> and detailed in Part 2 of the <u>Australian Public Service Commissioner's Directions 2022</u> .
Bullying	Repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety, as provided in s789FD of the <u>Fair Work Amendment Act 2013</u>
Bystander	A person who sees or hears and recognises a potentially harmful situation.
Complainant	An individual who submits a complaint, or, in situations where a complaint is lodged on behalf of another, the person identified as having experienced the conduct in question.
Complaint	Includes all the ways in which problems and concerns that require the involvement of Treasury staff to facilitate resolution might be raised by employers and workers about conduct matters.
Discrimination	When a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. Discrimination is set out in the following pieces of legislation; <u>Sex Discrimination Act 1984</u> ; <u>Disability Discrimination Act 1992</u> ; <u>Age Discrimination Act 2004</u> ; and the <u>Racial Discrimination Act 1975</u> .
Employee or workers	Any person carrying out work in any capacity for Treasury including APS and non-APS employees and individuals seconded to Treasury from other APS agencies.
Frivolous	A frivolous complaint is one which has no merit, is inconsequential, or no reasonable chance of success. It can be filed in bad faith or to delay a matter being examined.
Harassment	Unwelcome behaviour that intimidates, offends, or humiliates a person possessing a particular personal characteristic/appearance

Health	Defined in the <u>Work Health and Safety Act 2011</u> as both physical and psychological health.
Impartiality	Acting fairly and without any actual or perceived bias, and where there is no personal interest in the outcome of the complaint.
Manager	The employee (or secondee with delegated people management powers and functions) nominated by Treasury from time to time as an employee's or worker's supervisor.
Protected Characteristic	A personal characteristic or attribute, such as sex, religion, ethnic origin, sexual orientation, age, etc., that is <u>unlawful</u> to use as the basis for discrimination against individuals, especially in employment, education, or the provision of services.
Reasonable Person	A hypothetical person of average judgment, used as a standard to determine if behaviour is reasonable and appropriate in given circumstances. It is not based on personal beliefs or intentions.
Repeated	Persistent behaviour which can involve a range of behaviours over time.
Respondent	The person whose decision or conduct is the subject of a complaint.
Risk to health and safety	Includes the risk to the emotional, mental or physical health of the person(s) in the workplace.
Support person	A friend, colleague, union official or any other person chosen by a person to support them. A support person cannot act as an advocate.
Transparency	The principle of being open and honest about activities, decisions, and processes to year allow for scrutiny and building of trust.
Unreasonable behaviour	Behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.
Vexatious	Proceedings or actions that are an abuse of a given process and are; • Instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose; and • Instituted or pursued without reasonable ground; and are conducted to achieve a wrongful purpose, or in a way that harasses, or causes unreasonable annoyance, delay or detriment, regardless of the subjective intention or motive of the person who instituted the proceedings.

Victimisation	Retaliatory action, or the threat of action, against a person because they made a complaint or because they acted in support of a complaint.
Workplace	A workplace is anywhere work is undertaken or connected to work. This includes: • the main place of work • common areas (for example lifts, reception areas, corridors, kitchens, and bathrooms) • home or another location, if working remotely • conferences, training, and other professional development programs, whether onsite or offsite • transportation, travel, and accommodation, if travelling for work-related social functions and events.
Worker	A worker includes employees, secondees and contractors.
Work-related social functions and events	Work-related social functions and events, including, but not limited to: • departmental celebrations and social events • networking events and professional functions • sporting events organised by or involving Treasury • diversity network events • Treasury Social Committee Club events • cross-departmental events attended on behalf of Treasury • virtual social functions conducted via video conferencing
Workplace-related conduct	Any conduct that is connected to Treasury, or is covered by the APS Code of Conduct, including conduct that: • refers or relates to Treasury, its activities or its staff • occurs on, or in connection with Treasury property • occurs using, or is facilitated by, Treasury ICT resources or other Treasury equipment • occurs during, or relates to, the performance of duties for Treasury • occurs during, or in connection to, any work-related function or event (whether sanctioned or organised by Treasury or not) or when representing Treasury in any capacity, or • occurs during or in connection to, any event run by the Treasury Social Committee and/or Treasury Employee Networks

SERVICES

Media management protocol

The Treasury Media Management Protocol outlines the standard processes Treasury follows when engaging with the media.

The protocol applies to all contact with media. This includes public speaking engagements published material such as media releases, articles and online publications.

Treasury is committed to:

- communicating with a single voice
- using consistent, accurate and clear messages that are timely, targeted.

This improves our professional reputation as the nation's leading economic policy adviser.

The media team sits in the Media and Speeches Unit. It is the centre of expertise for managing proactive and reactive media in Treasury.

We ensure effective media management and information sharing across the Treasury and ministerial offices.

Working with the media team

- Refer all media enquiries, interview or backgrounding requests to s 22 [@treasury.gov.au](mailto:s22@treasury.gov.au).
- Engage us early if you are working on a project that is likely to generate media attention.
- Let us know if you're representing Treasury at a public event if media is likely to be present.



s 22

treasury.gov.au

 On this page[Working with the media team](#)[Media enquiries, interviews and background briefing](#)[Representing Treasury at public events](#)[Your responsibilities](#)[APS Code of Conduct](#)**Related pages**[Media releases](#)[Speeches](#)[Media monitoring](#)

Media enquiries, interviews and background briefing

You must refer media enquiries, interview requests and background briefings to the media team.

We will:

- determine the best approach to handle the enquiry
- work with policy areas to prepare a written response
- inform the ministerial offices
- discuss management of the enquiry.

We will specify the deadline for a response. However, journalists often require a response within hours.

Representing Treasury at public events

Public events can prompt media interest. Notify the media team of your participation early.

If journalists will be present, we will provide advice specific to your engagement, but you should adhere to your responsibilities below.

Your responsibilities

As a Treasury representative, in any public comments you are responsible for ensuring any references to the Treasury:

- are factually correct
- do not breach privacy, security or other sensitivity requirements.

Make sure any advice or comment you offer to a journalist, formal or informal, is:

- authorised by an SES officer
- made known to the Treasury media team as soon as practically possible
- only related to your area of responsibility.

APS Code of Conduct

When taking part in media activities in a personal and professional capacity, be mindful of the APS Values and [Code of Conduct](#).

Email

s 22
[redacted]@treasury.gov.au

Call

s 22
[redacted]

Content due for review

27/11/2025

Emergency and first aid



AUDIENCE	CATEGORY
All Treasury Staff	Policy

Policies and procedures

Treasury employee’s Social Media Policy

This document was endorsed by the Deputy Secretary, Corporate and Foreign Investment Group.
It was last reviewed in September 2024. It is scheduled for review in September 2025.

For further information or questions, email s 22 [@treasury.gov.au](mailto:s22@treasury.gov.au)

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Version control

Date Modified	Version	Section of document	Author of change	Summary of change
July 2023	1.0	ALL	Communications Branch	Creation of policy
August 2024	2.0	ALL	Strategic Communications	Updated to align with APSC guidelines and similar agencies (PM&C and Finance).

Overview

This policy provides guidance to Treasury employees on the use of social media and outlines their responsibilities when using social media for unofficial purposes. This policy is not intended to cover every use of social media and should be read in conjunction with the Australian Public Service Commission's [Social media: Guidance for Australian Public Service Employees and Agencies](#).

This policy provides direction for:

- employees personal use of digital and social media platforms
- managers who need to address an employee's use of digital and social media platforms
- use of digital and social media in a professional capacity.

Definitions

Term	Definition
Social media	Social media includes websites and applications that enable users to create and share content or take part in social networking.
Platforms	Platforms include but are not limited to: • Social networking sites such as Facebook, Twitter, Instagram, Snapchat, or Reddit • Professional networking sites like LinkedIn • Video sharing sites and apps like YouTube and TikTok • Blogs, online forums, and communities • Comments section on news articles
Social Media use	Behaviours include but are not limited to: • Posting content (both critical and praising) • Uploading pictures (include themed frames or captions) • Participating in petitions and fundraisers on social media platforms • Commenting on posts, blogs, Instagram photos or YouTube videos • Sharing memes • 'Liking' content • 'Following' or 'Friending' accounts • 'Tagging' accounts or people • Sending direct or private messages on social networking platforms.
Unofficial use	Where an employee engages in social media use as a private individual
Official use	Treasury's official social media accounts

Scope

This policy applies to all Treasury employees, both non-SES and SES. Guidance contained in this policy extends to an employee's use of social media at all times, including their personal and anonymous use.

How does this policy relate to me?

If you are a/an:	Then your responsibility is:
Employee (including employees on secondment, employees on leave, non-ongoing employees and contractors).	Read this policy and the Australian Public Service Commission's Social media: Guidance for Australian Public Service Employees and Agencies
Assistant Secretary or First Assistant Secretary	• read this policy and the Australian Public Service Commission's Social media: Guidance for Australian Public Service Employees and Agencies • help employees assess the risk of their online behaviour • encourage and enable discussion around the personal use of social media • contact the Director, Strategic Communications if you are concerned about an employee's online behaviour.

Contacts

For advice, contact s 22 [@treasury.gov.au](#) who are responsible for updating and maintaining this policy.

Personal use of social media

All APS and Treasury employees have a right to participate online and are entitled to private lives, personal views, and political opinions.

At the same time, the unique nature of APS employment means expressing our views can reflect not only on us as individuals, but on Treasury and the APS. Our personal behaviour can affect confidence in government and the integrity of the APS.

For these reasons, an APS employees' responsibilities limit their ability to take part fully in public discussions, including on social media.

APS employees must be perceived as being apolitical at all times, in accordance with the [APS Code of Conduct](#). They must not make public comment that may lead a reasonable person to conclude that they cannot serve the government of the day impartially and professionally. This also applies to anonymous posts by employees in relation to a topic relevant to their work or the work of Treasury.

The following 3 key factors that can increase or mitigate the risk in an employee's online behaviour effecting confidence and trust in the APS:

1. the employee's seniority
2. the relationship between the topic of the post and the employee's work
3. how extreme the expression of their view is.

Higher risk behaviours include:

- posting unlawful material (including content inconsistent with the confidentiality provisions in section 7 of the [Public Service Regulations 2023](#), or with the Privacy Act 1988)
- posting, reposting or 'liking' content that falls far outside the norms of acceptable social behaviour—e.g. hate speech; threats or encouragement of violence or harassment; personal attacks or derogatory comments about individuals or groups within the community
- creating or sharing a petition in protest of your agency, policy area, or Minister
- establishing an online community that is critical of your agency or policy area, or which encourages or endorses harassment or defamation of individuals including Ministers, colleagues, members of particular communities, public figures
- airing significant workplace grievances on social media.

When using social media networks, employees of Treasury should ensure that personal comments do not bring the APS, Treasury or any of its contractors, stakeholders, or employees into disrepute. It is unacceptable to disparage the APS, Treasury, or its employees, on social media networks – this is line with the APS Values and Code of Conduct.

Employees can choose to disclose their employment details on social media. However, employees should always consider their own privacy and security.

All APS employees are bound by the APS *Values, Employment Principles*, and *Code of Conduct* set out in the *Public Service Act 1999* (PS Act).

APS employees' personal behaviour on social media can breach the Code of Conduct. The higher the risk that a post could undermine trust in the APS, the more likely it is to be inconsistent with the Code. For further guidance for personal use of social media:

- read the APSC's [Social media: Guidance for Australian Public Service Employees and Agencies](#)
- speak with your manager if you are concerned your online behaviour could be 'high risk'
- contact the Strategic Communications team for further information.

If employees use social media in their personal capacity, it must be lawful. A reasonable person should not perceive it to be:

- in breach of state, territory or federal laws
- affecting public confidence in Treasury or the APS
- affecting an employee's ability to complete duties in an apolitical or impartial manner
- representing Treasury or the Government.

Best practice use of social media

You should exercise care and discretion with your use of online communication.

You should work on the assumption that content may be seen, sent, forwarded, or transmitted to someone other than the intended recipient.

You should take not disclose other people's personal information or publish images of others without their permission.

You should discuss and seek assistance from your manager if unsure whether an intended online communication may be in breach of this policy.

You should use common sense and respect others in posts and discussions. If a person disagrees with the opinion of another, you should keep responses appropriate and inoffensive; adopt the simple practice of stepping back, re-reading and thinking about what you post before doing so.

Other considerations

Privacy and security

While the risk is greater if you identify yourself as an employee of the APS or your agency, it is not eliminated if you don't.

Employees can be identified online in a range of ways, even if they post anonymously or using an alias—and once you are identified as an APS employee, your behaviour can affect public confidence regardless of your intention to keep your posts and your employment separate.

If you are posting anonymously, you should assume that at some point your identity and the nature of your employment may be revealed.

Disclaimers

It may be useful to include a disclaimer on your profile or on an individual post to show that your views are your own and do not represent your agency, the APS, or the Government. This may be appropriate, for example, on professional networking sites such as LinkedIn. However, a disclaimer is not enough to eliminate all the risks—public confidence can still be damaged by an employee's behaviour even if the employee has stated that they are acting in a private capacity.

When using social media, employees should remember:

- online comments are available immediately to a wide audience. They effectively last forever and may be republished and shared endlessly and out of context
- any online content can eventually be traced back to an individual, and reveal their employment details
- anonymity or pseudonyms do not provide protection nor prevention of potential breaches
- liking, sharing or commenting on a post could be seen to be endorsing the content or author
- a site's security setting should never be relied on to protect or keep material private.

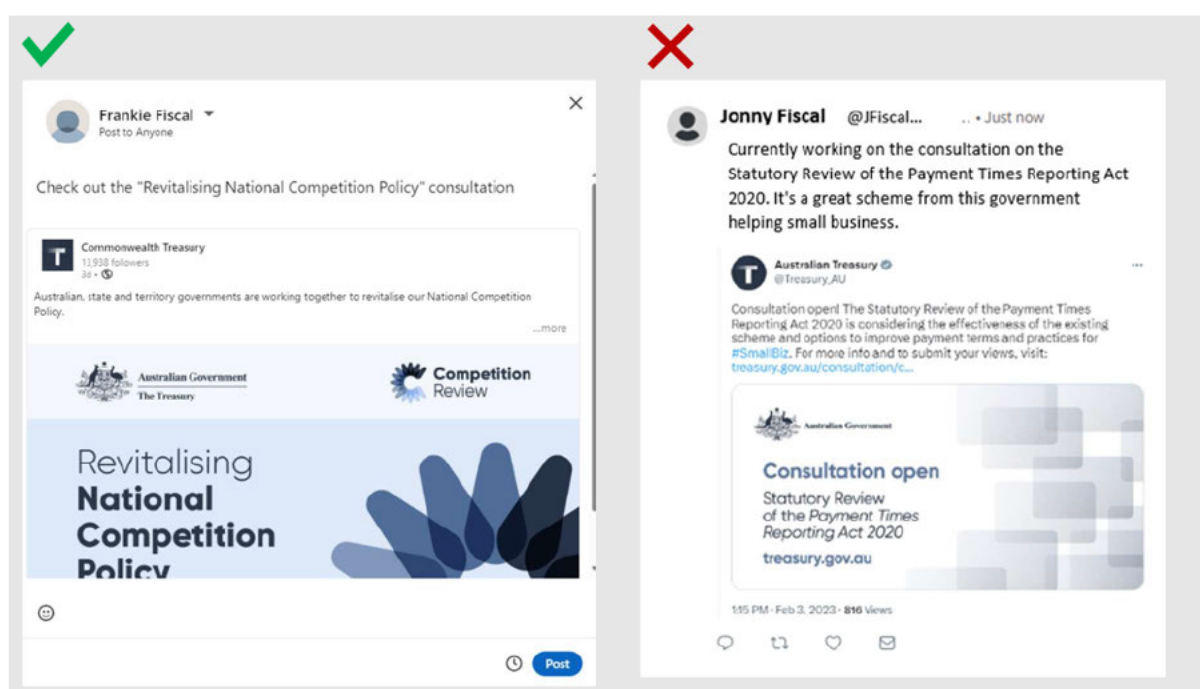
Accepting connections

Accepting or seeking requests from connections you do not know or have a distant link to may have wider-reaching effects than intended. It can carry risks such as breaches to your privacy from nefarious actors who post malicious links to malware or phishing sites that are listed in your feed after accepting the request. Due to the information that Treasury holds, staff can also be a target of sophisticated and unsophisticated actors who wish to build a trusted relationship or learn personal information about the staff member over time. You must evaluate how well you know the connection before accepting or making a request to connect.

Engaging with Treasury's official social media accounts

Senior officers such as the Secretary, Deputy Secretaries and First Assistant Secretaries who publicly represent Treasury may wish to engage (like, love, congratulate, celebrate etc) with Treasury official posts. They should be mindful that reposting and commenting on posts may create a new thread with additional posts that need to be moderated, with official records kept.

Other Treasury employees, including contractors may wish to similarly engage with Treasury official posts however employees should always consider their own privacy and security.



Business-related social media use

All social media activities for official Treasury business are managed by the Strategic Communications team, in the Communications Branch in accordance with the *Treasury use of Social Media Policy*.

The Strategic Communications team welcomes suggestions for posts that promote Treasury objectives, policies, programs and achievements. The team will help craft your social posts and source imagery through the Creative Services team.

All Treasury social media should include:

- the news hook (i.e. the announcement, event, new policy, new consultation etc)
- relevance to Treasury (i.e. Treasury objectives, policies, programs etc)
- web link to further information
- call to action (i.e. find out more, make a submission etc).
- This information provides stakeholders with basic information about Treasury, sufficient context, and guidance where they can find more information – such as the website.

Contact the team at s 22 [REDACTED] [@treasury.gov.au](mailto:[REDACTED]@treasury.gov.au) if you have suggested post for Treasury social media.

Managing employees use of social media

One of our obligations under the APS Code of Conduct is to always behave in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of our agency and the APS.

This means that APS employees' behaviour outside work is subject to the Code of Conduct to the extent that:

- it could reasonably be viewed as failing to uphold the integrity and good reputation of the employee's agency or the APS, or
- it could reasonably call into question the employee's capacity to comply with the Values and Employment Principles in their work—for example, their capacity to be impartial or respectful.
- APS employees' personal behaviour on social media can breach the Code of Conduct. The higher the risk that a post could undermine trust in the APS, the more likely it is to be inconsistent with the Code.

Employees should speak to their manager about any social media policy concerns. This includes if they are unsure about individual responsibilities or circumstances when using social media or are worried about their privacy or reputation due to social media posts.

If assessment of a potential breach results in an identified breach, disciplinary action may be taken.

The APSC's [Social media: Guidance for Australian Public Service Employees and Agencies](#) provides guidance for managers on how to:

- help employees assess the risks of their online behaviour
- encourage and enable discussion around the personal use of social media
- respond proportionately to the risk
- It provides examples, case studies and FAQs to help inform your discussions with employees.

Further guidance for managers

- read the (APSC) *Social media: Guidance for Australian Public Service Employees and Agencies*
- contact the Director, Strategic Communications team for further information.

Responding to high-risk online behaviour

Treasury will respond to concerns about an employee's online behaviour proportionate to the risk that behaviour poses to the public confidence in Treasury and the APS.

Online behaviour that is high-risk may be referred to the Communications Branch for advice and the matter may be referred to People and Organisational Strategy Branch to investigate in accordance with Treasury's procedures for determining whether an employee has breached the APS Code of Conduct.

Further information

Employees can also visit the Australian Public Service Commission's website to:

- read the [APS Values](#), the [Code of Conduct](#) and Employment Principles
- read about [Making public comment and participating online](#)
- [Social media: Tips for employees | Australian Public Service Commission \(apsc.gov.au\)](#)
- [Factsheet: Personal Behaviour on Social Media | Australian Public Service Commission \(apsc.gov.au\)](#)
- [Case study - APS employee engagement on social media | Australian Public Service Commission \(apsc.gov.au\)](#)
- [Frequently Asked Questions: Personal Behaviour on Social Media | Australian Public Service Commission \(apsc.gov.au\)](#)

You may also read

- [Security Tips for Social Media and Messaging App \(cyber.gov.au\)](#)
- [Treasury Standard User Acceptable Use Policy](#)