



ARC Conflict of Interest and Confidentiality Policy

July 2025

Policy Name:	ARC Conflict of Interest and Confidentiality Policy		
Policy Owner:	Director, Governance and Corporate Reporting		
Effective from:	1/07/2025	Version number:	2025.1
Date for revision:	30/06/2027		

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1. Introduction

1.1 *The Australian Research Council*

The Australian Research Council (ARC) is a non-corporate Commonwealth entity established under the [Australian Research Council Act 2001](#) (ARC Act), located within the Australian Government's Education portfolio and reporting to the Minister for Education (Minister).

The ARC is a vital component of Australia's innovation and research system. We play an integral role in supporting the research sector to produce excellent and impactful research for Australia's economic, social, environmental and cultural benefit through the delivery of the National Competitive Grants Program (NCGP). The NCGP funds excellent early-stage research in all disciplines except medical research.

The ARC's broader remit includes the provision of high-quality research policy advice to the Australian Government; supporting research integrity and promoting ethical research; evaluating the excellence, impact and depth of Australian research and expanding Indigenous Australian knowledge systems. It also facilitates partnerships between researchers and industry, government, community organisations and the international community.

1.2 *Purpose of policy*

The ARC is committed to maintaining the highest standards of professionalism and ethical conduct in its operations to meet its obligations under the [Public Governance, Performance and Accountability Act 2013](#) (PGPA Act) and the ARC Act. The PGPA Act applies to the ARC accountable authority (ARC Board) and all officials of Commonwealth entities the ARC and imposes a set of general duties that officials are required to comply with, such as the duty of care and diligence, duty underpins the duty of the ARC and its officials to act honestly, in good faith and for a proper purpose; duty in relation to the use of position and use of information and the duty to disclose interests.

This policy is designed so that all actual, potential or perceived conflict of interests (COIs) are disclosed. This will support the identification and management of COIs in a rigorous and transparent way that ensures the integrity, legitimacy, impartiality and fairness of ARC processes and the ARC's administration of Australian Government resources. Management of COIs in this way is designed to maintain public confidence in the ARC's business processes and ensure that both ARC-funded projects and research outcomes support and primarily benefit the Australian community.

This policy also outlines the confidentiality obligations of individuals carrying out ARC business, to ensure that information obtained in ARC business is managed appropriately.

2. Scope

2.1 *Who does the policy apply to?*

This policy applies to:

- ARC staff and officials, including Australian Public Service (APS) employees, contractors and ARC Board members
- Committee members (including all Board Committees and Designated Committees established under the ARC Act), assessors, reviewers, consultants and any other parties engaged by the ARC for the provision of services and/or to undertake business on its behalf
- Administering Organisations, researchers named in ARC grant applications and researchers involved

in ARC-funded projects.

2.2 Definitions

2.2.1 **COI** means an Actual COI, a Perceived COI, or a Potential COI.

2.2.2 **Actual COI** means a situation in which the interests of a person actually improperly influence the professional, academic or official actions of that person.

2.2.3 **Potential COI** means a situation in which an Actual Conflict of Interests, or a Perceived Conflict of Interests, is not present, but might arise in the future.

2.2.4 **Perceived COI** means a situation in which a reasonable third party might perceive that a person's interests might improperly influence the professional, academic or official actions of that person.

2.2.5 **A material personal interest** is an interest that is:

- material — being of some substance or value (rather than a slight or low value interest), that presents a real or sensible possibility of affecting the ability of the person to discharge their duties or obligations appropriately; and
- personal — being an interest of the individual themselves (including through a close relative or affiliate).

3. Disclosing interests

3.1 What to disclose?

3.1.1 When undertaking ARC business, an individual must disclose any material personal interests that may impact, or be perceived to impact, their ability to perform the role for which they have been engaged.

3.1.2 In accordance with any additional ARC guidance or procedures relevant to their role, individuals must consider and disclose interests in all possible areas including but not limited to:

- professional positions
- membership of committees of other organisations
- consultancies
- financial support (cash or in kind) for education or research related activities from a country other than Australia
- current or past associations or affiliations with a talent program from a country other than Australia (for the last 5 years)
- current associations or affiliations with a government, intelligence organisation, government owned enterprise, military and/or police organisation in a country other than Australia
- boards of directors
- advisory groups
- professional relationships
- outside employment (within the past 2 years)
- family and personal relationships, or

- financial interests, including receiving recompense in the form of cash, services, or equipment from other parties to support research activities.
- 3.1.3 A material personal interest may also exist where an individual's partner or immediate family member has any of the interests listed in clause 3.1.2. The term 'partner' may refer to personal or business partners.
- 3.1.4 It should be noted that enmity as well as friendship can give rise to a COI.
- 3.1.5 The overriding principle for a declaration of a material personal interest is, if in doubt, the individual should declare the interest in accordance with the appropriate process pertaining to their role. This is to ensure that the ARC can take account of varied individual circumstances to ensure conflicts of interest are managed appropriately and consistently. This also ensures that, should any issues or queries arise, the individual can demonstrate that they have taken appropriate action.
- 3.1.6 The obligation to disclose interests is ongoing. It is the responsibility of all individuals to identify, disclose and update these interests as soon as possible.
- 3.1.7 Declarations of interest are subject to regular review by the ARC and may be used in conjunction with other ARC processes to determine individuals' ongoing eligibility for their role. These processes may include (but are not limited to) risk identification and Countering Foreign Interference.

3.2 *ARC committee members, assessors, and reviewers*

- 3.2.1 For ARC committee members, assessors, and reviewers, material personal interests include, but are not limited to, situations where an individual:
- has had a contractual or employment arrangement with a university, or any organisation that is named in a current application, evaluation process, or other documentation relating to any ARC business under their consideration
 - owns shares in, or exercises control in a company or other organisation named in any current application or evaluation process that is under their consideration, or in which they have direct involvement
 - is involved in any other ARC committee process where they may have a direct or indirect involvement in the matters being considered
 - has a professional relationship with an individual who is named in an application or whose work forms a significant part of the material under review in an assessment process. This includes having published with, held research funding with, or been in a supervisory relationship with the individual
 - has a close personal relationship (including enmity) with an individual who is named in an application or whose work forms a significant part of the material under review in an assessment process
 - is receiving financial support for education or research related activities from a country other than Australia
 - is currently, or has previously been, associated or affiliated with a talent recruitment program from a country other than Australia, or
 - is associated or affiliated with a government, intelligence organisation, government owned enterprise, military or police organisation in a country other than Australia.

The above is not an exhaustive list. Where relevant, the individual should refer to the information provided by the ARC, as pertaining to their role. Relevant information will include specific details on the timing that the ARC applies to disclosing certain types of interests.

- 3.2.2 Committee members, assessors and reviewers are required to complete a declaration of interests form upon engagement, including information relating to financial support, affiliations, and honorary positions from a country other than Australia. The obligation to disclose interests is ongoing. Where required by the ARC, committee members must disclose interests to the ARC annually. Committee members are also required to update that information as soon as possible if any significant changes occur to their or their immediate family/partner's interests.
- 3.2.3 Committee members and assessors who are involved in application assessment processes:
- must declare their material personal interests to the ARC within the Research Management System (RMS) and ensure that their RMS profile is kept up to date, including employment details.
 - should refer to [Identifying and Handling Conflict of Interest In NCGP Processes](#) to help determine whether their interests constitute a COI in relation to individual grant applications and, if so, they must reject the assignment within the RMS.
- 3.2.4 If, during an assessment or peer review task, a committee member, assessor or reviewer becomes aware that they have a material personal interest(s) related to the assessment or task they must declare these to the ARC before continuing. If a COI is identified, the assessment or peer review task will be removed from the assessor.

3.3 ARC funding applications

- 3.3.1 COIs may exist, arise, or be perceived, for those individuals applying for ARC funding, including between parties involved with the same application. All parties must disclose any COIs to the Administering Organisation.
- 3.3.2 Individuals applying for ARC grants are required to answer questions in their application, such as, those relating to financial support and affiliations from a country other than Australia, including current and previous associations.

3.4 ARC-funded projects

- 3.4.1 Section 49(2)(ea) of the ARC Act requires each researcher involved in an ARC-funded research project to declare all actual, potential or perceived COIs relevant to that project, to the ARC.
- 3.4.2 Under ARC Grant Guidelines and ARC Grant Agreements, all ARC-funded research must comply with the COI requirements outlined within the *Australian Code for the Responsible Conduct of Research 2018* (the Code) and any relevant successor documents, in addition to this policy and legislative requirements, including under the ARC Act.
- 3.4.3 Prior to the commencement of ARC-funded projects, Administering Organisations are required to collect the COI declaration of researchers involved in the projects, and declare to the ARC that researchers' COI declarations are collected, and COIs are managed appropriately.

3.5 ARC Board

- 3.5.1 Consistent with section 18 (1) of the ARC Act,¹ ARC Board members must disclose their interests to the Minister. Board members must disclose interests annually, and as soon as possible, if any

¹ Which is consistent with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

significant changes occur to their or their immediate family/partner's interests.

- 3.5.2 The ARC Board Secretariat manage the ARC Board's COI Register, reporting to the Minister as required.
- 3.5.3 The ARC Board declare and manage COIs for each meeting in accordance with the *ARC Board Charter*.
- 3.5.4 The ARC Board declare and manage COIs for grant decision making process at Board meetings in accordance with the procedure that is set out in the governance documents of the ARC Board.

3.6 ARC staff

- 3.6.1 All APS employees have a duty to adhere to the [Australian Public Service Values and Code of Conduct](#) (APS Code of Conduct), as set out in section 13 of the [Public Service Act 1999](#) (Cth), and section 29 of the PGPA Act, both of which include requirements for declaring material personal interests whilst working in the APS.
- 3.6.2 Other ARC staff, including contractors, are required to observe the principles outlined within the APS Code of Conduct and the PGPA Act, including the duty to disclose interests, while working at the ARC.
- 3.6.3 The ARC requires all employees and contractors to disclose any material personal interests within four weeks of commencement of employment.
- 3.6.4 The obligation to disclose interests is ongoing. The ARC requires all staff, including contracted employees, to make a disclosure of material personal interests annually. ARC staff are also required to update information as soon as possible if any significant changes occur to their or their immediate family/partner's interests.
- 3.6.5 Staff, including contractors, are also required to disclose interests as required for individual ARC processes, such as procurement or recruitment activities, in line with the relevant policy or work instructions.

3.7 ARC Chief Executive Officer

- 3.7.1 The ARC Chief Executive Officer (CEO) will comply with the ARC Staff declaration requirements as outlined in section 3.5 of this Policy.
- 3.7.2 Consistent with section 39 of the ARC Act² before starting to hold office, the CEO must give a written statement to the ARC Board of any interest the CEO has that may relate to the functions of the CEO.

4. Evaluation and management of COIs by the ARC

4.1 Identifying and evaluating interests

- 4.1.1 The ARC has robust processes in place for evaluating interests and identifying and managing COIs that may occur in its various areas of business. At all times decisions will maintain the fairness, timeliness, and impartiality of ARC processes.
- 4.1.2 In cases where an individual declares a material personal interest, the ARC will evaluate whether that interest amounts to a COI and, if so, determine the extent to which that individual may be involved in discussion or decisions. Any measures taken by the ARC will be documented.

² Which is consistent PGPA Act requirements, where the CEO must also disclose interests under section 29 of the *Public Governance, Performance and Accountability Act 2013*.

- 4.1.3 For the purpose of managing the large volume of interests relevant to the ARC's programs and services, the ARC may apply rules, such as time limits for determining when past relationships and circumstances are considered to be COIs, and automated processes for managing COIs. The ARC will advise where those limits apply and may apply those limits internally.
- 4.1.4 The ARC will consider the potential implications of COIs in determining the most appropriate management strategy.
- 4.1.5 In some instances, it may be necessary to remove the individual with a COI from any involvement in the matter in which the COI arises and to recruit an impartial third party to oversee part or all of the processes involved in the matter.
- 4.1.6 Where a COI is grounds for the individual to be excluded from access to the information under consideration, the individual will not take part in any decision-making processes and will absent themselves from the room when the information is being discussed.
- 4.1.7 The ARC may disclose interests to other government agencies or a contracted third party for the purposes including grant administration, Commonwealth audit and reporting requirements and legislative compliance.

4.2 *Balance of benefit versus risk*

- 4.2.1 Decision-making processes in research-related areas often require expert advice or peer review expertise. In some cases, the available pool of experts or peers in a field can be so limited that available experts or peers may have an association with the matter under consideration. In such instances, judgements will be made by the ARC that balance the benefit of having persons with expertise involved with appropriate control measures in place to address any risks of their interests causing bias in a process.
- 4.2.2 The ARC (or appropriate persons appointed by the ARC) may determine that some interests do not affect the individual's ability to give full and unbiased consideration to the matter at hand, or the control measures are appropriate to remove the risk, including that the existence of the interests should not deprive the ARC of the individual's expertise and knowledge.

4.3 *Operating procedures for identification and management of conflicts*

- 4.3.1 Standard operating procedures for other policies and procedures managed by ARC business areas must align with the requirements identified in this policy, ensure that these requirements are met, and that identified conflicts are evaluated and managed in a clear, transparent and consistent manner.
- 4.3.2 Throughout ARC committees, assessors and reviewers' business (including preparation for, and during, selection and evaluation meetings), interests and COIs are recorded in the ARC's IT systems, registers and/or minutes of meetings.
- 4.3.3 For other processes, the ARC keeps general records noting interests that have arisen, and decisions made relating to these interests.
- 4.3.4 The ARC keeps information about COIs of a personal nature in secured ARC IT systems, registers and/or files.
- 4.3.5 The processes that the ARC Board follows to identify and manage conflicts are set out in the governance documents of the ARC Board. These documents take precedence over this policy for identifying and managing COIs.

4.4 Management of researchers' COIs

- 4.4.1 Administering Organisations are responsible for collecting researchers' declaration of all actual, potential or perceived COIs relating to ARC-funded projects, and for managing COIs, including monitoring any material changes in COI.
- 4.4.2 Administering Organisations are required to have documented policies and processes in place for collecting researchers' COI declarations and managing COIs. Such policies and processes must comply with the applicable ARC Grant Agreement, the Code, and any relevant successor documents.
- 4.4.3 Prior to the commencement of ARC-funded projects, Administering Organisations are required to declare to the ARC that researchers' COI declarations are collected, and COIs are being managed.
- 4.4.4 Following the initial declaration, Administering Organisations need to advise the ARC of any material changes in COI. It is the responsibility of each declaring researcher to advise the Administering Organisation if there are any changes to their COI throughout the lifecycle of the project.
- 4.4.5 Following a declaration, the ARC has the right to take any additional steps as permitted under ARC Grant Agreement, or legislative requirements, including under the ARC Act.

5. Failure to disclose and manage interests

5.1 ARC funding applications and ARC-funded projects

- 5.1.1 Administering Organisations who fail to follow proper process in the disclosure and management of COIs, may be in breach of ARC Grant Guidelines, ARC Grant Agreements and legislative requirements, including under the ARC Act, that require compliance with this policy.
- 5.1.2 Researchers involved in ARC-funded projects who do not follow proper processes in disclosing and managing their COIs may also be in breach of the Code, which in some serious cases, may amount to research misconduct. Administering Organisations are required to investigate such matters and report to the ARC on any research integrity breaches or research misconduct in accordance with the [ARC Research Integrity Policy](#).
- 5.1.3 Under ARC Grant Agreements, the ARC can terminate funding for a project if the Administering Organisation commits any breach of an Agreement which the Commonwealth considers is not capable of remedy; or if the ARC considers that the integrity of its grant selection processes, funding recommendations and/or funded research projects are compromised.

5.2 ARC committee members, assessors, and reviewers

- 5.2.1 ARC committee members who fail to follow proper process in the disclosure and management of interests may breach their duties and obligations. This may lead to termination of their appointment and may result in the ARC seeking legal redress for breach of that duty.
- 5.2.2 If an assessor or reviewer who is not contracted formally to the ARC fails to follow proper process in the disclosure and management of interests, the ARC may stop the individual from further involvement in ARC business and may refer the matter to their employing institution for investigation as a potential breach of the Code.

5.3 ARC Board

- 5.3.1 ARC Board members who fail to follow proper process in the disclosure and management of

interests may breach their obligations under the ARC Act and/or the PGPA Act. This may lead to termination of their appointment by the Minister.

5.4 ARC staff

- 5.4.1 ARC APS employees who fail to follow proper process in the disclosure and management of interests may be in breach of the APS Code of Conduct and the PGPA Act.
- 5.4.2 This may lead to sanctions being imposed on the employee should they have been found to have breached the APS Code of Conduct and the PGPA Act.
- 5.4.3 ARC contractors who fail to follow proper process in the disclosure and management of interests breach their contract with the ARC. In response, the ARC may exercise various rights under the contract, or pursue other legal remedies, including termination of the contract.

5.5 ARC CEO

- 5.5.1 If the CEO fails to follow proper process in the disclosure and management of interests, they may be in breach of the ARC Act, APS Code of Conduct and the PGPA Act. In accordance with the ARC Act, this may lead to termination of their appointment by the ARC Board.

6. Confidentiality

6.1 General obligations of APS staff

- 6.1.1 The APS Values and Code of Conduct, and section 28 of the PGPA Act outline the responsibilities of APS employees in relation to the management and disclosure of information obtained in the course of their duties.
- 6.1.2 Specifically, APS employees must not improperly use information obtained in the course of their duties to:
 - gain, or seek to gain, a benefit or an advantage for themselves or any other person; or
 - cause, or seek to cause, detriment to the Commonwealth entity, the Commonwealth, or any other person.
- 6.1.3 The ARC is required to comply with associated legislation, including the *Privacy Act 1988*, *Freedom of Information Act 1982* (Cth) and *Archives Act 1983* (Cth), which regulate how personal information is managed by Commonwealth entities.

6.2 Confidentiality obligations related to ARC business

- 6.2.1 All officials and individuals carrying out ARC business, including ARC Board members, ARC staff (including APS employees and contractors), committee members, assessors, and reviewers, are required to preserve the principles of confidentiality outlined in this document.
- 6.2.2 Information contained in application, assessment and evaluation processes, funding outcomes or other documentation is provided and received in confidence. This information will be handled and treated as confidential material, and used only for the specific purposes of the ARC business for which it was made available. In order to preserve confidentiality, individuals should not discuss ARC business with any other party at any stage, unless specifically authorised to do so. The obligation to keep the information confidential continues after the completion of the individual's engagement with the ARC.
- 6.2.3 It is unethical and unlawful for individuals to use for other purposes any information contained in applications, assessment, evaluation material, funding outcomes or other documentation

provided to them by the ARC.

- 6.2.4 Under the ARC Act, one of the functions of the Board is to provide advice to the Minister on research matters. In preparing advice for the Minister, the ARC consults widely and often enters into public consultation on issues relevant to its responsibilities. The Board's advice to the Minister remains confidential, unless advised otherwise by the ARC.
- 6.2.5 This policy should be read in conjunction with any relevant business area documentation.

7. Public Interest Disclosure

The *Public Interest Disclosure Act 2013* (the PID Act) facilitates disclosure and investigation of wrongdoing and maladministration in the Commonwealth public sector. The ARC encourages and supports the reporting of wrongdoing by public officials in accordance with the PID Act. A public official can disclose information that they believe on reasonable grounds tends to show 'disclosable conduct'.

The ARC PID policy is accessible at [The Public Interest Disclosure Act 2013 | Australian Research Council](#)

8. Interacting legislation, policies and documentation

The following is a list of legislation, policies, and documentation relevant to this policy:

- [Archives Act 1983](#) (Cth)
- [Australian Research Council Act 2001](#) (ARC Act)
- [Crimes Act 1914](#) (Cth) and [Criminal Code Act 1995](#) (Cth)
- [Freedom of Information Act 1982](#) (Cth)
- [Public Governance, Performance and Accountability Act 2013](#) (PGPA Act)
- [Public Governance Performance and Accountability Rule 2014](#) (PGPA Rule)
- [Public Service Act 1999](#) (Public Service Act)
- [Resource Management Guide No. 203: General duties of officials](#)
- [Australian Public Service Values and Code of Conduct](#) (APS Code of Conduct)
- [Australian Code for the Responsible Conduct of Research 2018](#) (the Code)
- [Privacy Act 1988](#) (Privacy Act)
- [Public Interest Disclosure Act 2013](#) (PID Act)
- [National Anti-Corruption Commission Act 2022](#) (NACC Act)
- [Espionage and Foreign Interference Act 2018](#)
- [Foreign Influence Transparency Scheme Act 2018](#)
- ARC Board Charter
- [ARC Research Integrity Policy](#)
- ARC Standard Operating Procedures (internal documents)
- Managing Conflicts of Interest Operational Guide and Toolkit (internal document)
- ARC Grant Agreements

- ARC Grant Guidelines
- ARC Assessor Handbooks
- [ARC Identifying and Handling a Conflict of Interest in NCGP Processes](#)
- [Guidelines to Counter Foreign Interference in the Australian University Sector](#)
- [Commonwealth Grant Rules and Principles 2024](#) (CGRPs)

Contact details

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Document control

Number	Date Approved	Approved By	Brief Description
Version 2020.1	October 2019	Senior Management Group	Replaces ARC Conflict of Interest and Confidentiality Policy – Version 2019.1
Version 2020.2	August 2020	Senior Management Group	Minor amendment to Version 2020.1 to ensure consistent use of terminology
Version 2020.3	June 2022	Branch Manager, Policy and Strategy	Minor amendments to Version 2020.2 to ensure consistent use of terminology
Version 2020.4	December 2022	CEO	Minor amendments to Version 2020.3
Version 2020.5	December 2023	CEO	Minor amendments to Version 2020.4 including the requirement for assessors to complete their declarations in RMS and updated terminology.
Version 2020.6	June 2024	CEO	Minor amendments to include requirements for ARC Board members.
Version 2020.7	June 2025	CEO	Update to align with the COI requirements of the ARC Act.