

From: [Zwangobani, Elliot](#)
To: [Melanie Hinde](#); [§22\(1\)\(a\)\(ii\)](#)
Cc: [§22\(1\)\(a\)\(ii\)](#); PSCP@property.finance.gov.au
Subject: RE: Department of Finance/AEC | CoI related to OPCs | Discussions and actions [SEC=OFFICIAL]
Date: Monday, 19 February 2024 5:02:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[image005.gif](#)
[image006.gif](#)

OFFICIAL

Hi Mel

Thanks for your email and apologies for the delay in acknowledging.

We aim to come back to you on this shortly. In the meantime, if there is anything requiring immediate attention just let us know.

Talk soon.

Elliot



Elliot Zwangobani | Assistant Secretary
Whole of Government Property Services
Property and Construction Division | Commercial Group | Department of Finance
T: [§47F](#) | **M:** [§47F](#) | **E:** elliott.zwangobani@finance.gov.au
CRM: elliott.zwangobani@property.finance.gov.au
A: One Canberra Ave, Forrest ACT 2603



From: Melanie Hinde <Melanie.Hinde@aec.gov.au>
Sent: Friday, February 9, 2024 11:15 AM
To: [§22\(1\)\(a\)\(ii\)](#) <[§22\(1\)\(a\)\(ii\)](#)>@finance.gov.au; Zwangobani, Elliot <Elliot.Zwangobani@finance.gov.au>
Subject: Department of Finance/AEC | CoI related to OPCs | Discussions and actions [SEC=OFFICIAL]

Dear [§22\(1\)\(a\)\(ii\)](#) and Elliot,

Thanks for meeting with me recently, to re-confirm some of the steps being taken related to Colliers Conflict of Interest disclosure under Schedule 12 activities. This emerged as an area of focus for AEC in 2023. For completeness, I include a summary below related to what occurred last year pre-Referendum and then post-Referendum to close the gap in our governance and the steps for remediation. Please let me know of any inaccuracies and I would welcome any additional information that would be helpful for me to be across in this space.

Background

- During 2023 as part of ongoing focus on the property operations, I was corresponding with you related to the management of Property Service Providers broadly: [§22\(1\)\(a\)\(ii\)](#) [§22\(1\)\(a\)\(ii\)](#) I wanted to ensure

compliance with all relevant elements, especially for our election event delivery.

- A key area of focus was the obligation of the PSP to declare conflicts and when the entity is informed of these, and of particular focus was when they are engaged under a Schedule 12. I became aware of a potential gap in our governance that needed to be addressed and sought advice from Department of Finance.
- The advice made reference to the PSP Conflict Management Guide (and other very useful resources) but in relation to the broader obligation was: *“The Conflict of Interest register is provided to Finance monthly as part of the contract management meetings, however PSPs are required to advise Finance and the affected Entity immediately on knowledge of a conflict. The PSP will be able to provide you with information on current conflicts relating to the AEC, however it isn’t a requirement under the Deed for them to report to entities on an ongoing basis.”*

Key issues

- It emerged that there wasn’t a shared understanding related to Schedule 12 under the Deed and if these same CoI obligations applied. Essentially, due to this lack of shared understanding and **Colliers was not compliant with their obligations under the deed.**
- In late 2023, we verbally discussed that Department of Finance had taken the view that the **ongoing CoI obligations should be extended to activities undertaken as part of a Schedule 12.** Obviously, this has broader implications beyond the AEC related to ensuring PSPs and entities are aware of this, that I understand you are considering.
- In terms of AEC actions, for any future Schedule 12s and the most immediate one (which is for Out-Posted Centres for the 24/25 Federal Election) we included **more explicit requirements of the PSP to complete to ensure compliance with the now shared understanding under a Schedule 12.** We have two stages to this as part of our ongoing due diligence related to our responsibility as the contracting entity to undertake due diligence activities, commensurate with the scale, scope, risk, and nature of the contract we are managing. Colliers (as the PSP) has agreed to this and is completing these disclosures.

A couple of requests:

- Do you have a current copy of the Colliers *Code of Ethics Policy* and the *Colliers Conflict of Interest, Probity and Governance Manual*? This is referenced in the mitigation strategies and I want to confirm the version Department of Finance is considering? I don’t believe we have been provided with copies.
- Given this has emerged, is there any further risk of gaps or lack of a shared understanding related to conflict of interest and the PSPs? I would happily be involved in further discussion if useful to strengthen the arrangements.
- Equally, please let me know if there are further steps Department of Finance require AEC to take related to this.

I understand there is current scrutiny of the arrangements, as part of a Joint Parliamentary Committee, which I will continue to monitor.

Warm regards,
Mel

Melanie Hinde | Assistant Commissioner
Strategic Priorities Branch | Service Delivery Group
Australian Electoral Commission | M: 0405 563 257
EA: s22(1)(a)(i) | s22(1)(a)(ii) [@aec.gov.au](mailto:melanie.hinde@aec.gov.au)

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