DTF declaration and management of private interests form

CM ref D16/179812

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Employee name: | | | | | Group: | | | |
| Position Title: | | | | | Position Level: i.e. VPS 6 | | | |
|  | | | | | | | | |
| **Important information** | | | | | | | | |
| **Instructions for completing this form** | | | | | | | | |
| * + 1. Who must complete this form        1. All DTF employees on commencement of employment;        2. All executive officers;        3. Appointees to non‑departmental entities;        4. Employees holding a financial delegation;        5. All employees working in designated high risk functions;        6. Any employee wishing to undertake other employment (paid or unpaid) in addition to their role at DTF, including board appointments (requires approval of Executive Director, Corporate Delivery Services);        7. Any employee engaged in a consensual personal relationship where there is a direct hierarchical working relationship in place (alternatively may be disclosed to Manager, People & Culture); and        8. Any workplace participant, including contractors/consultants, assessed by DTF as warranting a declaration on the basis of potential, perceived or actual conflict of interest risk.     2. How often must this form be completed        1. This form must be completed:   + upon appointment to a position listed above;   + annually after appointment; and   + within five working days should the employee’s circumstances change regarding matters in form.     1. What to do with the completed form        1. The following steps must be taken to complete the declaration process:  1. **Employee** to complete **Sections A** and **B** and provide to manager for assessment and signature; 2. **Manager** to assess and complete **Section C**; 3. **Employee** **and manager** to sign declaration at **Section D** and retain copies for their records; and 4. Email a scanned copy to [**integrity@dtf.vic.gov.au**](mailto:integrity@dtf.vic.gov.au)    * 1. Filling in this form         1. Complete the form as accurately and comprehensively as possible.         2. Type or write your answers legibly.         3. Provide an answer for each question. **Do not leave any questions unanswered**.         4. See **DTF’s *Conflict of Interest Policy* D16/179817[v2]**for further information and contact details for advice on completing this form.   *This declaration forms part of the Department’s procedures to support behavior consistent with the Code of Conduct for Victorian public sector employees. All employees noted at paragraph 1 are required under clause 1.2 of the Code to complete this form.* | | | | | | | | |
| **Use of your personal information** | | | | | | | | |
| * + 1. The Department treats all personal information provided in a declaration in accordance with the *Privacy and Data Protection Act 2014* (Vic) and the *Public Records Act 1973* (Vic). The personal information you provide in this form may be required for application processing and assessment purposes, including submission to Cabinet. It may be shared with other Victorian Government departments, non‑departmental entities and public entities.     2. When you provide us with information about other individuals, we rely on you to make them aware that such information will or may be provided to us as part of the application process.     3. If you do not provide all or part of the requested information this may impact on your application.     4. Where DTF determines that there is any material conflict, an appointment may not proceed, you may have restrictions placed on your involvement in certain matters, or your appointment/employment may be suspended whilst the particular interest remains. | | | | | | | | |
| **Section A. Private interests** | | | | | | | | |
| Definitions to assist in completing this section:  **Family (Qn A4, A7 and A8):** this includes your immediate family (e.g. husband, wife, spouse, partner, child, parent or sibling) or those family members who are wholly or substantially dependent on you and whose affairs are closely linked. **Family interests refers only to interests that are known to the employee and that may reasonably raise an expectation of a conflict of interest.**  **Conflict of interest:** a conflict of interest arises when an employee has private interests that could improperly influence, or be seen to influence, their decisions or the performance of their public duties. Conflicts can be actual, potential or perceived and can be financial or non‑financial in nature.  **Consensual personal relationships:** include consensual sexual, intimate and/or romantic relationships between adults of any sex or gender identity. Relationships of this kind may be on a casual, periodic or regular basis and may or may not constitute a primary relationship. A familial relationship of a spouse or de facto partner also constitutes a consensual personal relationship. Where there is a direct hierarchical relationship in place, consensual personal relationships must be declared in this form or to the Manager, People and Culture.  **Direct hierarchical relationship:** a relationship where employees are of different levels of seniority in an organisation, within the same reporting line. The senior employee may not have direct management or supervision of the subordinate employee but has some level of decision power or other authority over their role. | | | | | | | | |
| **A1. Other significant sources of income** | | | | | | | | |
| Do you have income from any sources other than your main source of employment income relating to:   * contracts; * offices held in return for payment or other reward; or * a trade, vocation or profession engaged in by you? | | | | | | | | Yes  No |
| If yes, please provide details of this source of income. | | | | | | | | |
| Please explain how this income may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. Alternatively, please explain why it does not. | | | | | | | | |
| **A2. Office holder:** | | | | | | | | |
| Do you hold office in any public or private:   * company; * trustee company; * incorporated association; or * other entity? | | | | | | | | Yes  No |
| If yes, please provide the name of the organisation and the office you hold. | | | | | | | | |
| Please explain how this office may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. Alternatively, please explain why it does not. | | | | | | | | |
| **A3. Shareholdings and other business interests:** | | | | | | | | |
| Do you have any shareholdings, investments or other business?  *This includes a company, partnership, association or other entity, as well as nominee shareholders on behalf of the agency in government companies.* | | | | | | | | Yes  No |
| If yes, please provide details about the nature of the interest of all such holdings (not the amount). | | | | | | | | |
| Please explain how this/these shareholdings or investments may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. Alternatively, please explain why it does not. | | | | | | | | |
| **A4. Trusts** | | | | | | | | |
| Are you:   * a beneficiary of any trust (If so, who is the trustee?); * the trustee of any trust; or * the director of a trustee company in which a member of your family (to your knowledge) is a beneficiary? | | | | | | | | Yes  No |
| If yes, please provide details about the operations of the trust/s. | | | | | | | | |
| Please explain how the operation of the trust/s may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. Alternatively, please explain why it does not. | | | | | | | | |
| **A5. Real estate** | | | | | | | | |
| Do you own any real estate (including your residence)? | | | | | | | | Yes  No |
| If yes, please provide details about ownership, location and purpose of this property. | | | | | | | | |
| Please explain how the ownership of this property may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. Alternatively, please explain why it does not.       Principal living address | | | | | | | | |
| **A6. Agreements** | | | | | | | | |
| Have you entered any contract, agreement or understanding that gives rise to:   * an obligation; or * an expectation of reward, e.g. an agreement about future employment once your appointment term is completed   **that may reasonably raise an expectation of a conflict of interest**? | | | | | | | | Yes  No |
| If yes, please provide details about the nature of this contract, obligation or agreement. | | | | | | | | |
| Please explain how this this contract, obligation or agreement may reasonably raise an expectation of conflict of interest, or a material interference with your public duties. | | | | | | | | |
| **A7. Family interests** | | | | | | | | |
| **To your knowledge**, do any of the following apply to your family **that may reasonably raise an expectation of conflict of interest**:   * own real estate (including a residence); * entered into any contract, agreement or understanding that gives rise to an obligation or expectation of reward; * have any shareholdings, investments or other business (*this includes a company, partnership, association or other entity, as well as nominee shareholders on behalf of the agency in government companies.)* | | | | | | | | Yes  No |
| If yes, please provide details, including the nature of the interest and how the interest may reasonably raise an expectation of conflict of interest. | | | | | | | | |
| **A8. Other financial interests** | | | | | | | | |
| Do you or a member of your family (to your knowledge) have any other significant financial or other interests **of which you are aware, which could reasonably raise an expectation of a conflict of interest or material interference with your public duties**? These include financial interests that:   * have been held; * are currently held; or * will accrue. | | | | | | | | Yes  No |
| If yes, please provide details of the financial interest. | | | | | | | | |
| Please explain how this/these financial interests could reasonably raise an expectation of conflict of interest, or a material interference with your public duties. | | | | | | | | |
| **A9. Other interests** | | | | | | | | |
| To your knowledge, are there any other arrangements or circumstances not already covered to declare which could constitute a conflict of interest? | | | | | | | | Yes  No |
| If yes, please provide details of these arrangements or circumstances. | | | | | | | | |
| Please explain how these arrangements or circumstances of which you are aware, could reasonably raise an expectation of conflict of interest, or a material interference with your public duties. | | | | | | | | |
| **Section B. Probity** | | | | | | | | |
| Definitions to assist in completing this section:  **Findings of guilt** (Qn. B6): a ‘finding of guilt’ includes convictions, fines associated with criminal charges, good behaviour bonds, undertakings and community-based orders, even where no conviction was recorded. It does not include a conviction under any prescribed spent convictions scheme. | | | | | | | | |
| **B1. Bankruptcy** | | | | | | | | |
| Have you been declared bankrupt or been the subject of any order under the *Bankruptcy Act 1966*  (Cth)? | | | | | | | | Yes  No |
| If yes, please provide details. | | | | | | | | |
| **B2. Insolvency** | | | | | | | | |
| Have you been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer? | | | | | | | | Yes  No |
| If yes, please provide details. | | | | | | | | |
| **B3. Disqualification** | | | | | | | | |
| Have you ever been disqualified from acting as a director or acting in the management of an incorporated association? | | | | | | | | Yes  No |
| If yes, please provide details. | | | | | | | | |
| **B4. Corporate and civil penalties** | | | | | | | | |
| Have you ever:   * contravened any civil penalty provision under the *Corporations Act 2001* (Cth) or any of its predecessors; * contravened the *Associations Incorporation Reform Act 2012* or any equivalent in another jurisdictions; or * been found guilty of any offence in relation to corporate or regulatory matters? | | | | | | | | Yes  No |
| If yes, please provide details. | | | | | | | | |
| **B5. Criminal and civil proceedings** | | | | | | | | |
| Are you currently a party in any capacity in either criminal or civil proceedings before a:   * court: * tribunal; or * other adjudication body, including a professional/registration/licensing body?   Do you expect to become a party to any such proceedings in the next year? | | | | | | | | Yes  No |
| If yes, please provide details | | | | | | | | |
| **B6. Findings of guilt** | | | | | | | | |
| Has there ever been a finding of guilt against you for a criminal offence (except a conviction that is spent under any prescribed spent convictions scheme)?  **Useful information:** *A ‘finding of guilt’ includes convictions, fines associated with criminal charges, good behaviour bonds, undertakings and community-based orders, even where no conviction was recorded. It does not include a conviction under any prescribed spent convictions scheme.* | | | | | | | | Yes  No |
| If yes, please provide details. | | | | | | | | |
| **B7. Inquiries and investigations** | | | | | | | | |
| To the best of your knowledge and belief, have you been, or are you currently, the subject of any inquiry or investigation, including those by:   * a department or agency of the Commonwealth; and/or * a department or agency of a State or Territory of Australia; and/or * a professional association; and/or * a regulatory agency; and/or * your current or a previous employer; and/or * a consumer protection organisation? | | | | | | | | Yes  No |
| If yes, please provide details. | | | | | | | | |
| I declare that to the best of my knowledge, the information I have provided in Section A and Section B of this declaration is true and correct. I undertake to advise the responsible Agency Head or delegate in writing if an actual, potential or perceived conflict arises in the future. If there is any change to the interests set out in Section A or to the answers set out in Section B of this declaration I undertake to advise the responsible Agency Head or delegate of any alterations or additions to my declaration within five working days. | | | | | | | | |
| **Signature of Declarant:** | |  | | | | | | |
| **Name (please print):** | |  | | | | | | |
| **Date:** | |  | | | | | | |
|  | | | | | | | | |
| **Section C. Manager’s assessment and management plan for conflict of interest risk** | | | | | | | | |
| (Employee’s manager to complete this section) | | | | | | | | |
| **I have made the following assessment: (tick appropriate box)**  **No conflict of interest risk identified**  I have noted the information contained in the declaration, considered the duties of the employee and I am satisfied that the declaration **does not** identify any actual, potential or perceived conflicts of interest ***[Go to Section D]***.  **Risk of conflict of interest identified**  I have noted the information contained in the declaration, considered the duties of the employee and I have concluded that there is a risk of a conflict of interest. ***[Go to question C1]***. | | | | | | | | |
| **C1. Type of conflict of interest identified** | | | | | | | | |
| **The following conflict of interest risk was identified:**  **Useful information**: *manager to state the specific personal interest identified (e.g. financial interest; conflict of duty etc.) and detail how this raises an actual, potential or perceived conflict of interest with the employee’s public duties.* | | | | | | | | |
|  | | | | | | | | |
| **C2. Management plan for employee’s conflict of interest** | | | | | | | | |
| **The following conflict of interest risk was identified:**  **Useful information**: *manager to state the specific personal interest identified (e.g. financial interest; conflict of duty etc.) and detail how this raises an actual, potential or perceived conflict of interest with the employee’s public duties.* | | | | | | | | |
| **The employee and I will take the following action to manage the conflict of interest:**  **Useful information**: *this management plan will ensure conflict risks are managed and resolved in favour of the public interest rather than that of the employee and will be based on the following mitigation strategies:*  ***Restrict:*** *restrictions are placed on the employee’s involvement in the matter*  ***Recruit:*** *a disinterested third party is used to oversee part or all of the process that deals with the matter*  ***Remove:*** *the employee removes themselves, or is removed, from the matter*  ***Relinquish*** *or* ***Resign****: the employee relinquishes the private interest that is creating the conflict. Where relinquishing the interest is not possible (e.g. relationship with family) and the conflict cannot be managed in the public interest using one of the other options above, the employee may consider resigning.* | | | | | | | | |
|  | | | | | | | | |
| I will ensure this management plan is reviewed: | | | | | | | | |
| Within 1 month | Within 3 months | | | | | Within 6 months | | |
| Within 12 months | N/A as the conflict is a one‑off of short duration | | | | | Other (please specify detail) | | |
| Specify details here: | | | | | | | | |
| **Section D. Declarations** | | | | | | | | |
| **Employee declaration (only required where a conflict of interest risk is identified)** | | | | | | | | |
| The actions described in Section C of the form have been put in place to effectively manage any actual, perceived or potential conflict of interest disclosed in Sections A or B. I undertake to adhere to any conflict of interest risk management plan set out in Section C, which is in place to ensure that the Department’s reputation and the public interest is adequately protected. | | | | | | | | |
| **Signature of Employee:** | |  |  |  | | |  | |
| **Name (please print):** | |  |  |  | | |  | |
| **Date (d-MMM-yy):** | |  |  |  | | |  | |
|  | | | | | | | | |
| **Manager declaration (must be signed by manager)** | | | | | | | | |
| Any actions described in Section C of the form have been put in place to effectively manage any actual, perceived or potential conflict of interest disclosed in Sections A or B. I undertake to adhere to any conflict of interest risk management plan set out in Section C, and to monitor my employee’s adherence to the management plan, which is in place to ensure that the Department’s reputation and the public interest is adequately protected. | | | | | | | | |
| **Signature of Manager:** | |  |  |  | | |  | |
| **Name (please print):** | |  |  |  | | |  | |
| **Date (d-MMM-yy):** | |  |  |  | | |  | |
|  | | | | | | | | |
| **Other Employment**  **Executive Director, Corporate Delivery Service approval is required for other employment.**  Only required where employee has indicated they wish to, or are, undertaking other employment (paid or unpaid) in addition to their role at DTF and have not sought prior approval.  **Note:** Corporate Performance – will progress this for approval. | | | | | | | | |
| |  |  |  | | --- | --- | --- | | Corporate Performance have reviewed the indicated other employment against the policy and it does/does not represent a conflict of interest and recommend you approve/do not approve the other employment indicated in section A1. | | | | **Signature:** |  | | **Name (please print):** |  | | **Date:** | / /20 | | | | | | | | | |
| I do / do not approve the other employment to be undertaken and note as indicated by the above declaration that it  does / does not present a conflict of interest. | | | | | | | | |
| **Signature:** | |  |  | | | | | |
| **Name (please print):** | |  |  | | | | | |
| **Date:** | | / / 20 |  | | | | | |