Declaration and management

of Private interests form

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| Appointee’s name:  |
| Important information |
| **Instructions for completing this form** |
| 1. **How often must I complete this form?**

This form must be completed:* upon appointment; and
* annually after appointment; and
* within five working days after the appointee’s circumstances change (regarding topics covered in this form).
1. **What sections do I need to complete?**

Please complete sections A and B of this form and: * if you do not consider that there are any conflicts, complete the declaration at Part C; or
* **if you consider that there is a conflict of interest risk (whether new or existing), complete the declaration at Part D. This includes:**
* **providing further details on the conflict;**
* **outlining the management strategy that is being proposed, or (in some instances) that is already in place – this involves completing the mandatory management plan at Part D2; and**
* **completing the declaration.**
1. **Filling in this form (general)**
* Complete the form as accurately and comprehensively as possible.
* Type or write your answers legibly.
* Provide an answer for each question. Do not leave any questions unanswered.
* See the VPSC’s model conflict of interest policy available, on its website, for further information.
* If you have any questions, including whether something constitutes a conflict, please review the ‘Conflict of Interest Policy’ on the DPC intranet.
* Please return your completed form to Jordan Olsen, Recruitment Manager, DGS – jordan.olsen@dpc.vic.gov.au.

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| **Use of your personal information** |
| 1. The Department is subject to the *Privacy and Data Protection Act 2014* and the *Public Records Act 1973*. Personal information provided in this form may be used 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 in certain circumstances as prescribed by law.
2. You may access your personal information held by DPC by contacting the Privacy Officer at dp&c@dpc.vic.gov.au.
3. When you provide us with information about other individuals, we recommend that you inform those individuals that such information has been provided to us.
4. If you do not provide all or part of the requested information this may affect your application.
5. Where a material conflict is identified, an appointment may not proceed, you may have restrictions placed on your involvement in certain matters, or your appointment may be suspended while the particular interest remains.
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| Section A. **Private interests** |
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| 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 appointee and that may reasonably raise an expectation of a conflict of interest. **Conflict of interest:** a conflict of interest arises when an appointee 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. See the Department’s *Conflict of interest policy* for further details. |
| **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(and, 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.  |
| **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. |

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| 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 of a corporation 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 of Australia; 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
* a government integrity body (such as the Ombudsman, Auditor-General, Independent Broad-based Anti-corruption Commission); and/or
* a Royal Commission, Board of Inquiry or formal inquiry; and/or
* a Parliamentary inquiry; 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 Minister **or departmental 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 Minister or departmental delegate of any alterations or additions to my declaration within five working days.

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| ***Signature of Declarant:***  | ***Signature of Witness:***  |
| ***Name (please print):***  | ***Name (please print):***  |
| ***Date:***  | ***Date:***  |
| ***To finalise this form, you must complete ‘Section C’ OR ‘Section D’ below:*** |

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| Section C. **No conflict of interest risk identified** *(complete this section if no conflict has been identified, otherwise complete Section D)* |
| **Appointee declaration**  |
| I have considered my duties as an appointee, and my personal interests, and am satisfied that there are no actual, potential or perceived conflicts of interest. **Sign below.** |
| **Signature of Appointee:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Name (please print):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date:** \_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_  |

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| Section D. **Conflict of interest risk identified** *(complete this section if a conflict of interest risk has been identified, otherwise complete Section C)* |
| I have considered my duties as an appointee, and my personal interests, and I have concluded that there is a risk of a conflict of interest. **You must** **complete D1, D2 and D3, and sign at D4.**  |
| **D1. Type of conflict of interest identified** |
| **The following conflict of interest risk was identified:****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 your public duties.You may attach additional documents if this assists, including in relation to an existing management plan. Please do not refer to previous declarations – this document should be exhaustive. |
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| **D2. Management plan for appointee’s conflict of interest** |
| **The following management plan is proposed/in place:** **Outline the plan in place**. This management plan will ensure conflict risks are managed and resolved in favour of the public interest rather than that of the appointee and should be based on the following mitigation strategies:Restrict: restrictions are placed on the appointee’s involvement in the matterRecruit: a disinterested third party is used to oversee part or all of the process that deals with the matterRemove: the appointee removes themselves, or is removed, from the matterRelinquish or Resign: the appointee 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 appointee may consider resigning.You may attach additional documents if this assists, including in relation to an existing management plan. Please do not refer to previous declarations – this document should be exhaustive.  |
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| **D3. This management plan will be reviewed:** | [ ]  Within 1 month [ ]  Within 3 months [ ]  Within 6 months[ ]  Every 12 months [ ]  N/A as the conflict is a one-off of short duration[ ]  Other (specify): |

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| Section D (continued). **Conflict of interest risk identified** |
| **D4. Appointee declaration**  |
| The actions described in Section D2. 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 and further detailed in Section D1, of this form. I undertake to adhere to any conflict of interest risk management plan set out in Section D, which is in place to ensure that government’s reputation and the public interest is adequately protected. |
| **Signature of Appointee:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Name (please print):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date:** \_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_  |
| **D5. Minister declaration** (must be signed by Minister or departmental delegate) |
| I am comfortable that the management plan detailed in Section D2 appropriately manages any actual, perceived or potential conflict of interest disclosed in Sections A or B and further detailed in Section D1, of this form.  |
| **Signature of Minister or Departmental Delegate:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Name (please print):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date:** \_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_   |