

## Declaration and management of private interests form

Name:

### Important information

#### 1. Who must complete this form

- All ESC employees on commencement of employment
- All commissioners
- All Executive Officers.
- Public board entity appointees
- Employees holding a financial delegation of \$20 000 or more.
- Any workplace participant (e.g. employees, contractors/consultants) assessed by the Chief Executive as warranting a declaration on the basis of potential, perceived or actual conflict of interest risk (this will be decided having regard to the risk based approach set out in the Commission's *A guide to applying the COI policy principles*).

#### 2. How often must this form be completed

This form must be completed:

- upon appointment to a position listed at point 1 above; and
- annually after appointment for all persons listed in 1b-e above; and
- within five working days after the employee's circumstances change (regarding topics covered in this form).

#### 3. What to do with the completed form

The following steps must be taken to complete the declaration process:

- Employee to complete **Sections A and B** of the form and provide to manager for assessment and signature;
- Manager to assess and complete **Section C**;
- Employee and manager to sign declaration at **Section D**; and
- *Declarations of private interests will be saved on employee personnel files and a register of conflicts of interests will be maintained by Legal Counsel.*

#### 4. Filling in this form

- 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 Commission's *Conflict of interest policy* for further information and contact details for advice on completing this form.

### Use of your personal information

The commission 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. It may be shared with other Victorian Government departments, non-departmental entities and public entities.

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.

If you do not provide all or part of the requested information (when requested as part of an application process) this may impact on your application.

This form will be saved to an employee's personnel file (or if the person is not an employee as determined by People & Culture).

This declaration forms part of the commission's procedures to support behaviour consistent with the Code of Conduct for Victorian public sector employees.

## 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. See the Commission's *Conflict of interest policy* for further details.

### A.1: 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:

<p>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.</p>	
<b>A.2: Office holder</b>	
Do you hold office in any public or private: <ul style="list-style-type: none"> <li>• company;</li> <li>• trustee company;</li> <li>• incorporated association; or</li> <li>• other entity?</li> </ul>	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/>
If yes, please provide the name of the organisation and the office you hold.	
<p>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.</p>	
<b>A.3: Shareholders and other business interests</b>	
Do you have any shareholdings, investments or other business?  <i>This includes a company, partnership, association or other entity, as well as nominee shareholders on behalf of the agency in government companies.</i>	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/>
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.

#### A.4: 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.

#### A.5: 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.

<b>A.6: Agreements</b>	
<p>Have you entered any contract, agreement or understanding that gives rise to:</p> <ul style="list-style-type: none"> <li>• an obligation; or</li> <li>• an expectation of reward, e.g. an agreement about future employment once your appointment term is completed</li> </ul> <p><u>that may reasonably raise an expectation of a conflict of interest?</u></p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
<p>If yes, please provide details about the nature of this contract, obligation or agreement.</p>	
<p>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.</p>	
<b>A.7: Family interests</b>	
<p><u>To your knowledge</u>, do any of the following apply to your family <u>that may reasonably raise an expectation of conflict of interest</u>:</p> <ul style="list-style-type: none"> <li>• own real estate (including a residence);</li> <li>• entered into any contract, agreement or understanding that gives rise to an obligation or expectation of reward;</li> </ul> <p>have any shareholdings, investments or other business (<i>this includes a company, partnership, association or other entity, as well as nominee shareholders on behalf of the agency in government companies.</i>)</p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
<p><b>If yes</b>, please provide details, including the nature of the interest and how the interest may reasonably raise an expectation of conflict of interest.</p>	
<b>A.8: Other financial interests</b>	

<p>Do you or a member of your family (to your knowledge) have any other significant financial or other interests <u>of which you are aware, which could reasonably raise an expectation of a conflict of interest or material interference with your public duties</u>? These include financial interests that:</p> <ul style="list-style-type: none"> <li>• have been held;</li> <li>• are currently held; or</li> </ul> <p>will accrue.</p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
<p>If yes, please provide details of the financial interest.</p>	
<p>Please explain how this/these financial interests could reasonably raise an expectation of conflict of interest, or a material interference with your public duties.</p>	
<p><b>A.9: Other interests</b></p>	
<p>To your knowledge, are there any other arrangements or circumstances not already covered to declare which could constitute a conflict of interest?</p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
<p>If yes, please provide details of these arrangements or circumstances.</p>	
<p>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.</p>	

## 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.

### B.1: 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

### B.2: 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

### B.3: 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

<b>B.4: Corporate and civil penalties</b>	
<p>Have you ever:</p> <ul style="list-style-type: none"> <li>contravened any civil penalty provision under the <i>Corporations Act 2001</i> (Cth) or any of its predecessors;</li> <li>contravened the <i>Associations Incorporation Reform Act 2012</i> or any equivalent in another jurisdictions; or</li> <li>been found guilty of any offence in relation to corporate or regulatory matters?</li> </ul>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
<p><b>If yes</b>, please provide details</p>	
<b>B.5: Criminal and civil proceedings</b>	
<p>Are you currently a party in any capacity in either criminal or civil proceedings before a:</p> <ul style="list-style-type: none"> <li>court;</li> <li>tribunal; or</li> <li>other adjudication body, including a professional / registration / licensing body?</li> </ul> <p>Do you expect to become a party to any such proceedings in the next year?</p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
<p><b>If yes</b>, please provide details</p>	
<b>B.6: Findings of guilt</b>	
<p>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)?</p> <p><u>Useful information:</u> A “finding of guilt” includes convictions, fines associated with criminal charges, good behaviour bonds, undertakings and community</p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>



<i>based orders, even where no conviction was recorded. It does not include a conviction under any prescribed spent convictions scheme.</i>	
If yes, please provide details	
<b>B.7: Inquiries and investigations</b>	
<p>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:</p> <ul style="list-style-type: none"> <li>• a department or agency of the Commonwealth; and/or</li> <li>• a department or agency of a State or Territory of Australia; and/or</li> <li>• a professional association; and/or</li> <li>• a regulatory agency; and/or</li> <li>• your current or a previous employer; and/or</li> </ul> <p>a consumer protection organisation?</p>	<p><b>YES</b> <input type="checkbox"/>      <b>NO</b> <input type="checkbox"/></p>
If yes, please provide details	

## Declaration

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:	
Date:	

## Section C: Manager's assessment and management plan for conflict of interest risk

(Employee's\* manager to complete this section)

\*Where this form is being completed by a commissioner or other workplace participant conflicts of interest will be managed in consultation with CEO or People and Culture.

I have made the following assessment:

### **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 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.*

## C2: 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 (specify):

## Section D: Declarations

### D.1: 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 Commission's reputation and the public interest is adequately protected.

**Signature:**

**Name:**

**Title:**

**Date:**

### D.2: Manager declaration (must be signed by manager)

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 Commission's reputation and the public interest is adequately protected.

**Signature:**

**Name:**

**Title:**

**Date:**