Declaration of Private Interests (DOPI) for employees

Conflict of Interest

Drafting note: This is a model DOPI that your organisation can use for employees. Your organisation can adapt it to take into account:

* the nature and functions of your organisation
* any specific obligations about conflict of interest in your organisation’s establishing Act or terms of reference.

## Overview of process

Our Conflict of interest (COI) policy requires employees in certain jobs, such as executives, to complete an annual Declaration of Private Interests (DOPI).

Drafting note: Link to your organisation’s policy

A DOPI is also completed or updated at certain other times, as specified in the policy.

Adherence to the DOPI helps you to meet your obligations under the [code of conduct for employees](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees/) (or [code of conduct for employees of special bodies](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/)) to avoid conflicts of interest where possible and to identify and declare any that arise. A breach of the code may result in disciplinary action and may constitute misconduct.

## About the form

Part A of the form sets out the types of private interests you must declare. This information helps us know if there is a conflict between your private interests and your public duties.

Part B of the form has probity questions. These help us to assess whether you can meet the inherent requirements of the role based on any conflicts of interest (actual, potential or perceived) identified from your answers.

Your manager will assess any conflicts of interest identified as a result of your answers in parts A and B of the form. They will then:

* discuss with you any issues of concern
* prepare a Conflict of interest – Declaration and Management Plan in consultation with you to address these issues.

The finalised plan will be filed as the official record. It will be held confidentially on a ‘needs to know’ basis. For details see ‘Use of your personal information (Collection Notice)’.

## Completing a DOPI

### Who

You must compete this form if:

* you’re an executive officer or acting as an executive officer on higher duties
* you have a financial delegation of $20,000 or more

Drafting note: Your organisation can choose a different amount, taking into account factors such as the nature and functions of the organisation.

* you work in a role designated as warranting a DOPI.

Drafting note: Your organisation can choose a list of designated positions, based on the nature and functions of the organisation. If a list is developed, link to it here, so that all employees can be aware of the roles included on it.

* you are directed to do so by your manager for any other reason.

### When

This DOPI form must be completed at each of these times:

* Upon being appointed to a role for which a DOPI is required.
* Annually after your appointment.
* Within five working days of:
	+ having a change in the private interests that must be listed in part A, or
	+ having a change in answer to any of the probity questions in part B.

### How

As an employee you complete parts A and B of the form and sign part C.

Your manager assesses the information you provide on the form. Your manager completes assessments in parts A and B and signs part D.

## Definitions used in this form

### Conflict of interest

A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties.

A conflict of interest can be:

#### Actual

There is conflict between your private interests and public duties

#### Potential

You have a private interest that could foreseeably conflict with your public duties in the future

#### Perceived

It is reasonable for people to believe your private interests could influence your public duties, now or in the future.

Drafting note: Link or adapt to your organisation’s policy.

The private interest that causes the conflict can be:

* financial or non-financial
* direct or indirect.

#### Useful questions to ask

To help identify a conflict of interest, some useful questions are:

* What would a fair-minded member of the public make of the situation?
* Could my involvement in this matter cast doubt on my integrity or that of the organisation?
* If I saw someone else in this situation, would I think they have a conflict of interest?
* If my actions were covered by the media, could it embarrass me or the organisation?
* In other words, does it pass the ‘pub test’ – the public perception test?

For details see the Conflict of interest policy.

Drafting note: Link to your organisation’s policy.

### Declarable associations

A declarable association is a relationship with a person or group alleged or proven to be involved in serious unlawful activity.

For details see the Conflict of interest policy.

Drafting note: If your organisation has a separate Declarable associations policy link here.

### Family

For the purposes of this form, ‘family’ includes:

* your immediate family – such as spouse, defacto, partner, child, parent or sibling
* other family members – if they are wholly or substantially dependent on you or their affairs are closely or significantly linked to you, or vice versa.

##### When to include a family member’s interests on this form

An interest that a family member holds only needs to be included on this form if:

* you know about the interest, and
* it could reasonably be seen as a conflict of interest.

## Use of your personal information (Collection Notice)

The purpose of collecting the information required on this form is to provide for the effective management of actual, potential and perceived conflicts of interest, in line with our organisation’s Conflict of interest policy.

Drafting note: Link to your organisation’s policy.

All personal information, including sensitive information, you provide on this DOPI form will be treated in accordance with the Privacy and Data Protection Act 2014 (Vic), the Public Records Act 1973 (Vic) and the Charter of Human Rights and Responsibilities Act 2006 (Vic).

By completing this form, you consent to the information you provide being used for the purposes of implementing our organisation’s Conflict of interest policy

Drafting note: Add if applicable: ‘including reporting to the organisation’s Audit and Risk Management Committee.’

Subject to the provisions of this Notice, the information you provide on this form will be treated confidentially within our organisation. It will only be available to your manager and to other relevant employees responsible for ensuring the integrity of our organisation’s business activities.

In certain circumstances, the information you provide on this form may be shared as prescribed by law with other Victorian Government departments, non-departmental entities and public entities, including the Victorian Auditor-General, the Victorian Ombudsman, and the Independent Broad-based Anti-corruption Commission (IBAC).

Our organisation will store your information securely. If you wish to see your personal information held by our organisation, please contact the Privacy Officer.

Drafting note: Include an email, or adapt for your organisation and include an email.

When you provide us with information about other people, we rely on you to make sure it’s accurate and that you’ve told them that you’ve done so.

If you do not accurately provide us with all the information required on this form it may impact your employment and/or may result in disciplinary action.

### More information and advice

For more information:

* see the Conflict of interest policy

Drafting note: Link to your organisation’s policy.

* see the Outside employment policy

Drafting note: Link to your organisation’s policy and adapt as required.

* seek advice from your manager

Drafting note: Add a relevant contact or adapt as required.

## Employee and manager – contact details

This section of the form is to be completed by the employee.

|  |  |
| --- | --- |
| Employee details | [insert below] |
| Name |  |
| Position title |  |
| Phone |  |
| Email |  |
| Financial delegation | No [ ]  or Yes [ ]  for $ …..…,000. [insert $ amount] or Unsure [ ]  |
| End of table |  |

The term ‘manager’ (below) refers to the employee’s approving manager.

|  |  |
| --- | --- |
| Manager details | [insert below] |
| Name |  |
| Position title |  |
| Phone |  |
| Email |  |
| End of table |  |

## Part A – Private interests

### Instructions

Employee to complete all questions in Part A.

Manager to complete ‘Manager’s assessment tool’ for all questions in Part A.

#### Note for managers – how to complete ‘Manager’s assessment tool’

Manager to make own assessment on why the private interest is OR is not a conflict of interest; this assessment may differ from the employee’s. Assessments should be made based on the information provided by the employee and your knowledge of their public duties.

1. Other sources of employment
2. Interest

Other than your employment with our organisation, do you have any other employment that relates to:

* a contract
* an office held in return for payment or other reward
* a trade, vocation or profession you’re engaged in, or
* volunteer, pro bono or other unpaid work?

Yes [ ]  No [ ]

1. Details

If yes, give details of each. Include anything you think would be relevant. For example:

* for a contract: who the contract is with, the amount of money you have received and/or will receive, and the work being undertaken
* for an office: the name and purpose of the organisation, the payment or reward you have received and/or will receive, and your role
* for a trade, vocation or profession: the nature of it and the amount of income you have received and/or will receive
* for volunteer, pro bono or other unpaid work: the nature of it.

It may be necessary for you to go into more detail than this.

##### Details

[Insert details]

1. Approval

For each, have you sought approval in accordance with the organisation’s Outside employment policy? See the organisation’s Outside Employment policy.

Drafting note: Link to your organisation’s policy. Specify whether your organisation’s Outside employment policy requires approval for volunteer or other unpaid work.

If yes, attach a copy of each approval.

If no, explain why approval has not been obtained.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Office holder
2. Interest

Do you hold any office in any private or public:

* company
* partnership
* trust
* incorporated association, or
* other entity (person or organisation with distinct legal rights)?

Yes [ ]  No [ ]

1. Details

If yes, give details of each. Include anything you think would be relevant. For example:

* the entity’s name and purpose
* your role within it.

It may be necessary for you to go into more detail than this.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Shareholdings and other business interests
2. Interest

Do you have any shareholdings, investments or other business interests?

This includes:

* self-managed superannuation funds (but not any other types of superannuation funds such as an industry fund or a state super fund)
* financial interests in a company, partnership, association or other entity, including financial interests through a nominee shareholder.

Yes [ ]  No [ ]

1. Details

If yes, give details of each (the amount or $ value does not need to be disclosed). Include anything you think would be relevant.

For example: the entities you have interests with and the nature of their operations.

It may be necessary for you to go into more detail than this.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Trusts
2. Interest

To your knowledge, are you:

* a beneficiary of a trust
* a trustee, or
* the director of a trustee company in which you and/or a member of your family is a beneficiary?

Yes [ ]  No [ ]

1. Details

If yes, give details of each. Include anything you think would be relevant. For example:

• the name, nature and purpose of the trust and trustee

• your role in the trust or trustee (for example, beneficiary or director).

It may be necessary for you to go into more detail than this.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Real estate
2. Interest

Do you own any real estate (including your main residence), whether in part or in whole, in Australia and/or internationally?

Yes [ ]  No [ ]

1. Details

If yes, give details for each:

* Purpose: residential, holiday, business, commercial, or rental
* Location:
	+ for residential – provide suburb and state
	+ for holiday, business, commercial, or rental provide street number, street name, suburb, state and country
* Any other parties who have a financial interest in the relevant real estate.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Agreements
2. Interest

Have you entered a contract, agreement or understanding that:

* gives rise to an obligation or expectation of reward, AND
* could reasonably be seen as a conflict of interest for you?

Examples may include:

* future employment
* leased assets
* payment of tuition fees
* purchases of goods and services
* settlement of debts and liabilities
* subsidies.

Yes [ ]  No [ ]

1. Details

If yes, give details of each interest that could reasonably be seen as a conflict of interest.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Family interests
2. Interest

To your knowledge, does a family member have any of the following interests AND it could reasonably be seen as a conflict of interest for you?

This may include:

* real estate (including a residence)
* contract, agreement or understanding that gives rise to an obligation or an expectation of reward (for example, future employment)
* shareholdings, investments or other business – this includes a company, partnership, association or other entity, as well as through nominee shareholders
* holding a position that may be relevant to your role as a public sector employee.

Note: see definition for ‘family’ in Part A

Yes [ ]  No [ ]

1. Details

If yes, give details of each interest that could reasonably be seen as a conflict of interest.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Any other relevant interests to declare
2. Interest

Other than what has already been declared, to your knowledge, are there any other relevant interests you or a family member have that could reasonably be seen as a conflict of interest?

This includes financial or non-financial interests that:

* previously existed
* currently exist
* will arise.

Some examples of previous, current or future relevant interests you or a family member may have include:

* employment
* board memberships
* contracts or agreements
* declarable associations
* disputes with a Victorian Government department or agency
* memberships or affiliations with community organisations
* volunteer, pro bono or other unpaid work
* registration as a lobbyist or government affairs director under the Victorian Government Professional Lobbyist Code of Conduct or similar code in Australia.

Note: see definition for ‘family’ and ‘declarable associations’ in Part A.

Yes [ ]  No [ ]

1. Details

If yes, give details of each interest that could reasonably be seen as a conflict of interest.

##### Details

[Insert details]

1. Your explanation

For each, explain why it could reasonably be seen as a conflict of interest.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

For each, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

## Part B – Probity

### Instructions

Employee to answer all questions in part B.

Manager to complete ‘Manager’s assessment tool’ for all questions in part B.

#### Note for managers – how to complete ‘Manager’s assessment tool’

Manager to make own assessment on why the probity issue is OR is not a conflict of interest. This assessment may differ from the employee’s.

Assessments should be based on the information provided by the employee and your knowledge of their public duties.

### Use of this information

Your answers to probity questions will help us assess if there may be an issue as to whether you can meet the inherent requirements of the role. If a conflict (actual, potential or perceived) arises:

* your manager will discuss any issues of concern with you
* a conflict of interest management plan will be developed, recorded and securely filed.

The information you provide will be stored in our confidential record system and used on a ‘need to know’ basis. For details see ‘Use of your personal information (Collection Notice)’.

1. Bankruptcy
2. Question

Have you ever been declared bankrupt or been the subject of any order under the Bankruptcy Act 1966 (Cth)?

Yes [ ]  No [ ]

1. Details

If yes, provide details:

* year
* status: current, discharged or annulled.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Insolvency
2. Question

Have you ever been a director or executive officer of a corporation which became insolvent whilst you were in that role?

Yes [ ]  No [ ]

1. Details

If yes, provide details:

* corporation name
* your role
* year
* description of circumstances and findings.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Disqualification
2. Question

Have you ever been disqualified from being a director, or acting in the management of a corporation, or acting in the management of an incorporated association?

Yes [ ]  No [ ]

1. Details

If yes, provide details:

• reason for disqualification

• whether the disqualification is still in effect.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Corporate and civil penalties
2. Question

Have any of the following occurred:

* You contravened a civil penalty provision under the Corporations Act 2001 (Cth) or any of its predecessors
* You contravened the Associations Incorporation Reform Act 2012 (Vic) or any equivalent in another jurisdiction, or
* You have been found guilty of any offence in relation to corporate or regulatory matters?

Yes [ ]  No [ ]

1. Details

If yes, provide details:

* year
* description of circumstances and findings.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Criminal and civil proceedings
2. Question

Have any of the following occurred:

* You are currently a party in any capacity in criminal or civil proceedings before any:
	+ court
	+ tribunal
	+ other adjudication body, including a professional, registration, or licensing body?
* You expect to become a party to any such proceedings in the next 12 months?

Yes [ ]  No [ ]

1. Details

If yes, provide detailed description of circumstances.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Findings of guilt

#### Definition – finding of guilt

* includes a good behaviour bond, community-based order, fine or undertaking associated with a criminal charge, even if no conviction was recorded
* includes a criminal conviction
* does not include a criminal conviction under a prescribed spent convictions scheme.
1. Question

Has there ever been a finding of guilt against you for a criminal offence?

Yes [ ]  No [ ]

1. Details

If yes, provide details:

* year
* description of circumstances and findings.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

1. Inquiries and investigations
2. Question

To the best of your knowledge, are you or have you been the subject of any inquiry or investigation?

This includes an inquiry or investigation by:

* your current or a previous employer
* a professional association
* a regulatory agency
* a consumer protection organisation
* a department or agency of the Commonwealth, states or territories of Australia
* a government integrity body of the Commonwealth, states or territories of Australia (such as the Independent Broad-based Anti-corruption Commission, Victorian Ombudsman, Auditor-General’s Office, etc.)
* a Royal Commission, Board of Inquiry or formal inquiry
* a Parliamentary inquiry.

Yes [ ]  No [ ]

1. Details

If yes, provide details if lawful to do so:

* year
* description of circumstances and findings.

##### Details

[Insert details]

1. Manager’s assessment tool [Manager use only]

If the employee answers ‘yes’ for this question, make an assessment and explain why it could reasonably be seen as a conflict of interest OR why it is not.

##### Details

[Insert details]

## Part C – Declaration by employee

### Instructions

Employee to complete Part C by signing the declaration and submit the form for manager’s assessment.

Drafting note: Organisation to include any specific instructions on this process.

1. Employee declaration

I declare that:

* To the best of my knowledge, the information I have provided in this form is correct.
* If a change occurs that affects my answers in part A or part B of this form, I undertake to advise my manager in writing within five working days.
* I will follow my organisation’s Conflict of interest policy to ensure that my organisation’s reputation and the public interest are adequately protected.

Drafting note: Insert a link to your organisation’s policy.

* If my manager identifies a conflict of interest, I will work with my manger to develop and complete a Conflict of interest – Declaration and Management Plan for each conflict identified.

Drafting note: Insert a link to your organisation’s declaration and management plan form.

* I understand and consent to the information l have provided in this form being used for the purposes of implementing the organisation’s conflict of interest policy outlined in the Collection Notice.
* I understand it may also be shared with other Victorian Government departments, non-departmental entities and public entities in certain circumstances as prescribed by law.

|  |  |
| --- | --- |
| Signed and dated | [Insert below] |
| **Signature** |  |
| **Printed name** |  |
| **Date** | Click or tap to enter a date. |

## Part D – Manager’s overall assessment and declaration

### Instructions

Manager to complete and sign Part D.

1. Manager’s assessment of whether any conflicts
 of interest exist

Based on the information provided by the employee in parts A and B of this form and my knowledge of their public duties, it is my assessment that: [tick one box]

[ ]  No. The employee does not have any conflict of interest (actual, potential or perceived).

[ ]  Yes. The employee has a conflict or conflicts of interest, as set out in the relevant ‘manager’s assessment tool’ in part A and/or B of the DOPI.

1. Manager declaration

I declare that:

* I have read the information provided on the form by the employee.
* I have made my own assessment of whether any conflicts of interest exist in part A or B.
* If I’ve assessed that a conflict of interest exists, I’ll follow the usual steps in the Conflict of interest policy [link] to ensure that my organisation’s reputation and the public interest is adequately protected. I will:

Drafting note: Insert link to your organisation’s policy.

* + direct the employee to complete a Conflict of interest – Declaration and Management Plan form [link]

Drafting note: Insert a link to your organisation’s declaration and management plan form.

* + develop and record a conflict of interest management plan in consultation with the employee
	+ regularly monitor the employee’s adherence to the plan.

|  |  |
| --- | --- |
| Signed and dated | [Insert below] |
| **Signature** |  |
| **Printed name** |  |
| **Date** | Click or tap to enter a date. |