

Conflicts of Interest (COI) Policy and Procedure

Table of contents

1	Purpose	2
2	Definitions	2
3	Scope	6
4	Policy statement	6
5	Procedure	8
5.1	Non-Senior executive employees - completing the online form	8
5.2	Mandated positions - completing online form	9
5.3	Managing and monitoring COIs	10
5.4	COI and Senior Executive Private Interest Declaration (SEPID)	12
5.5	Procurement project COI declarations	13
5.6	Approving COI declarations	14
5.7	Annual declarations	15
5.8	BECU Dashboards	15
5.9	Failure to comply	15
5.10	Appeals	16
6	Responsibilities	16
6.1	The Secretary and the DCJ Executive	16
6.2	Employees	17
6.3	Supervisors	17
6.4	Delegated officers	18
6.5	Business Ethics and Compliance Unit (BECU)	18
6.6	DCJ Internal Audit	19
7	Security of information	19
8	Related legislation and documents	20
9	Document information	20
10	Support and advice	21

1 Purpose

This policy and procedure guides the Department of Communities and Justice (DCJ) employees to identify and appropriately deal with conflicts of interest (COI) and to ensure that DCJ has a consistent approach in reporting and managing actual, perceived and potential COI.

2 Definitions

Term	Definition
BECU dashboard	The DCJ online platform for declaring and recording all business ethics declarations/applications including COI.
close associates	Someone with whom an employee has a: <ul style="list-style-type: none"> • Family relationship (e.g. spouse, siblings, parents, grandparents, children, grandchildren and extended family relationships) • Business relationship other than an occasional business relationship • Fiduciary relationship (that is, a person who is entrusted to hold, control or manage property for another) • Relationship in which one person is accustomed, or obliged, to act in accordance with the directions, instructions or wishes of the other • Friendship outside of the business that can affect the decision making process • Associate relationship with a partner/companion in business/work.
conflict of interest (COI)	A conflict of interest exists when a reasonable person might perceive that an employee's personal interests could be favoured over their public duties.
convenor	Convenor of a tender evaluation panel. The convenor takes on the role of supervisor for COI declarations made by a procurement project officer in relation to a tender.
corrupt conduct	Is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation. While it takes many forms, corrupt conduct occurs when: <ul style="list-style-type: none"> • A public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others • A public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official function • A member of the public influences, or tries to influence, a public official to use his or her position in a way that affects the probity of the public official's exercise of functions • A member of the public engages in conduct that could involve one of the matters set out in section 8(2A) of the <i>Independent Commission Against Corruption Act (1988)</i> where such conduct impairs, or could

Term	Definition
	<p>impair, public confidence in public administration. Some examples of this are:</p> <ul style="list-style-type: none"> - Collusive tendering - Fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources - Dishonestly obtaining or assisting in obtaining, or dishonestly benefiting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage - Defrauding the public revenue, or - Fraudulently obtaining or retaining employment or appointment as a public official.
declarant	An employee who has made a declaration.
delegated officer	A senior executive (director level and above) who is responsible for the business area the declarant is employed in.
disciplinary action	<p>May include one or more of the following:</p> <ul style="list-style-type: none"> • Terminate the employment of the employee (without giving the employee an opportunity to resign) • Terminate the employment of the employee (after giving the employee an opportunity to resign) • Impose a fine on the employee (which may be deducted from the remuneration payable to the employee) • Reduce the remuneration payable to the employee • Reduce the classification or grade of the employee • Assign the employee to a different role, or • Caution or reprimand the employee.
employee	<p>Those who perform work in any capacity for DCJ and includes:</p> <ul style="list-style-type: none"> • Ongoing and temporary employees • Contractors/contingent labour workers (agency staff). • Senior executives • Staff seconded/on loan to DCJ from other government agencies or regulatory bodies irrespective of the duration of the secondment • Casual employees who carry out irregular, intermittent, short-term, urgent or other work as and when requested • Persons on work experience, students, interns and graduates under all programs where they work for, or are located, with DCJ.
integrity	<p>This is one of the department's core values. DCJ endeavours to:</p> <ul style="list-style-type: none"> • Consider people equally without prejudice or favour. • Act professionally with honesty, consistency and impartiality. • Take responsibility for situations, showing leadership and courage.

Term	Definition
	<ul style="list-style-type: none"> Place public interest over personal interest.
mandated positions	Refers to all senior executives and non-senior executives who are required to comply with the Secretary's Senior Executive Private Interest Declaration (SEPID) program.
non-pecuniary interest	Non-pecuniary interests do not have a financial component. These may arise from personal relationships, or involvement in sporting, social or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.
pecuniary interest	Pecuniary interest (known as 'material personal interests' in some jurisdictions) involves an actual or potential financial gain or loss. Money does not need to change hands for an interest to be pecuniary. People have a pecuniary interest if they (or a relative or other close associate) own property, hold shares, have a position in a company bidding for government work, or receive benefits (such as concessions, discounts, gifts or hospitality) from a particular source.
private interest	Private interests that can bring benefits and personal gain, or disadvantage and personal loss, to public officials as individuals, or to others whom public officials may wish to benefit or disadvantage. Private interests can be divided into two categories, pecuniary and non-pecuniary interests.
procedural fairness principles	<ul style="list-style-type: none"> Ensure the decision-making process is fair, unbiased and impartial. Make decisions based on relevant facts and evidence. Ensure information that is not directly relevant is not taken into account. Ensure that the process of assessment is clearly documented and communicated to employees. Ensure that regular communication occurs with the employee about their declaration/claim, and that outcomes are provided to employees in writing. If appropriate, seek clarification of information provided in the declaration from the employee. Allow the employee a reasonable opportunity to respond, either in writing or in person, to any concerns, or to provide information to support their application/declaration/claim. Process the application in a timely manner. Deal with employees sensitively and with regard to the specific issues of the situation. Protect the confidentiality and privacy of employees. Consider cultural and linguistic diversity. Consider the needs of people with a disability and /or people with mental health concerns.

Term	Definition
	<ul style="list-style-type: none"> • Take into account anti-discrimination legislation, Work Health and Safety (WHS) legislation and all relevant DCJ policies and industrial awards. • Provide employees with information about their right to seek a review or appeal of decisions made about them.
project manager	Project manager of a procurement project. The project manager takes on the role of supervisor for COI declarations made by a procurement project officer in relation to a procurement project.
project sponsor	Is responsible for the procurement project or tender. The project sponsor is also responsible for reviewing and approving COIs made by procurement project officers and convenors.
procurement project officer	Procurement project or tender evaluation team member.
public duty	Acting in the public interest means carrying out official duties for the benefit of the public served by government, in a fair and transparent way, and making decisions that are not affected by self-interest, private affiliations or the likelihood of personal gain or loss.
respect	<p>This is one of the department's core values. DCJ endeavours to:</p> <ul style="list-style-type: none"> • Be courteous in our dealings with colleagues, clients, stakeholders and the citizens of NSW • Proactively collaborate and value the contributions of others • Seek out alternative perspectives and put our shared interests ahead of any individual or team to achieve the best possible outcome • Treat our colleagues, clients and stakeholders with dignity • Embrace and seek to increase the diversity of our organisation.
senior executive	All DCJ Public Service Senior Executives (PSSEs) including any non-senior executive staff acting in a senior executive position (irrespective of how long they will be acting in the position) and any contingent labour staff employed in (or who are acting in) a senior executive position.
SEPID program	Senior Executive Private Interest Declaration program.
service	<p>This is one of the department's core values. DCJ endeavours to:</p> <ul style="list-style-type: none"> • Provide services fairly with a focus on client needs • Be flexible, innovative and reliable in service delivery • Engage with the not-for-profit and business sectors to develop and implement service solutions • Focus on quality while maximising service delivery.
supervisor	An employee's line manager (including those acting in temporary acting assignments).
temporary acting assignment (TAA)	An employee who is undertaking a temporary acting assignment against a position.

Term	Definition
unpaid work	<p>Refers to any employment where no remuneration/payment is received. Unpaid work includes but is not limited to:</p> <ul style="list-style-type: none"> • Assisting in a family business without receiving any remuneration • Volunteering with an organisation to gain experience in a particular field • Serving as non-paid member or sitting on a strata management committee • Involvement in community sporting groups. <p>Unpaid work also refers to voluntary work or activities that are principally charitable in their nature. These activities are done pro-bono (where the employee's time, skills or expertise is given free-of-charge). Examples include, but not limited to volunteering in a soup kitchen.</p>

3 Scope

This policy and procedure applies to all DCJ employees.

4 Policy statement

The people of NSW have a right to expect that as public officials (at all levels/grades), we perform our duties in a fair and transparent way. The decisions we make must not be affected by self-interest, private affiliations, or the likelihood that we (or those close to us), will be unfairly advantaged or disadvantaged (financially or otherwise) in any way.

Most people want to do the right thing and sometimes it can be difficult to know if a COI really exists. There are four elements you can ask yourself to assist in determining if a COI exists:

1. Do I have a personal interest in this?

That is, will my family, friends, close associates benefit or will I benefit personally from this? This includes people who are more than acquaintances but not considered friends - will they benefit from this?

2. Do I have a public duty here?

That is, do I have a responsibility to act in a particular way or achieve a particular outcome for the good of the community?

3. Is there a connection between my personal interest and my public duty?

That is, will my actions as a public official affect in any way the personal interest?

4. Could a reasonable person perceive that my personal interest might be favoured?

That is, if someone who did not know me saw this situation, is it possible they would think I was favouring the personal interest?

COIs in themselves do not usually constitute corrupt conduct. However, corrupt conduct can arise when a COI is concealed, understated, mismanaged or abused. Most forms of corrupt conduct involve a COI. While having a COI is not necessarily wrong, employees should avoid being placed in conflicting situations where it is practical to do so. This can be achieved by avoiding:

- Roles, assignments and/or tasks in DCJ that could conflict with an employee's private interests (which should be discussed with the supervisor and/or delegated officer)
- Investments or financial arrangements that could relate to an employee's DCJ duties e.g. purchasing or owning a property that is being used by a DCJ housing tenant or owning/working in a private family recruitment business while working in recruitment for DCJ
- Commercial dealings with suppliers and other stakeholders that are not on a normal arm's length basis e.g. having a relationship or association outside of work with a DCJ supplier
- Situations in which professional relationships could develop into personal relationships
- Social media activity that could be perceived as compromising an employee's impartiality.

The perception that a COI has influenced (or could influence) an outcome can undermine public confidence in the integrity of DCJ and its public officials. Undeclared, unresolved or poorly managed COI may lead to corrupt conduct or abuse of public office.

Employees must always consider whether a COI exists in their work and manage conflicts according to this policy and procedure.

A new COI declaration must be submitted each time the employee's circumstances change via the COI online form. Employees must also consider if a COI arises as a result of a change in their private interests, or as a result of a change in their position or duties at DCJ. Anytime a COI is identified, it must be declared and managed in accordance with this policy and procedure.

COIs must be:

- Declared by the employee
It is important to note that even if a declaration has been made under this policy and procedure, employees must comply with the requirements to declare separately when involved in committee or panel arrangements etc.
- Resolved so the conflict is removed
- Managed so as to reduce any ongoing conflict.

All COI declarations expire on 30 November each year, irrespective of when the last approval was granted. The annual rollout is mandatory for all employees in relation to their COI. All declarations are to be made via the COI online declaration

form. All employees will receive an email notifying them of the requirement of an annual COI declaration where required (that is, where there is an existing COI, or where a new COI declaration should be made).

5 Procedure

Employees must declare all private interests known to them at the time of declaration.

Declarations must be certified/approved by a delegated officer within **seven** business days.

A COI declaration must be completed:

- As soon as an actual, perceived or potential COI has been identified
- As soon as practical, following any change in your private interests
- At least annually (during November) where an existing COI is in place, or where a new COI has been identified in line with the COI Policy and Procedure.

5.1 Non-Senior executive employees - completing the online form

Part 1 of the COI Quick Reference Guide has been prepared to assist declarants to complete a declaration. The COI online form and the quick reference guide can be found on the [DCJ COI intranet page](#).

COI forms by non-senior executives (**excluding SEPID mandated positions - refer to 5.2 below**) must be submitted to their supervisor and certified/approved by the delegated officer.

COI declarations must be reviewed by the supervisor within **seven** business days from the day of receipt. The supervisor must also provide their recommendation and then nominate a delegated officer to make the final determination. Delegated officers must review and approve the COI declaration within **seven** business days from the day of receipt from the supervisor.

1. Non-senior executive employees who need to submit a declaration, must use the COI online form found on the [DCJ COI intranet page](#). The declarant must nominate a supervisor. The declaration will workflow to the nominated supervisor for review and recommendation.

The supervisor must be the declarant's direct line manager (or their future line manager if they are submitting a declaration during a TAA, secondment or permanently moving to a new position).

2. The supervisor will receive the declaration for comment/recommendation within **seven** business days from the day of receipt. Where required, they must also detail any suggested management strategies that have been discussed with the declarant.
3. Once the supervisor has provided their comment/recommendation on the COI online form, it will workflow to the nominated delegated officer.

The delegated officer must be at least director level and is the declarant's current reporting line (or in their future reporting line if they are submitting a declaration during a TAA, secondment or permanently moving to a new position).

4. The delegated officer must review and certify/approve the COI declaration within **seven** business days of receipt. Any management strategies must be recorded on the COI online form.
5. Once the delegated officer has certified/approved the COI declaration, the declarant, supervisor and/or delegated officer will receive a PDF copy of the declaration. Where a COI declaration is subject to management strategies (e.g. restrictions, parameters etc.) it is the responsibility of the supervisor to monitor compliance with the stated conditions/requirements.

Below is a diagram of the workflow for non-senior executives.

Non-Senior Executive COI Declarations workflow



5.2 Mandated positions - completing online form

All COI declarations by **SEPID mandated position holders** must be submitted to their delegated officer. For non-senior executives, the delegated officer must be at director level e.g. head leasing non-senior executives must assign their Housing director or executive director as the delegated officer.

1. The delegated officer must review and certify/approve the declaration noting any management strategies.
2. Once the delegated officer has certified the declaration, the declarant and delegated officer will receive a PDF copy that will serve as the agreement, incorporating any conditions/management strategies.
3. Where a declaration is subject to management strategies for a senior executive, it is the responsibility of the delegated officer to monitor compliance with the stated conditions/requirements.
4. For a non-senior executive, the delegated officer is responsible for providing a copy of the PDF declaration to the declarant's supervisor to monitor compliance with the agreement's stated conditions/requirements.

Below is a diagram of the workflow for senior and non-senior executive SEPID mandated positions.

Mandated position workflow



5.3 Managing and monitoring COIs

There are four basic stages in managing and monitoring a COI:

5.3.1 Assess the risk of the COI

The COI should be assessed in terms of the likelihood of something occurring and the consequences to DCJ if it occurred. By assessing the risk factors of the COI, supervisors and/or delegated officers can make appropriate decisions in managing and monitoring a COI. Some risk factors that should be considered are below:



5.3.2 Consider the management options

Non-senior executives

Supervisors must recommend (for the delegated officer to consider) the most appropriate strategies to manage a declarant's COI, taking into account the level of risks and any other issues associated with the COI. The management plan options (which forms part of the COI declaration) that supervisors and delegated officers should consider are outlined below.

The delegated officer must review the comments/recommendation/s made by the supervisor to determine the most appropriate strategies required to manage the COI (the management plan).

Senior and non-senior executive mandated positions

Delegated officers will receive employee declarations for review and approval.

Based on the available information outlined in the declaration, the delegated officer must determine the most appropriate strategies to manage the COI (the management plan), taking into account the level of risks and any other issues associated with the COI. The management plan options (which forms part of the COI declaration) that supervisor/delegated officers should consider are outlined below.

Management plan: available management strategies

Monitor

- Implement closer supervision
- Take no further action but continue to monitor.

Restrict

- Limit declarant's involvement in the process(es) including segregating or reducing duties
- Confinement declarant to advisory role with no decision-making authority or financial delegations
- Prevent declarant's dealings with external parties
- Limit access to systems, information or assets
- Prohibit Secondary Employment or Unpaid Work
- Provide an undertaking to refrain from communicating with particular parties during a process.

Recruit

- Add an independent third party to the team to oversee part or all of a process
- Engage a subject matter expert to review the work of the declarant
- Engage a colleague of equal or greater seniority (to the declarant) to be involved in the matter.

Remove

- Remove the declarant from the relevant task/assignment
- Exclude from certain discussions or meetings
- Exclude from critical recordkeeping functions
- Transfer matter to a different team to remove the conflict from the declarant
- Transfer the declarant to another project, branch or unit
- Remove declarant's access to electronic or physical records.

Relinquish

- Obtain agreement to relinquish ownership or control of a financial interest such as shares, land or controlling interests in a business etc.

Note: Supervisors and/or delegated officers should seek advice from DCJ Legal regarding this management option.

Resign

- Declarant to resign from DCJ as the conflict cannot be otherwise managed.

Other

- Any other appropriate management plan to effectively manage the COI.

5.3.3 Document a management response

Where a management plan has been put in place, the delegated officer will need to choose the frequency for monitoring implementation of the plan. Delegated officers will also be reminded and required to report on the monitoring of the management plan.

Once the supervisor and/or delegated officer has determined the appropriate management plan, completed and certified/approved the declaration form, the employee, supervisor and/or delegated officer will receive a PDF version of the declaration.

5.4 COI and Senior Executive Private Interest Declaration (SEPID)

Under the "Code of Ethics and Conduct for NSW government employees" and the Public Sector Commission Circular PSCC2015-08, all senior executives must make an annual declaration of their private interests (see the [SEPID program](#) for further information).

It is important to note that the requirements under the SEPID program are in addition to mandated position holders declaring any COI. While all private interests must be declared under SEPID, senior and non-senior executive mandated position holders must consider any actual, potential or perceived COI that may arise from their private interests and declare them in accordance with this policy and procedure.

Declarants will be prompted/required to insert the ID for an approved COI declaration into the SEPID before the SEPID form can be approved.

5.5 Procurement project COI declarations

All employees who are involved in procurement projects must comply with the requirements of this policy and procedure noting that the workflow for declarations made in relation to a procurement project and the approval processes are different from sections 5.1 and 5.2.

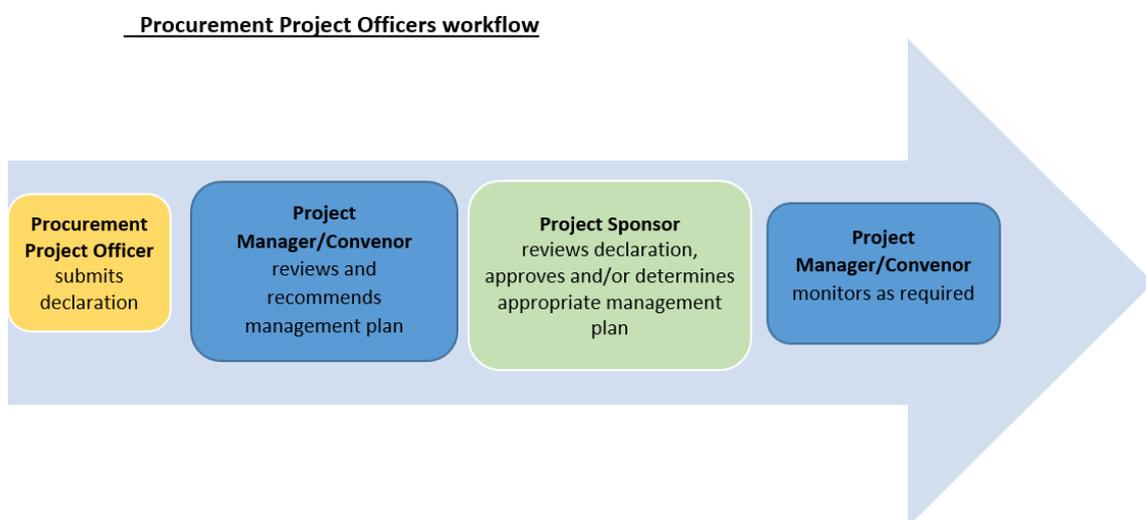
All procurement project officers, project managers, convenors and project sponsors must **also** comply with the policies and procedures for procurement projects in addition to their requirement to comply with this policy and procedure.

5.5.1 Procurement project officers declaring a COI in relation to a procurement project

Any procurement project officers who identify a COI must submit a declaration using the DCJ COI online form. They must nominate the relevant project manager/convenor and project sponsor. The online declaration form must be completed and the declaration will workflow to the project manager/convenor to review and suggest a management plan for consideration and approval by the project sponsor. All COI procurement project declarations must be approved by the project sponsor within **five** business days.

The procedures for managing and monitoring COIs for procurement project officers are the same as those for non-senior executive employees per section 5.1 except that the project manager/convenor takes on the role of supervisor and the project sponsor has the responsibility of the delegated officer.

Below is a diagram of the workflow for procurement project officers declaring a COI in relation to a procurement project:



5.5.2 Project Managers and Convenors declaring a COI in relation to a procurement project

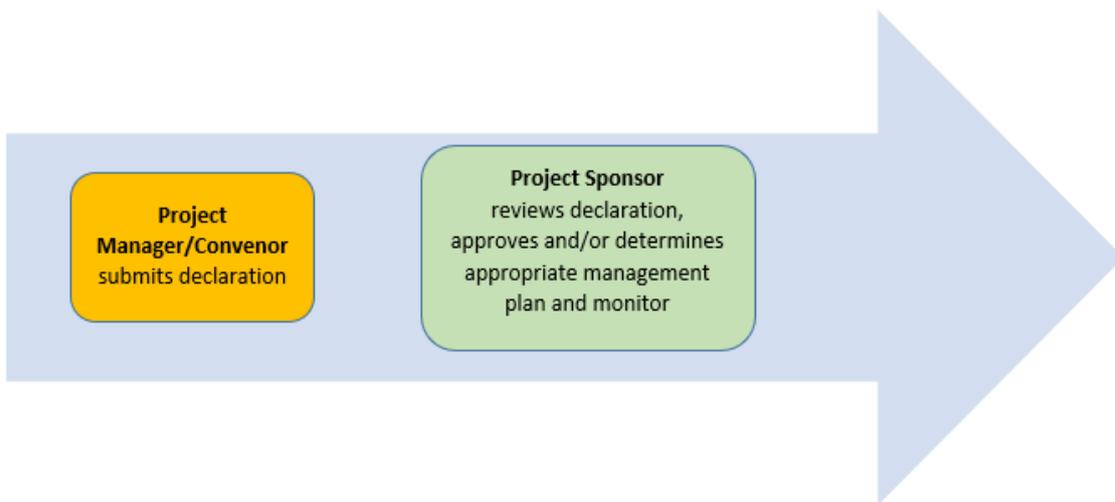
All COI procurement project declarations must be approved by the project sponsor within **five** business days.

Project managers or convenors who identify a COI must make a declaration using the COI online declaration form. They must nominate the relevant project sponsor to review and approve the declaration.

The procedures for managing and monitoring COIs for project managers and convenors are the same as those for senior executive employees in section 5.2 except that the project sponsor has the responsibility of the delegated officer.

Below is a diagram of the workflow for project managers and convenors declaring a COI in relation to a procurement project:

Project Manager/Convenor workflow



5.5.3 Project sponsors declaring a COI

Project sponsors who identify a COI must follow the procedures that apply to senior executives as detailed in section 5.2.

5.5.4 Appeals

While the project sponsor may be guided by the recommendations provided by a convenor, it is the project sponsor who approves any procurement project COI declarations. Any procurement project officer or convenor who disagrees with a decision made by a project sponsor officer should escalate the matter to the project sponsor's supervisor (direct line manager) for review.

The final decision regarding an appeal in relation to a procurement project COI declaration will rest with the project sponsor's supervisor.

5.6 Approving COI declarations

Delegated officers will receive an email notification about pending COI declarations with a link to access the declaration for review and approval.

Where there is any concern about the COI, delegated officers should contact the employee (and/or their supervisor) to discuss any issues prior to determining a management plan. Any discussions relating to a COI or the management plan should be documented and included (or attached) in the declaration before a delegated officer approves the declaration.

Once the delegated officer has made a determination (including any management plan) and approved the declaration form, the employee, supervisor and/or delegated office will be automatically notified and provided with a PDF version of the approved declaration.

5.7 Annual declarations

Declarations expire on 30 November each year, irrespective of when the last declaration was made. Declarations are to be completed via the online, secure, web-based COI form.

The annual declaration must be completed and certified/approved by their delegated officer by no later than **30 November of each calendar year, for commencement on 1 December.**

For employees with an existing COI who are on leave during the annual rollout, the BECU will follow-up with them once they return to work.

The Business Ethics and Compliance Unit (BECU) provides the Secretary with a report on the compliance levels for the annual program rollout.

5.8 BECU Dashboards

Declarants will be able to access their COI (draft or completed) and any other relevant business ethics declarations/applications such as Secondary Employment and Unpaid Work (SEUW) via the BECU Dashboard. Declarants will receive a password when they complete (even as a draft) a declaration to allow them to access the Dashboard at any time.

Delegated officers will be able to access all business ethics declarations/applications (e.g. SEPID, Conflicts of Interest, Secondary Employment, etc.) via the BECU Dashboard. Delegated officers will receive a password when they receive a pending declaration (or when submitting their own declarations/applications) (even as a draft) to allow them to access the Dashboard. This means that all employee declarations pending review and approval are available via this single portal.

It is highly recommended that declarants and delegated officers set (and save) their own password which will then be reflected in future workflow emails for the business ethics online forms.

5.9 Failure to comply

Any failure to disclose a COI, or being complicit in supporting others to avoid disclosing a COI, or conduct which favours a personal interest over their public duty, is a breach of this policy and procedure. Any failure to disclose a new COI where

there is a change to private interests or any failure to follow the COI management strategy determined by a delegated officer may constitute misconduct and may result in disciplinary action.

In some cases, failure to comply with this policy and procedure may constitute corrupt conduct. Some examples may include, but are not limited to the following:

- Concealing or failing to disclose a COI
- Making a false or understated declaration
- Knowingly supporting others to avoid disclosure
- Favouring a personal interest over a public duty
- Improperly influencing others to favour a personal interest, and/or
- Misusing resources in order to favour a personal interest
- An employee who, prior to moving to a new position including an employee who engages in a Temporary Acting Assignment (TAA) or a secondment, or any change in their role, fails to disclose any COI with their future supervisor and delegated officer.

5.10 Appeals

An employee who disagrees with a decision made by a delegated officer can contact their People business partner who will liaise with the employee and the relevant delegated officer.

The final decision regarding an appeal will rest with the executive director (or deputy secretary where a director is appealing a decision).

In the rare circumstances where an executive director is appealing against a decision in regards to a COI declaration, the Secretary will make a determination on the appeal.

There is no appeal process for a Deputy Secretary appealing a decision in regards to a COI. The Secretary, as the delegated officer, will make the final decision.

As noted above (section 5.5.4) the final decision regarding an appeal in relation to a procurement project COI declaration, will rest with the project sponsor and/or their supervisor.

6 Responsibilities

6.1 The Secretary and the DCJ Executive

Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of any issues that could possibly adversely affect the performance of employees' public duty and the management of COIs.

Oversee and manage any non-compliance issues and risks relating to the DCJ COI program.

6.2 Employees

- Must put their duty to DCJ ahead of their private interest/s at all times.
- Identify and declare all COI via the online declaration form as soon as they become aware of it.
- Propose actions to appropriately manage a COI that puts their public duty above their own personal interest/s.
- Review and, where appropriate, renew their declaration when their circumstances change.
- Make a new declaration on an annual basis in line with the requirements of this policy and procedure.
- Comply with any requirements outlined in their COI management plan.
- Prior to changing roles, including taking up a TAA or secondment, an employee must notify their new supervisor and/or their new delegated officer of their COI agreement prior to moving to that position.
- Declare and manage any COI identified with any Secondary Employment and Unpaid Work (SEUW) in accordance with the SEUW policy and procedure and in accordance with this policy and procedure.
- Declare and manage any COI identified with any private interests identified in accordance with this policy and procedure.
- Submit a new declaration during the annual rollout (by 30 November) to renew their COI arrangement (where the COI still exists) for commencement on 1 December, regardless of when they last submitted their existing COI declaration.
- Report any suspected breaches of this policy and procedure by another employee to the professional conduct unit and cooperate with any investigative enquiries.

6.3 Supervisors

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of COI.
- Advise, support and remind employees of their obligations to declare and mitigate COI in accordance with this policy and procedure.
- Review COI declarations within **seven** business days of receipt.
- Where required, discuss an appropriate management plan with employees who declare a COI.

NOTE: These discussions form the most important part of the integrity of the COI policy and procedure. These discussions help applicants understand their obligations; assist in mitigating or managing any actual, potential or perceived COI; and prevent the appearance or perception that DCJ or any of its employees are engaging in fraud or corrupt conduct.

- Clarify the employee's understanding and agreement of any risk management strategies that will form part of the COI declaration.
- Report to the appropriate delegated officer, any issues that arise in relation to the COI. This includes, but not limited to non-compliance with the management plan.
- Oversee and ensure that any agreed COI management plan for the employee is implemented and monitored.
- Report suspected breaches of this policy and procedure by employees to the professional conduct unit and cooperate with any investigative enquiries.

6.4 Delegated officers

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of COI.
- Review and approve COI declarations within **seven** business days (**five** business days if it relates to procurement) of receipt.
- Advise, support and remind employees of their obligations to declare and mitigate COI in accordance with this policy and procedure.
- Ensure that an employee's COI declaration has been certified before submitting a SEPID.
- Provide the declarant's supervisor with a copy of the PDF version of the approved COI declaration for their information and monitoring, where required e.g. for SEPID mandated position holders.
- Discuss with the relevant supervisor the employee's declaration to ensure the COI will not influence or interfere with the official duties of the employee
- Apply procedural fairness principles when assessing a COI including any management strategies.
- Oversee and ensure that any agreed COI management plan for their direct reports is implemented and monitored.
- Oversee and ensure that supervisors monitor the implementation of any agreed COI management plan for non-senior executives.
- When a delegated officer intends to vacate a position (including a TAA), they are required to notify their replacement of any COI (and any other) declarations. It will be the role of the incoming delegated officer to review and ensure that management plans are adhered to.
- Report suspected breaches of this policy and procedure by employees to the professional conduct unit and cooperate with any investigative enquiries.

6.5 Business Ethics and Compliance Unit (BECU)

The BECU will manage and administer the COI program by:

- Maintaining appropriate security and confidentiality of COI declarations
- Preparing reports for the Secretary, Executive and the Audit and Risk Committee/s, as required
- Maintaining up-to-date dashboards of COI declarations
- Maintaining and updating the COI program, as required
- Providing reports, as required, to the Deputy Secretary Corporate Services on non-compliance matters
- Providing information as required by Professional Standards Units and external bodies such as the Independent Commission Against Corruption (ICAC)
- Respond to the information requests of business areas
- Review/evaluate the COI program and use feedback to inform refinements where/if required i.e. apply the principle of continuous quality improvement to all aspects of the program.

6.6 DCJ Internal Audit

Conduct an audit on the COI program every three years, three months prior to the policy and procedure review date, to help identify gaps and any area that may require refinement.

7 Security of information

The BECU is responsible for maintaining appropriate security and confidentiality over information declared. The declarations made via the COI online web-based form will be encrypted and will only be available to the following:

- Secretary and their nominated staff
- BECU employees who manage the COI Program
- Chief Audit Executive (CAE) and Director, Audit, Risk and Compliance
- Chief Risk Officer, Deputy Secretary Corporate Services
- Nominated IDS staff who assist with the maintenance of and any trouble shooting issues with the COI program e.g. online form, dashboard, etc.
- Deputy Secretaries (for their divisions only)
- Delegated officers (for their business areas only)
- Supervisors/managers (for their direct reports only)
- Declarants
- Professional standards units or an external agency (e.g. ICAC, Audit Office) or an independent investigator.

All personal information collected, managed and disclosed under this program will comply with the requirements of the NSW Privacy Laws as outlined in the Department's Privacy Management Plan.

8 Related legislation and documents

- *Crimes Act 1900*
- Gifts, Benefits and Bequests (GBB) Policy and Procedure
- Goods and Services Procurement Policy and Guidelines
- *Government Sector Employment Act 2013*
- Grievance Management Policy
- *Independent Commission Against Corruption Act 1988*
- Independent Commission Against Corruption's 'Identifying and Managing Conflicts of Interest in the Public Sector'
- Independent Commission Against Corruption Sample Conflict of Interest Policy for NSW Public Sector Agencies
- Information Security Policy
- Privacy and Information Sharing Policy
- Privacy and Personal Information Protection Act 1998
- Privacy Management Plan
- Public Interest Disclosures Act 1994
- Identifying and Managing Conflicts of Interest in the Public Sector
- Probity and probity advising - Guidelines for managing public sector projects
- Procurement Management
- Public Interest Disclosures Internal Reporting Policy
- Public Service Commission Circular (PSCC) 2015-08 Declaration of Private Interests – Supplementary Information
- Secondary Employment and Unpaid Work (SEUW) Policy and Procedure
- Senior Executive Private Interest Declaration (SEPID) Policy and Procedure
- The Code of Ethics and Conduct for NSW government sector employees.

Staff should also refer to other relevant information such as codes of conduct, fraud, corruption, gifts, benefits, bequests, statements of business ethics, etc.

9 Document information

Document name	Conflicts of Interest Policy and Procedure
Applies to	All DCJ Employees
Replaces	Conflicts of Interest (COI) Policy and Procedure, 26 October 2021
Document reference	SGM20/4312
Approval	Deputy Secretary, Corporate Services
Version	2.1
Commenced	26 October 2022

Due for review	25 October 2024
Policy owner	Business Ethics and Compliance Unit (BECU)

10 Support and advice

You can get advice and support about this policy and procedure from the BECU who has carriage of this document.

Business unit	Business Ethics and Compliance Unit (BECU) Audit, Risk and Compliance Corporate Services
Email	Conflicts@dcj.nsw.gov.au

This policy and procedure is subject to change. The latest published version of this policy and procedure is available on the DCJ intranet or internet.