

Senior Executive Private Interest Declaration (SEPID) Policy and Procedure

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1 Purpose

The purpose of this policy and procedure is to support the government’s objective to create a world class public service that can manage complexity and conflict while maintaining the highest standards of ethics. It promotes and enhances governance and probity management of senior executives through the establishment of a consistent and centralised approach in the reporting of private interests.

Senior executives are expected to act and be seen to act, in the public interest. Moreover, senior executives are expected to take responsibility for their own behaviour and to lead by example in promoting and upholding ethical behaviour and our core values (service, trust, accountability, integrity and respect) in carrying out their official duties.

This policy and procedure sets the requirements and responsibilities of the Department of Communities and Justice (DCJ) senior executives (as well as nominated non-senior executives to whom the Secretary or his/her delegate/s considers the requirement should apply) to report and systematically manage these matters.

2 Definitions

Term	Definition
accountability	This is one of the department’s core values. DCJ endeavours to: <ul style="list-style-type: none"> • Recruit and promote staff on merit. • Take responsibility for decisions and actions. • Provide transparency to enable public scrutiny. • Observe standards for safety. • Be fiscally responsible and focus on efficient, effective and prudent use of resources.
BECU dashboard	The DCJ online platform for declaring and recording all business ethics declarations/applications including SEPID.
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.
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 applicant is employed in.
disciplinary action	May include one or more of the following: <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)

Term	Definition
	<ul style="list-style-type: none"> • 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 • 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 • Place public interest over personal interest.
mandated positions	<p>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.</p>
non-pecuniary interest	<p>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.</p>
pecuniary interest	<p>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.</p>
private interests	<p>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.</p>

Term	Definition
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.
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 for those in temporary acting assignments).
temporary acting assignment (TAA)	An employee who is undertaking a temporary acting assignment against a position.
trust	<p>This is one of the department's core values. DCJ endeavours to:</p> <ul style="list-style-type: none"> • Appreciate difference and welcome learning from others • Build relationships based on mutual respect • Uphold the law, institutions of government and democratic principles • Communicate intentions clearly and invite teamwork and collaboration • Provide apolitical and non-partisan advice.
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.

Term	Definition
	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.

3 Scope

This policy and procedure applies to all DCJ senior executives and nominated non-senior executives in a SEPID mandated position e.g. head leasing.

The Senior Executive Private Interest Declaration (SEPID) Program excludes the DCJ Secretary and all Independent Statutory Office Holders.

4 Policy statement

Employees across DCJ provide government services that are of paramount public interest. DCJ is committed to maintaining an ethical work environment; it is essential that the community is confident that staff will not be influenced by their personal interests.

External declarations - External declarations must be completed prior to a potential candidate (including contingent labour) being offered a SEPID mandated position, even in a temporary capacity and irrespective of the duration.

Internal declarations - Internal declarations must be completed prior to a senior executive moving into another senior executive role irrespective of band movement, for example, temporarily relieving for a colleague on leave or taking a temporary acting assignment (TAA), irrespective of the duration and even if the TAA is at the same grade.

Non-senior executives must complete a declaration prior to transitioning into a senior executive position irrespective of the duration. This also includes TAAs. Declaration of private interests also applies to any non-senior executive nominated by the Secretary, or their delegate/s.

Mandated non-senior executives must also complete a declaration prior to being placed against the mandated position.

Please note a SEPID is required for each mandated position which is valid until 30 November each year. Provided you do not identify changes to your private interests you can act in the same position multiple times without the need for further declarations unless your circumstances change.

5 Procedure

Senior executives and non-senior executives sitting in a SEPID mandated position 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 SEPID must be completed:

- At least **annually**
- As soon as practicable, **following any change** in an employee's private interests
- **Prior** to commencing in a new SEPID mandated position (including subsequently assigned to another role at level/grade)
- **Prior** to an assignment against a SEPID mandated position (including temporary acting arrangements irrespective of how long you will be in the role for)
- As **directed** by the Secretary or their delegate/s.

Non-senior executives moving to a SEPID mandated position must also complete a declaration **prior to** moving into that position. This includes contingent labour and TAAs irrespective of the duration. Delegated Officers should ensure that movements to mandated positions are not approved until a declaration has been made and certified.

5.1 Temporary Acting Assignments

Delegated officers will not be able to certify a TAA etc. until a new declaration has been made and where required, appropriate strategies developed and endorsed to address any actual, potential or perceived conflict/s of interest with regards to a declarant's private interest/s.

It is the responsibility of the senior executive to ensure that a SEPID is completed and certified before the commencement date of a TAA. Any declaration that is made and/or certified after the date a TAA commences, will require Deputy Secretary Corporate Services (or their delegated officer) approval for non-compliant declarations. Non-compliance with the SEPID program will be reported to the Secretary.

Where there is any actual, perceived or potential conflict of interest identified, a decision on the appropriate action should be formally agreed upon consistent with the Conflicts of Interest (COI) Policy and Procedure.

5.2 Completing the SEPID online form

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

Once the SEPID online form has been completed, it will automatically workflow for review and approval by the nominated delegated officer within **seven** business days from the day of receipt. Declarants must ensure that the nominated delegated officer sits at a higher grade than the declarant. That is, a director must elect a delegated

officer that is at a minimum of an executive director level. For non-senior executive declarants, the delegated officer must be at least a director level or above.

5.3 Approving a SEPID form

Part 2 of the SEPID Quick Reference Guide has been prepared to assist delegated officers to review and certify a submitted declaration.

Delegated officers must review assigned declarations and where required, discuss and document on the relevant online form any strategies required to manage any actual, potential or perceived conflicts of interest before certifying a declaration.

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.

Where required/relevant, declarants will be prompted/required to insert the ID for an approved COI declaration, or an approved/register SEUW into the SEPID before the SEPID form can be approved. This requirement may also apply to the SEUW form where the COI is linked to the SEUW application.

A snapshot of the process is available in Appendices 2 and 3.

5.4 External/new hire SEPID

External candidates eligible for consideration for a mandated position must complete a SEPID prior to being considered and offered the mandated position. Talent Acquisition will email the eligible candidate a link to the online form to complete prior to issuing the 'Letter of Offer'. Once the delegated officer has reviewed and certified the SEPID, recruitment to the mandated position may be processed.

A snapshot of the process is available in Appendix 4.

5.5 Annual declarations

It is mandatory for all employees in a SEPID mandated position to submit an annual declaration in relation to their private interests.

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 SEPID 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.**

The DCJ Secretary is to submit their annual SEPID form to the Secretary of the Department of Premier and Cabinet.

For mandated employees who are on leave during the annual rollout, the Business Ethics and Compliance Unit (BECU) will follow-up with them once they return to work.

The BECU provides the Secretary with a report on the compliance levels for the annual program rollout.

A snapshot of the process is available in Appendix 1.

5.6 BECU Dashboard

Declarants will be able to access their SEPID (draft or completed) and any other relevant business ethics declarations/applications such as Conflicts of Interest (COI) 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.

5.7 Failure to comply

An employee in a mandated position who fails to complete a SEPID as required in this policy and procedure 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 private interest
- 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 private interests with their future supervisor and delegated officer.

5.8 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 office.

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

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

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

6 Responsibilities

6.1 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 the overall governance and implementation of DCJ's SEPID program.

Oversee and manage any non-compliance issues and risks relating to DCJ's SEPID program.

6.2 Senior executives and mandated non-senior executives

- Must put their duty to DCJ ahead of their private interests at all times.
- Where required, assist in the development and implementation of agreed actions to manage any private interests.
- Identify and declare all COI via the online forms as soon as they become aware of it.
- Identify and declare any SEUW via the online form as soon as possible.
- Manage any COI and/or SEUW identified in the SEPID in accordance with the COI and SEUW policy and procedures.
- Propose actions to appropriately manage a COI and/or SEUW that puts their public duty above their own personal interests.
- 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 the COI management plan (if relevant).

- Prior to changing roles, including taking up a TAA or secondment, notify their new supervisor and/or their new delegated officer of their SEPID prior to moving to that position.
- Submit a new declaration during the annual rollout (by 30 November) to renew their SEPID for commencement on 1 December, regardless of when they last submitted their existing SEPID.
- 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 Delegated Officers

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the SEPID.
- Review and approve SEPID within **seven** business days of receipt.
- Review and approve declarations prior to employees starting/acting in a SEPID mandated position. Educating their employees on the SEPID Program requirements, as required
- Where a declarant is required to also submit a COI and/or SEUW that these are reviewed and certified before approving the SEPID.
- Oversee and ensure that any agreed COI and/or SEUW management plans relating to their SEPID are implemented and monitored.
- Develop, endorse and monitor agreed actions to manage a declarant's private interests as outlined in the SEPID Policy and Procedure and other related documents
- Participate in the annual rollout and ensure that SEPIDs are certified by 30 November each year
- Advise, support and remind employees of their obligations to submit a SEPID in accordance with this policy and procedure prior to moving to a SEPID mandated position
- When a delegated officer intends to vacate a position (including a TAA), they are required to notify their replacement of any SEPID, COI and/or SEUW agreements that may be in place for their employees. 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.

6.4 Business Ethics and Compliance Unit (BECU)

The BECU will manage and administer the SEPID program by:

- Maintaining appropriate security and confidentiality of SEPID declarations

- Preparing annual reports to the Secretary on compliance with this policy
- Preparing reports for the Secretary, Executive and the Audit and Risk Committee/s, as required
- Maintaining up-to-date dashboards of SEPID declarations.
- Maintaining and updating the SEPID 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 SEPID 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.

6.5 Payroll

Sets SEPID qualifications for mandated positions into the Human Resources systems (OneSAP or JSAP).

Enters a SEPID reference number into the Human Resources systems with new end date.

6.6 DCJ Internal Audit

Conduct an audit on the SEPID 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 information provided in relation to private interests declared via the online web-based SEPID form will be encrypted and will only be available to the following:

- Secretary and their nominated staff
- BECU employees who manage the 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 SEPID 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

This policy supports adherence to:

- Code of Ethical Conduct
- Conflicts of Interest (COI) Policy and Procedure
- *Government Sector Employment Act 2013* (NSW).
- *Government Sector Employment Regulation 2014* (NSW)
- *Independent Commission Against Corruption Act 1988* (NSW)
- Gifts, Benefits and Bequests (GBB) Policy and Procedure
- PSCC2015-08 Declaration of Private Interests - Supplementary Information.
- Privacy and Personal Protection Act 1998
- Privacy Management Plan
- Secondary Employment and Unpaid Work (SEUW) Policy and Procedure
The Code of Ethics and Conduct for NSW Government Sector employees (issued by the Public Service Commission).

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

9 Document information

Document name	Senior Executive Private Interest Declaration (SEPID) Policy and Procedure
Applies to	Senior executives and mandated non-senior executive positions
Replaces	Senior Executive Private Interest Declaration (SEPID) Policy and Procedure, 26 October 2021
Document reference	AFACS/3595
Approval	25 October 2019 (the Secretary)
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

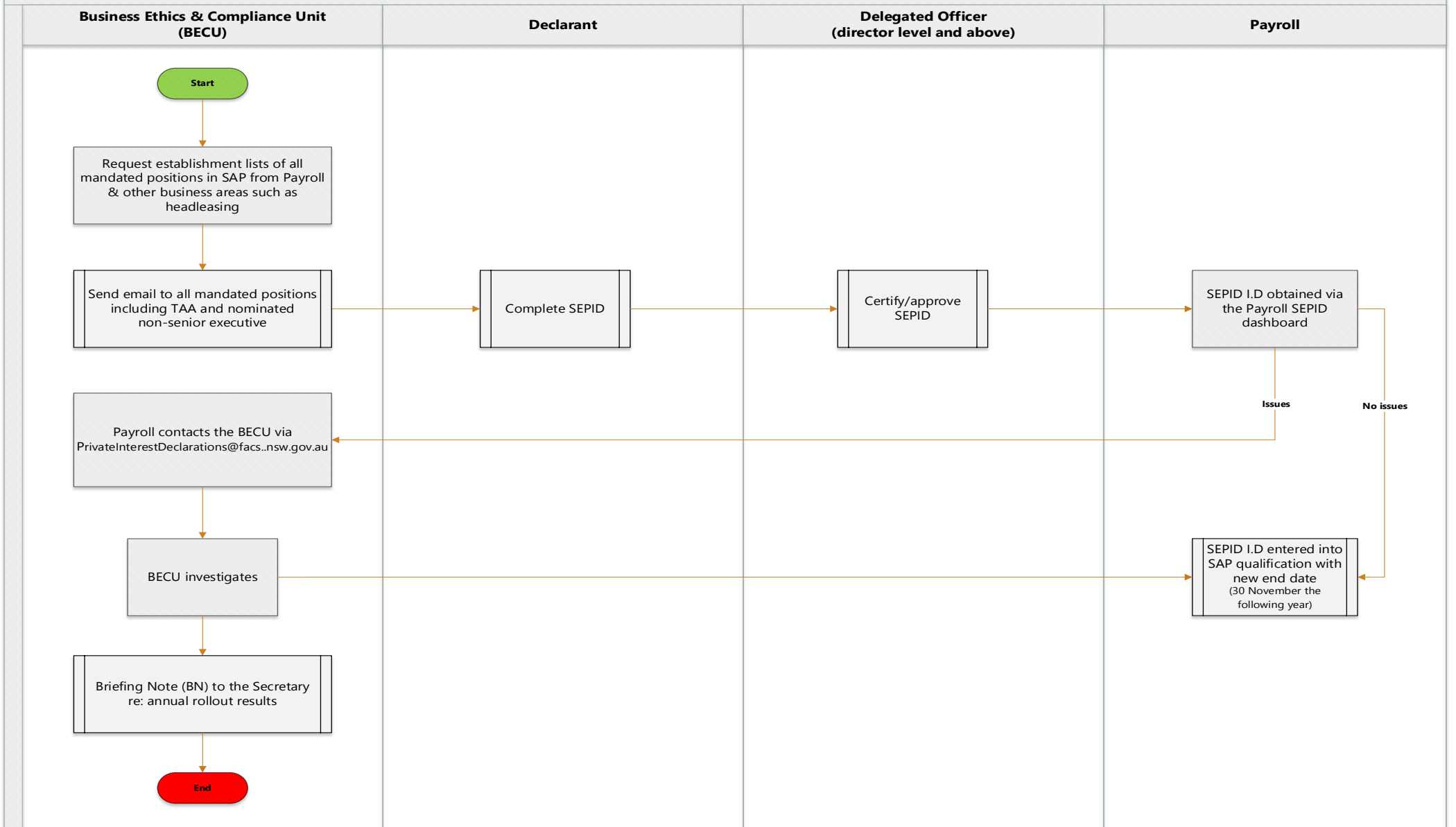
You can get advice and support about this policy and procedure from the BECU team who has carriage of this document.

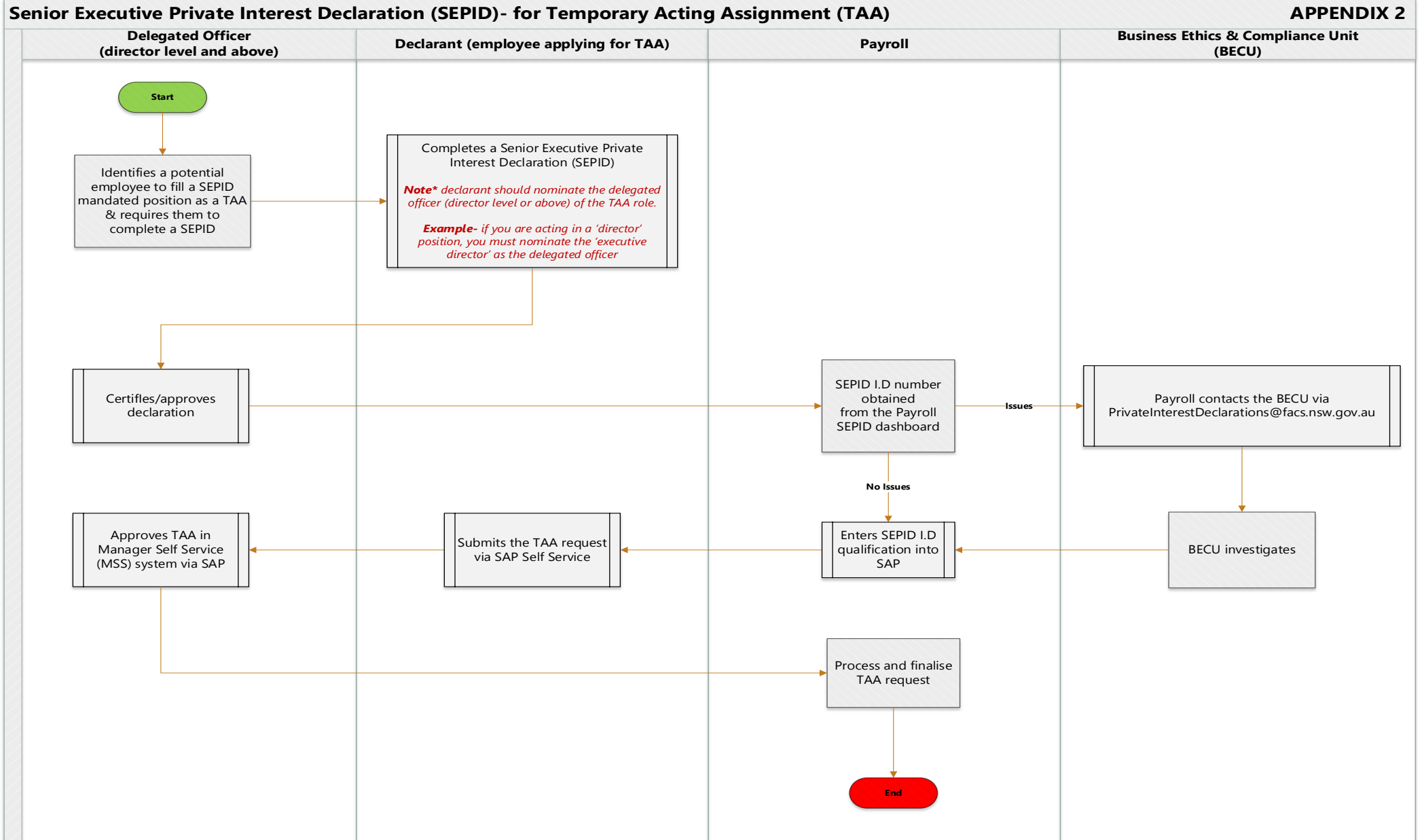
Business unit	Business Ethics and Compliance Unit (BECU) Audit, Risk and Compliance Corporate Services
Email	PrivateInterestDeclarations@fac.s.nsw.gov.au

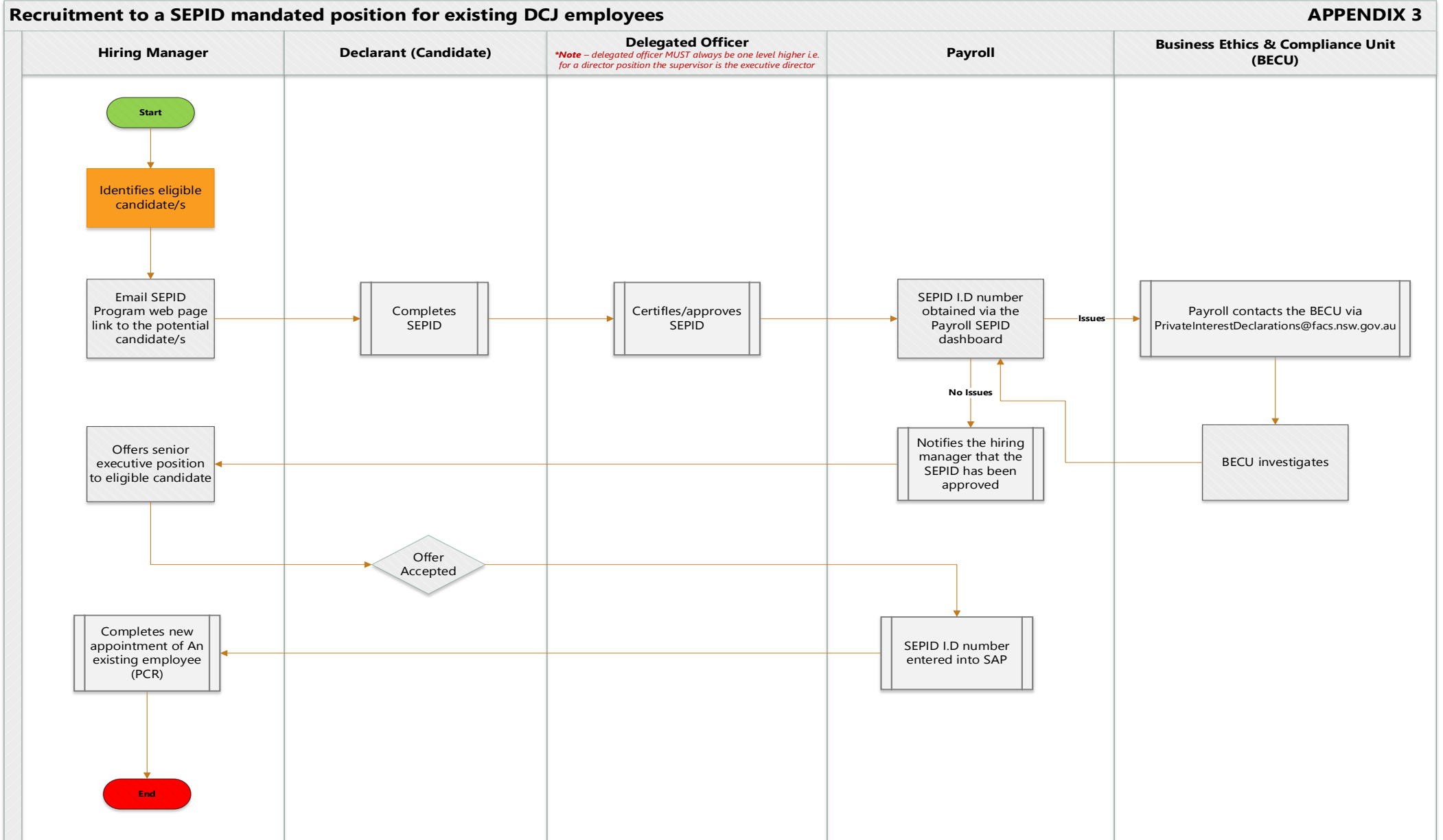
This policy and procedure is subject to change. The latest published version of the policy and procedure is available on the DCJ intranet or internet.

Senior Executive Private Interest Declaration (SEPID) - Annual Roll-out (November)

APPENDIX 1







External New Hire to a SEPID Mandated Position

APPENDIX 4

