Confidentiality and conflict of interest declaration

This form is used to declare conflicts of interest and to acknowledge obligations in relation to maintaining the confidentiality of information obtained in the performance of Office of Tasmanian Assessment, Standards and Certification (TASC) duties.

WHO SHOULD COMPLETE THIS FORM?

This form must be completed by all persons who work for or on behalf of TASC.

WHEN SHOULD THE FORM BE COMPLETED?

This form must be completed when you first start working with TASC and at least once in each calendar year whilst you continue undertaking TASC duties. You must also complete the form at other times, if there is any change to your circumstances that results in a new conflict of interest or a change to a conflict of interest you have previously declared.

HOW TO COMPLETE THIS FORM

This form is in two parts. You only need to complete **one** part, depending on your employment circumstances:

**PART A**: Complete this part if you are employed under the *State Service Act 2000.*

This includes

* TASC employees
* TASC sessional staff and casual employees
* Department of Education staff

Before completing this form, it is important that you read and understand TASC’s *Confidentiality and Conflict of Interest Disclosure Policy*. If you have any questions, please contact TASC or speak with your manager.

**PART B**: Complete this part if you are not employed under *State Service Act 2000.*

This includes contractors.

Please contact TASC if you have any questions.

Completed forms should be email to jobs@tasc.tas.gov.au

  *Please consider the environment before printing this form.*

**The State Service Code of Conduct – Section 9 *State Service Act 2000***

1. An employee must behave honestly and with integrity in the course of State Service employment.
2. An employee must act with care and diligence in the course of State Service employment.
3. An employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination.
4. An employee, when acting in the course of State Service employment, must comply with all applicable Australian law.
5. For the purpose of subsection (4) ,

***Australian law*** means –

* 1. any Act (including this Act) or any instrument made under an Act; or
	2. any law of the Commonwealth or a State or Territory, including any instrument made under such a law.
1. An employee must comply with any standing orders made under section 34(2) and with any lawful and reasonable direction given by a person having authority to give the direction.
2. An employee must maintain appropriate confidentiality about dealings of, and information acquired by, the employee in the course of that employee's State Service employment.
3. An employee must disclose, and take reasonable steps to avoid, any conflict of interest in connection with the employee's State Service employment.
4. An employee must use Tasmanian Government resources in a proper manner.
5. An employee must not knowingly provide false or misleading information in connection with the employee's State Service employment.
6. An employee must not make improper use of –
7. information gained in the course of his or her employment; or
8. the employee's duties, status, power or authority –

in order to gain, or seek to gain, a gift, benefit or advantage for the employee or for any other person.

1. An employee who receives a gift in the course of his or her employment or in relation to his or her employment must declare that gift as prescribed by the regulations.
2. An employee, when acting in the course of State Service employment, must behave in a way that upholds the State Service Principles.
3. An employee must at all times behave in a way that does not adversely affect the integrity and good reputation of the State Service.
4. An employee must comply with any other conduct requirement that is prescribed by the regulations.
5. For the purposes of this section, a reference to an employee includes a reference to an officer and a reference to State Service employment includes a reference to an appointment as an officer and an arrangement made undersection 46(1)(a) .

Part A - State Service Employee

**This declaration** is made on the day of

**By**: (full name)

**Of:** (address)

**Role at TASC:**

This declaration acknowledges my obligations under the *State Service Act 2000 (Tas)* (the Act) as an employee of the Crown in right of Tasmania (the State) under the Act in relation to the conduct of my duties for the Office of Tasmanian Assessment, Standards and Certification (TASC). This declaration is governed by the law for the time being in force in the State of Tasmania.

**I declare** that:

1. I know that I am subject to the Act while carrying out my duties for TASC.
2. I am aware of the contents of section 9 of the Act containing the State Service Code of Conduct, a copy of which is included in the preamble to this form.
3. I have particularly noted the provisions of sub-sections (7), (8) and (11) of section 9 of the Act and have considered their application to my duties for TASC, and I will comply with those provisions (both generally and in relation to confidential information) while carrying out those duties.
4. I will use all reasonable endeavours to secure all confidential information in my possession, or control against loss and unauthorised access, use, modification or disclosure.
5. I will not disclose any information obtained while carrying out my duties for TASC unless authorised to do so.
6. I will not use any information obtained while carrying out my duties for TASC for personal or commercial purposes.
7. I will return all TASC documents, data and equipment to TASC on the completion of my duties.

**I declare** that (tick all boxes that apply):

[ ]  I have read and understand TASC’s *Confidentiality and Conflict of Interest Disclosure Policy*.
You must read and understand the *Confidentiality and Conflict of Interest Disclosure Policy* before signing this form.

Based on the *Confidentiality and Conflict of Interest Disclosure Policy*, I have:

[ ]  no conflict

[ ]  an ‘actual conflict’ [ ]  a ‘perceived conflict’ [ ]  a ‘potential conflict’

**This conflict is:** [ ]  pecuniary [ ]  non-pecuniary

**The nature of the conflict(s)** (if any) is outlined below (please provide full details).

Describe how this conflict(s) might influence, or be perceived to influence, you in carrying out your assigned duties within TASC:

Will any of the following gain a benefit as a result of your decision/actions? (tick all that apply)

You or your immediate family: [ ]  No [ ]  Yes *(please specify)*

Friends or associates: [ ]  No [ ]  Yes *(please specify)*

Companies/Trusts/Associations: [ ]  No [ ]  Yes *(please specify)*

**Conflict Management Plan** –Outline how you propose to manage/resolve/eliminate/avoid the conflict

**I agree** to:

1. update this confidentiality and conflict of interest disclosure each calendar year during my employment within TASC and at such times as there are changes to my circumstances that impact the conflicts of interest that exist; and
2. implement and comply with my Conflict Management Plan, as required; and
3. comply with any conditions or restrictions imposed by TASC to manage or eliminate an actual, potential or perceived conflict of interest; and

If a situation arises that results in a unforeseen conflict of interest, or a breach of my Conflict Management Plan or other conditions or restrictions that are imposed by TASC, **I agree to**, as soon as practicable:

1. take reasonable steps to remove myself from the situation; and
2. report the situation to TASC or a TASC representative.

Signed: Date:

*Please forward completed forms to TASC by email to jobs@tasc.tas.gov.au*

**Personal Information Protection**

Your personal information will be used for the purpose for which it was collected in accordance with the *Personal Information Protection Act 2004*. A full personal information protection statement relevant to TASC is provided at <https://www.tas.gov.au/stds/pip.htm>.

**Executive Officer (or delegate) decision:**

Do the stated circumstances constitute a conflict of interest? [ ]  Yes [ ]  No

Does the proposed Conflict Management Plan adequately resolve the conflict? [ ]  Yes [ ]  No

**Additional conditions or restrictions imposed by TASC** To be determined in liaison with the relevant business area

Signed: Date:

Part B – Non State Service Employee

**This declaration** is made on the day of

 **By**: (full name)

**Of:** (address)

This declaration acknowledges my obligations to maintain appropriate confidentiality about information acquired by me in the performance of my duties relating to the Office of Tasmanian Assessment, Standards and Certification (TASC). This declaration is governed by the law for the time being in force in the State of Tasmania.

1. **In this declaration:**

“information” includes anything capable of being known and communicated to another person.
“confidential information” includes:

1. each and every item, part and component of that information; and
2. any copy (in whatever form) of confidential information, including any form in which such information is recorded or stored, whether or not it is the same form in which it was first conveyed to or came into my possession.
3. **In this declaration**, information is confidential if it is gained while carrying out my abovementioned duties, and:
4. it is marked “Cabinet in Confidence”, “Commercial in Confidence”, “confidential” or “strictly confidential” or conveyed with a statement by the person conveying it, that it is secret or conveyed in confidence; or
5. is known to be confidential; or
6. if the State might reasonably consider that the disclosure of the information to, or the use of the information by or in the interests of, any person other than itself (whether a particular person or other persons generally) would affect or prejudice its commercial or financial interests.
7. Information is not confidential information for the purposes of this declaration if:
8. it is provided to or obtained by me in the public domain through having been published or otherwise made available to the public;
9. it becomes available to the public after the date on which it is provided to me, unless it becomes available through any breach by me of my obligations, whether those obligations arise under this declaration, the Act, at common law, or in any other way;
10. it was known to me as at the date of this declaration and was not derived either directly or indirectly from the State;
11. it is or may be confidential under clause B and the State, following written enquiry by me, either:
	1. has confirmed in writing that the information is not confidential information; or
	2. has not responded in writing within a reasonable time;
12. an Order of a court of competent jurisdiction requires it to be disclosed;
13. a law requires it to be disclosed; or
14. it is disclosed for the purposes of a dispute or difference between me and the State to of obtain advice from professional advisers in connection with the dispute or difference.

**I declare** that I have (tick all boxes that apply):

* no conflict
* an ‘actual conflict’ ⬜ a ‘perceived conflict’ ⬜ a ‘potential conflict’

**This conflict is:** ⬜ pecuniary ⬜ non-pecuniary

**The nature of my conflict(s) of interest** (if any) are outlined below (please provide full details):

Describe how this conflict(s) might influence, or be perceived to influence, you in carrying out your assigned duties within TASC:

Will any of the following gain a benefit as a result of your decision/actions? (tick all that apply)

You or your immediate family: [ ]  No [ ]  Yes *(please specify)*

Friends or associates: [ ]  No [ ]  Yes *(please specify)*

Companies/Trusts/Associations: [ ]  No [ ]  Yes *(please specify)*

**Conflict Management Plan** –Outline how you propose to manage/resolve/eliminate/avoid the conflict

**I declare that:**

* I will not, without written approval of the Executive Officer, TASC make public or disclose any confidential information.
* I warrant that, to the best of my knowledge and belief, after due enquiry as at the date of this declaration, that neither I, nor any member of my immediate family, have any duties or interests that create or might reasonably be anticipated to create, conflict with my duties and interests in performing my duties for TASC, except those disclosed in writing below.
* I will not use any information obtained while carrying out my duties for TASC for personal or commercial purposes.
* I will return all TASC documents, data and equipment to TASC on the completion of my duties.
* I will use all reasonable endeavours to secure all confidential information in my possession, or control against loss an unauthorised access, use, modification or disclosure.

**I agree** to:

* update this confidentiality and conflict of interest disclosure each calendar year during my employment within TASC and at such times as there are changes to my circumstances that impact the conflicts of interest that exist; and
* implement and comply with my Conflict Management Plan, as required; and
* comply with any conditions or restrictions imposed by TASC to manage or eliminate an actual, potential or perceived conflict of interest.

If a situation arises that results in a unforeseen conflict of interest, or a breach of my Conflict Management Plan or other conditions or restrictions that are imposed by TASC, **I agree** to, as soon as practicable:

1. take reasonable steps to remove myself from the situation; and
2. report the situation to TASC or a TASC representative.

Signed: Date:

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**Personal Information Protection**

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**Executive Officer (or delegate) decision:**

Do the stated circumstances constitute a conflict of interest? [ ]  Yes [ ]  No

Does the proposed Conflict Management Plan adequately resolve the conflict? [ ]  Yes [ ]  No

**Additional conditions or restrictions imposed by TASC** To be determined in liaison with the relevant business area

Signed: Date: