

CONFIDENTIALITY AND CONFLICT OF INTEREST DISCLOSURE

POLICY



OFFICE OF TASMANIAN
ASSESSMENT, STANDARDS
& CERTIFICATION

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SCOPE

This policy applies to:

- Office of Tasmanian Assessment, Standards and Certification (TASC) staff
- TASC sessional staff and casual employees
- Department of Education (DoE) staff
- Contractors employed by TASC or DoE who have access to TASC data

This policy outlines responsibilities and expectations in relation to the declaration of conflict of interest and the maintenance of confidentiality in relation to TASC data.

PURPOSE

Public confidence in the integrity of the State Service is vital to the proper operation of government. Confidence may be jeopardised if the community perceives a conflict of interest, or if information is used or disclosed inappropriately.

The Tasmanian community has a right to expect that all officers, employees and contractors will perform their duties in a fair and unbiased way, that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss, and that TASC data are secure and protected.

This document aims to ensure that all employees are aware that:

- their private interests, both financial and personal, could conflict with their assigned duties
- they must undertake those duties with honesty and integrity and comply with the State Service Act Code of Conduct which states:

"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."

"An employee must disclose, and take reasonable steps to avoid, any conflict of interest in connection with the employee's State Service employment."

- their requirements and obligations in relation to the declaration of conflicts of interest and maintaining confidentiality.

DEFINITIONS

Casual employees: Includes Clerical Assistants and Administrative Assistants.

DoE: Department of Education.

DoE staff: Includes Department of Education officers and employees, other persons, or persons working for any organisations tasked with responsibility for managing TASC data consistent with section the *Office of Tasmanian Assessment, Standards and Certification Act 2003* (the Act).

Employee: Includes all persons to whom this policy applies.

Relationship:	Includes, but is not limited to, relationships that are family, social, financial or intimate in nature. A working relationship does not give rise to an actual or perceived conflict of interest.
TASC data:	'TASC data' means any material, documents, equipment and information that is stored and managed by DoE on behalf of TASC, whether that data is stored by TASC or by DoE, including, but not limited to, the identified student unit record data.
TASC sessional staff:	Includes Setting Examiners, Examination Critics, Marking Coordinators, Markers, Supervisor Coordinators and Supervisors.
TASC staff:	Department of Education staff made available to the Office of Tasmanian Assessment, Standards and Certification (TASC) under section 17 of the Act.

CONFLICTS OF INTEREST

Conflicts of interest may occur when financial or other private interests compromise, or have the appearance of compromising an employee's conduct or judgement in relation to their duties and responsibilities within or on behalf of TASC. Private interests can be associated with a person's family, friends or associates.

A conflict of interest can be actual, perceived or potential, pecuniary or non-pecuniary:

- **Actual** conflict of interest: the private interests of an employee interfere with their assigned duties and responsibilities.
- **Perceived** conflict of interest: it may be perceived that a public officer's private interests could improperly influence or may have improperly influenced their public duties.
- **Potential** conflict of interest: the private interests of an employee could interfere with their assigned duties in the future.
- **Pecuniary** conflict of interest: relate to monetary transactions or financial losses/benefits. This conflict of interest situation could directly lead to a financial advantage for an employee, their family, friends or associates.
- **Non-pecuniary** conflict of interest: relate to benefits which are not monetary or financial. Such a benefit could be gained by an employee themselves, their family, friends or associates.

Some examples of potential conflict of interest situations may include:

- being the parent of a child who is undertaking a TASC accredited course
- having a relationship with a Principal of a school that delivers TASC accredited courses
- being the Setting Examiner for a course you are currently teaching
- using official information for personal gain; and
- being involved in secondary employment that potentially conflicts with your assigned duties.

POLICY STATEMENT

All persons who work for or on behalf of TASC must make a declaration concerning their conflicts of interest and commitment to maintain confidentiality of TASC data.

This declaration must be made when you first start working for or on behalf of TASC, and at least once in each calendar year that you continue to undertake TASC duties.

Employees must disclose any conflict of interest or potential conflict of interest at the earliest opportunity by completing the *Confidentiality and Conflict of Declaration* form. Completed forms are to be emailed to jobs@tasc.tac.gov.au

Employees should include all personal associations that may conflict with the performance of their assigned duties. These may include sporting, social and cultural relationships and activities, as well as family and other close personal relationships.

The submission of a disclosure statement does not absolve the employee's obligation to avoid a conflict.

If the statement discloses a conflict, the Executive Officer (EO), TASC, or their delegate, will determine the extent of any conflict of interest and direct the action required to resolve the conflict.

If a conflict arises subsequently through a change of duties or because of a particular job, it is the employee's responsibility to draw attention to the conflict and to take reasonable steps to avoid it. This also applies to circumstances where you did not realise there was a conflict or where, despite having a Conflict Management Plan, you become exposed to a conflict of interest situation.

For example, if you are an Exam Supervisor and you realise during the exam that your neighbour's child is undertaking that exam, this may be a conflict of interest. Reasonable steps in this situation would be to ensure a different Supervisor escorted the student on a rest break, if required, and to not engage in any direct communication with that student. You would also need to inform the Supervisor Coordinator of the conflict as soon as practical, who would include a record in the Supervision Report Form.

UNSOLICITED INDUCEMENTS

TASC must not accept unsolicited inducements made by any party, including schools, teachers, parents or students.

Unsolicited inducements include (but are not limited to) lump sum cash payments to TASC, the payment of a commission in relation to sales turnover and vouchers provided to be used at the TASC's discretion.

Acceptance of these incentives may place TASC in breach of the Government requirements, and may give rise to a perceived conflict of interest.

Discounts offered whereby the cost of a good or service will be reduced by meeting specific performance measures (e.g. early payment) are acceptable commercial arrangements, and are not considered to be an inducement.

Tender and quote documentation will state that any inducements outside of the scope of the process are not desired or relevant.

If it is unclear whether an unsolicited inducement received in a procurement process breaches the requirements, refer the matter to the EO, TASC, for advice.

HAWKING

Hawking (selling) of goods by employees and members of the public is generally not permitted in the TASC office or in locations (such as an Examination Centre) where you are working for TASC. However, the EO may permit employees to sell goods in certain circumstances. For example, it is reasonable to expect that goods offered by charitable organisations may be allowed in the workplace. It is important, however, to use common sense and make sure that where goods are made available that there is no:

- conflict of interest;
- disruption to normal work; and
- inappropriate use of departmental resources.

REPORTING A CONFLICT OF INTEREST

If an employee believes that misconduct has occurred as a result of a conflict of interest by another employee appropriate details should be reported, in the first instance, to the EO.

Complaints may also be made to the Integrity Commission.

BREACHES OF THIS PROCEDURE AND THE STATE SERVICE CODE OF CONDUCT

All alleged breaches of this procedure or the State Service Code of Conduct will be dealt with in accordance with the procedures set out in *Employment Direction No. 5 - Procedures for Investigation and Determination of whether an employee has breached the Code of Conduct*.

ASSOCIATED DOCUMENTS AND RESOURCES

- Confidentiality and Conflict of Interest Declaration form
- [The State Service Code of Conduct](#)
- [Employment Direction No. 5 – Procedures for Investigation and Determination of whether an employee has breached the Code of Conduct](#)
- [Conflicts of interests checklists and fact sheets](#) (Integrity Commission)

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