

# CONFLICT OF INTEREST POLICY AND PROCEDURE

## Scope

This policy guides Conflict of Interest procedures and expectations by Tasmanian Assessment, Standards and Certification (TASC) as legislated within the State Service Code of Conduct outlined in section 9 of the *State Service Act 2000* and in accordance with other legislation. This policy applies to all persons who are engaged to undertake duties for or on behalf of TASC.

## Purpose

The purpose of this policy is to set out the requirements and expectations for TASC in relation to conflict of interest.

TASC is committed to maintaining the highest levels of integrity to ensure public trust and confidence in the public sector. Avoiding conflicts of interest is vital to achieving this commitment.

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 is secure and protected.

This document aims to ensure that all engaged persons are aware:

- that their private interests, both financial and personal, could conflict with their assigned duties
- of their requirements and obligations in relation to the declaration of conflict of interest and maintaining confidentiality
- that 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.”

## Policy statement

This policy aligns with [Goal 2 in TASC’s Strategic Plan 2022-2023](#), to establish trusted governance and regulatory practices. The TASC values of integrity and equity are further incorporated to ensure the application of procedures are carried out fairly and all decision making remains clear and open.

All persons who are engaged to undertake duties for or on behalf of TASC must make a declaration concerning conflicts of interest. This declaration must be made when first engaged to undertake duties for or on behalf of TASC.

A declaration should include all personal associations that may conflict with the performance of their assigned duties. This 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 conflict.

This policy applies to:

- TASC staff
- TASC sessional staff and casual employees
- DECYP staff who have access to TASC data
- Contractors employed by TASC or DECYP who have access to TASC data
- Unpaid persons and/or volunteers.

## Conflict of Interest

Conflicts of interest may occur when financial or other private interests compromise or have the appearance of compromising an engaged person's conduct or judgement in relation to their duties and responsibilities within or on behalf of TASC.

Private interests include direct interests and can be associated with a person's family, friends, professional or business interests. Private interests also include indirect interests, including personal, family, professional or business interests of individuals or groups with whom the engaged persons is, or was recently, closely associated.

Private interests may be defined as pecuniary or non-pecuniary:

**Pecuniary** conflict of interest: relates to monetary transactions or financial losses/benefits. This conflict of interest situation could directly lead to financial advantage for an employee, their family, friends or associates.

**Non-pecuniary** conflict of interest: relates to benefits which are not monetary or financial. Such a benefit could be gained by an employee themselves, their family, friends, or associates.

A conflict of interest is usually then defined further as being either actual, potential, or perceived:

**Actual** conflict of interest: the private interests of an engaged person *interfere* with their assigned duties and responsibilities.

**Perceived** conflict of interest: it may be perceived that an engaged person's private interests *could* improperly influence or *may* have improperly influenced their public duties.

**Potential** conflict of interest: the private interests of an engaged person *could* interfere with their assigned duties in the future.

Some examples of actual, potential, and perceived conflict situations may include:

<b>Conflict type</b>	<b>Example situations</b>
<b>Actual</b>	A Setting Examiner is currently teaching the course that they will be setting.
<b>Perceived</b>	An employee for TASC has a child, who is a senior secondary student in Tasmania, and will be undertaking an external exam as part of their assessment.
<b>Potential</b>	An Exam Critic for Business Studies is a colleague of a teacher who is currently teaching a Business Studies class. They are both employed at the same school.

## Conflict of Interest Procedure

### How do I make a declaration for a conflict of interest?

Persons engaged to undertake TASC duties must disclose any conflict of interest or potential conflict of interest at the earliest opportunity by:

- Completing the Confidentiality and Conflict of Interest form online via the TASC website at [www.tasc.tas.gov.au](http://www.tasc.tas.gov.au)
- Upon completion of the form, responses will automatically be sent to [jobs@tasc.tas.gov.au](mailto:jobs@tasc.tas.gov.au)

### What happens when a conflict of interest is declared?

A declaration of a conflict of interest does not necessarily exclude a person from their engagement for or on behalf of TASC. When a conflict of interest is declared, a Conflict Management Plan is proposed by the engaged persons at the time of declaration and includes how to manage, resolve, eliminate, or avoid the conflict(s).

The Conflict Management Plan aims to ensure risks are managed and resolved. The management of the conflict of interest will be made in favour of the public interest and not necessarily for the persons making the declaration.

Where a conflict of interest is declared, the Deputy Director (TASC) or their delegate will determine the extent of the conflict and direct the action required to resolve the conflict.

The actions required to resolve the conflict may be based on the following mitigation strategies:

<b>1. Register</b>	All conflicts of interest will be registered as part of the declaration.
<b>2. Restrict</b>	Restrictions placed on the person/s involved. This may be used to inform the Conflict Management Plan.
<b>3. Recruit</b>	Disinterested third party is used to oversee the process.
<b>4. Remove</b>	Where the person/s choose to be removed.
<b>5. Relinquish</b>	Where the person/s relinquishes the private interest that is creating the conflict.
<b>6. Resign</b>	Where no other options are practicable and when the person cannot/will not relinquish their conflict and proposed changes to their working responsibilities are not feasible.

For a visual representation on how conflicts are identified and managed, refer to the *Conflict of Interest Process Flow* in Appendix 1.

### What should I do when an unknown conflict of interest arises?

If a conflict arises subsequently through a change of duties or because of a particular job, it is the engaged person's responsibility to draw attention to the conflict and take reasonable steps to avoid it.

This also applies to circumstances where you have declared a conflict of interest and developed a Conflict Management Plan for that particular conflict but despite this, you became exposed to a conflict of interest situation.

#### Scenario Example

You are an Exam Supervisor and realise during an exam that your neighbour's child is undertaking that exam; this may be a conflict of interest.

Reasonable steps to action in this situation could include:

- ensuring a different Supervisor escorted the student on a rest break, if required, and
- not engaging in any direct communication with that student.

You would also need to inform the Supervisor Coordinator of the conflict as soon as practical. They will include a record of the conflict in the Supervision Report Form.

## Reporting a conflict of interest

If an engaged person believes that misconduct has occurred as a result of a conflict of interest by another engaged person, appropriate details should be reported, in the first instance, to the Deputy Director of TASC.

Complaints relating to public sector employee misconduct may also be made to the Integrity Commission Tasmania. If you would like to find out more information about this process, please visit the Integrity Commission Tasmania website at [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

## 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 TASC's discretion.

Acceptance of these incentives may place TASC in breach of 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 breached the requirements, refer the matter to the Deputy Director (TASC) for advice.

## Hawking

Hawking (selling) goods by employees, engaged persons and members of the public is generally not permitted in the TASC office or in locations (such as an Examination Centre) when undertaking duties for or on behalf of TASC. However, the Deputy Director may grant permission 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
- inappropriate use of departmental resources.

## 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*.

## Related policies

1. Confidentiality Policy
2. Personal Information Protection Policy
3. Right to Information Policy and Procedures

## Supporting information

Confidentiality and Conflict of Interest Declaration – online form

Conflict of Interest Frequently Asked Questions

Conflict of Interest Process Flow

State Service Code of Conduct

## Definitions

Casual employees:	Includes Clerical Assistants and Administrative Assistants.
Conflict Management Plan:	A document that outlines the agreed measures to be implemented to mitigate or resolve an actual, potential, or perceived conflict of interest held by an engaged person for TASC.
DECYP	Department for Education, Children and Young People.
DECYP staff:	Includes Department for Education, Children and Young People officer and employees, other persons working for any organisation tasked with the responsibility for managing TASC data consistent with section 17 of the <i>Tasmanian Assessment, Standards and Certification Act 2003 (the Act)</i> .
Engaged persons:	Includes all persons to whom this policy applies.
Employee:	Includes all persons who are employed as a public officer in the public sector.
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:	Means any material, documents, equipment, and information that is stored and managed by DECYP on behalf of TASC, whether data is stored by TASC or by DECYP, including but not limited to, the identified student record data.
TASC sessional staff:	Includes Setting Examiners, Examination Critics, Marking Coordinators, Markers, Supervisor Coordinators and Supervisors.

## Legislation

Under Section [10\(1\)](#) of [the Act](#), TASC collects and records individual student information relating to senior secondary education, vocational education, higher education and other education, including data relating to the educational outcomes, attainment, retention and assessment of students.

The Tasmanian Government is committed to the principle of open access to public sector information under the [Right to Information Act 2009 \(No. 70 of 2009\)](#) and to protecting individual privacy under the [Personal Information Protection Act 2004](#).

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<b>Version</b>	2.0 – 01/08/2023
<b>Last significant review</b>	1 August 2023
<b>Review date</b>	1 August 2026
<b>This document replaced</b>	Confidentiality and Conflict of Interest Disclosure
<b>CM reference</b>	DOC/23/137638