| **Agency Heads Declaration of Interests Form** |
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| **Agency Head Obligations**  Section 12 of the *Public Service Act 1999* provides that Agency Heads[[1]](#footnote-1) must uphold and promote the Australian Public Service (APS) Values and Employment Principles.  Section 13(7) of the PS Act requires APS employees to:   * take reasonable steps to **avoid** any conflict of interest (real or apparent) in connection with the employee’s APS employment; and * disclose details of any material personal interest of the employee in connection with the employee’s APS employment.   Section 14 of the PS Act provides that Agency Heads are bound by the APS Code of Conduct in the same way as APS employees.  Agency Heads (and Senior Executive Service (SES) employees) are also required to submit, at a **minimum annually**, a written declaration of their own and their immediate family’s financial and other material personal interests.  The contents of this form must be **discussed and agreed** with the Agency Head’s relevant Minister(s). Copies must be provided to the Minister(s) and the relevant agency business team which manages conflict of interest policy.  This form must be **reviewed and resubmitted** whenever there is a change in personal circumstances and/or a change in work responsibilities that could involve a new real or apparent conflict of interest.  Agency Heads are responsible for ensuring that conflicts of interest are effectively managed in their agency. This positive duty includes monitoring compliance with the agency’s policy for disclosing and managing conflicts of interest to meet the requirements of the *Public Governance, Performance and Accountability Act 2013*.  This form should be completed having regard to the Australian Public Service Commission’s [guidance](http://www.apsc.gov.au/working-aps/integrity/integrity-resources/declaration-interests) on declarations of interests and *[\*\*any specific agency declarations policy\*\*]*.  **Acknowledgement**  By signing this form you acknowledge, as an Agency Head under the PS Act:   * you have declared details of any real or apparent conflicts of interest to the best of your knowledge * you are aware of your ongoing obligations to take reasonable steps to **avoid** any real or apparent conflicts of interest in connection with your Agency Head responsibilities * you will promptly **advise your Minister/s** of any relevant changes in your personal circumstances * relevant declarations of immediate family members’ material personal interests have also been made and privacy consents obtained and * failure to avoid and/or disclose any real or apparent conflicts of interest, or to take appropriate mitigations where a conflict of interest exists, will be taken into account in your annual performance assessment and may constitute a breach of the Code of Conduct. |
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| Part A: Employee declaration of material personal interests | | | |
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| Do you have any material personal interests to declare?  Yes  No  If yes, please list any material personal interests which could influence, or could reasonably be seen to influence, the decisions you take or the advice you give.  The types of interests and relationships that may need to be disclosed include real estate investments, shareholding, trusts or nominee companies, company directorships or partnerships, involvement in self-managed superannuation funds, other significant sources of income, significant liabilities, gifts, private business, employment, voluntary activities, donations, professional associations, memberships or affiliations, or social or personal relationships that could give rise to a real or apparent conflict with your responsibilities as Agency Head. | | | |
|  | | | |
| Signature |  | Date |  |
| Surname |  | First names |  |

Your personal information is being collected and will be used for the purpose of identifying material personal interests that could influence, or could be seen to influence, your decisions or the advice you give as Agency Head. Your information will be handled in accordance with the <insert agency name> Privacy Policy at [*insert link to agency privacy policy].*

| Part B: Declaration of consent - family member | | | |
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| *This declaration is to be completed by the immediate family member/s of the Agency Head in circumstances where the Agency Head considers that material personal interests of the family member/s could influence, or could reasonably be seen to influence, the decisions they take or the advice they give.*  I declare that:   * I am aware that my information is being collected for the purpose of identifying material personal interests that could influence, or could be seen to influence, the decisions that my family member takes or the advice they give as Agency Head. * I am aware of the Australian Privacy Principles set out in the *Privacy Act 1988* which authorise the collection, use and disclosure of my personal information for purposes relevant to the management of conflicts of interest in respect of the Agency Head. * I consent to the collection of my personal information by the [agency name]. * The list at **Part C** below of my material personal interests has been prepared on that basis. | | | |
| Signature |  | Date |  |
| Surname |  | First names |  |
| Relationship to employee |  | | |

| Part C: Declaration of material personal interests - family member | | | |
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| Please list any material personal interests you have which could influence, or could reasonably be seen to influence, the decisions that the Agency Head covered by the declaration takes or the advice they give.  The types of interests and relationships that may need to be disclosed include real estate investments, shareholding, trusts or nominee companies, company directorships or partnerships, involvement in self-managed superannuation funds, other significant sources of income, significant liabilities, gifts, private business, employment, voluntary activities, donations, professional associations, memberships or affiliations, or social or personal relationships that could give rise to a real or apparent conflict with the responsibilities of the Agency Head covered by this declaration. | | | |
|  | | | |
| Signature |  | Date |  |
| Surname |  | First names |  |

| Part D: Conflict of Interest Management Plan |
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| Further to the disclosure, are actions required to manage the conflict ***(as agreed with your portfolio Minister/s\*)***?  Yes  No |
| If yes, please record the action/s to manage any real or apparent conflicts of interest that arise from your material personal interests.  While not an exhaustive list, some examples of appropriate management actions may include: withdrawing from particular discussions, restricting the flow of information, delegating or abstaining from decisions, reassignment of duties, or relinquishing the interest or the position (e.g. relinquishing membership of a Board, selling shares, etc.).  This should also include:   * details of how the conflict arises, including if the conflict relates to a specific activity and/or circumstances mean the conflict is time-limited (e.g. specific procurement process); * details of who these actions have been agreed with; * any details in relation to others who will be notified of the conflict to support implementation of actions; * timeframes for the review of the ongoing appropriateness of actions, and effectiveness of managing the conflict; and * where relevant, supporting documents\* should be provided or future documentation processes outlined.   \*Ensure Ministerial agreement to the management plan is appropriately documented and recorded. |
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| Part E: Post-Separation Obligations | |
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| No later than the point at which an Agency Head is inclined to accept an offer of employment outside the APS, they should inform the Secretary of the Department of the Prime Minister and Cabinet, the Australian Public Service Commissioner and their Minister/s about their intentions and any potential conflict of interest arising.  Agency Heads should outline the steps being taken to mitigate the risks associated with this new employment. | |
| Initial: |  |

1. Section 7 of the *Public Service Act 1999* provides that the definition of *Agency Head* includes department Secretaries, heads of executive agencies and heads of statutory agencies [↑](#footnote-ref-1)