

## **Appendix 4**

### **ACC Declaration of Interest Policy**

#### **Response to committee question on notice relating to declarations of interest**

The ACC requires staff to report each potential conflict of interest. Each conflict of interest that is reported and entered into the Conflict of Interest Register is reviewed. Should there be an issue in the report the Integrity Assurance Team will contact the staff member and their manager to provide assistance to resolve the (real or apparent) conflict of interest. In addition to conflict of interest requirements and procedures covered in staff induction, the ACC has provided specific training to 1221 participants since 2009-2010 on “Ethics, Fraud, Corruption and Security”.

There have been no issues arising from those conflicts disclosed in the reporting period. As at 14 March 2012:

- 2010-2011: 9 reports
- 2011-2012: 8 reports

The ACC is anticipating a rise in reports due to increased education of staff as to what constitutes a conflict of interest and with the release of the ACC’s Conflicts of Interest Policy and Declaration Form.

As part of its ongoing commitment to maintaining best practice and excellence in governance, the ACC is currently reviewing its processes and is developing a new Conflict of Interest Policy.

The following are relevant parts of ACC policies and procedures relating to conflict of interest:

#### **ACC Chief Executive Instructions (published in March 2010)**

The CEI’s were introduced to ensure the ACC was in a position to manage its resources effectively, complementing both the APS and ACC Values, while meeting its obligations to stakeholders.

Paragraph 8.5.4(c) states:

All ACC officers are required to observe the APS Code of Conduct. Specifically, with respect to fraud or corruption, they must:

- (c) conduct themselves in a manner that will ensure they avoid situations where their actions may be perceived to be fraudulent, corrupt or unduly influenced by a conflict of interest, or abet, ignore or condone such breaches. Failure to do so may result in action under the APS Code of Conduct

Paragraph 8.5.5.1 Conflict of Interest - Integrity and transparency are critical for the ACC in enabling the agency to deliver its outcomes.

All staff of the ACC must be aware that private interests (both financial and personal) can conflict with official duties and staff must therefore be vigilant in the management of such issues.

All staff of the ACC have a responsibility to consider whether their actions or decisions could give rise to a real or apparent conflict of interest and if so, to take appropriate action to manage that issue.

All staff of the ACC, regardless of tenure or classification have obligations as follows:

- All staff of the ACC have a responsibility to notify managers about real, perceived or apparent conflicts of interest.
- Managers of the ACC have a responsibility, in regard to minor matters, to decide whether:
  - o there is or could be a real or perceived conflict of interest
  - o to ask the person to divest the interest
  - o to allow the person to continue their duties
  - o to change the person's duties or to transfer the person to another position where there is no conflict
  - o to assess the matter in terms of the Code of Conduct.

### **Conflict of Interest Register**

The ACC's Intranet Page on Integrity Assurance refers and has a link to the Conflict of Interest Register maintained by the Integrity Assurance Team. This register is only accessible to the Integrity Assurance Team.

### **Conflict of Interest Fact Sheet**

The ACC's Intranet Page on Integrity Assurance has a link to the Conflict of Interest Fact Sheet.

### **Fraud and Corruption Policy (published in September 2008)**

The policy is to prevent, deter, detect and investigate fraudulent or corrupt behaviour in all aspects of its business.

Prevention of fraud, corruption and conflicts of interest are integral to both the effectiveness of the ACC Risk Management Policy, Professional Standards and Integrity Management Plan, Fraud Control Plan and the APS Code of Conduct'.

Ensuring effective processes are in place to support and protect staff when reporting legitimately suspected fraudulent or corrupt behaviour, or conflicts of interest are listed as an example of the ACC's commitment to prevent, deter, detect and investigate fraudulent or corrupt behaviour.

A conflict of interest in the policy is defined on page 8 as,

‘an interest, pecuniary or otherwise, that may unduly influence decisions, conflict with the proper performance of duties, or is incompatible with impartial fulfillment of public or professional duties’.

Responsibilities of ACC staff on page 6 of the policy states:

All ACC staff are required to observe the APS Code of Conduct. Specifically, with respect to fraud or corruption, they will conduct themselves in a manner that will ensure they avoid situations where their actions may be perceived to be fraudulent, corrupt or unduly influenced by a conflict of interest; or abet, ignore or condone such breaches. Failure to do so may result in action under the APS Code of Conduct.