

1. BACKGROUND

The *Public Governance, Performance and Accountability Act 2013* (PGPA) places an express statutory duty on all officials of AIMS, including Council members, to disclose material personal interests relating to AIMS' affairs.

This Protocol provides the process through which disclosures of interests are managed.

2. DECLARATIONS PROCESS

1. A Declaration of Interests Register will be maintained by the Chief Executive's Office and published as a standing agenda item at each Council meeting.
2. The Register of Interests shall be reviewed at the commencement of each meeting and any changes in material personal interests shall be disclosed.
3. The Register of Interests shall comprise a summary of:
 - (a) Positions on boards and committees, and
 - (b) Relationships with AIMS' routine clients (for example shareholdings with companies with whom AIMS is contracting), where there is a possibility of an ongoing conflict of interest.
4. At the commencement of each meeting, Council Members will nominate any actual or possible conflicts of interests for the business items to be discussed at the meeting. This will follow the following process:
 - (a) The Council Member will raise the actual or possible conflict of interest;
 - (b) The Chairman, in consultation with AIMS Senior Management, will determine on a case by case basis whether an interest is material;
 - (c) All raised matters will be recorded in the meeting minutes, include a summary as to the interest and the relationship to the matter, and if the matter was considered material;
5. If, during or between meetings, a Council Member becomes aware of a potential disclosable conflict of interest, then it must be declared.

3. GUIDANCE FOR DISCLOSURES

1. Guidelines issued by the Department of Finance are as follows:-
 - a) The type of interest need not be of a financial nature;
 - b) To be "*material*" a personal interest must give rise to a real or perceived conflict of interest;
 - c) The affairs of AIMS are required to be read broadly and thus would include collaborations between AIMS and other entities both public/government and private;
 - d) The overriding principle should be: if in doubt, declare the interest in accordance with these procedures;

2. The PGPA Rules specify the following requirements:-
- a) There is no need to disclose interests relating to a Council Member's remuneration received from AIMS; insurance cover against liabilities; details of any payment by AIMS in relation to such insurance; or details of a contract relating to any indemnity permitted under the PGPA Act.
 - b) Material personal interests must be disclosed orally or in writing to each other member of the Council.
 - c) Disclosures must include details of the nature and extent of the interest and how it relates to AIMS' affairs.
 - d) The disclosure must be made at a Council meeting as soon as practicable after the Council Member becomes aware and then updated if the interest so disclosed changes in nature or extent.
 - e) The disclosing Council Member must ensure the disclosure is recorded in the minutes of the meeting.
 - f) Where a Council Member discloses a material personal interest unless (g) applies, he/she must not be present at the meeting at which the matter in which he/she has an interest is discussed and also must not vote on the matter in question.
 - g) The requirements in (f) do not apply if: (i) the portfolio Minister has declared in writing that the Council Member may either be present or vote (or both); or (ii) the other Council Members who have not declared a material personal interest in the matter, decide he/she may either be present or vote (or both) and the decision is minuted.

4. PRACTICAL EXAMPLES OF MATERIAL PERSONAL INTERESTS

The following provides guidance of what might constitute a conflict of interest in the AIMS context:-

- (a) Where a Council Member or a family member is a party to a contract or involved in transactions with AIMS for goods or services;
- (b) Where a Council Member or a family member has a material personal interest in a transaction between AIMS and another entity in which the Council Member or a family member is an officer, substantial shareholder, partner, associate, employee, trustee or beneficiary;
- (c) Where a Council Member or a family member is engaged in some capacity or has a material personal interest in a business or entity that competes with AIMS;
- (d) Where a Council Member is in a position to assess grants including co-investments to an entity in which they or a family member is engaged in some capacity or has a material personal interest;
- (e) Where a Council Member is in a position to assess tenders from an entity in which they or a family member is engaged in some capacity or has a material personal interest;
- (f) Where a Council Member on a panel assessing tenders or evaluating applicants for an AIMS position has a personal relationship with the applicant;
- (g) Other types of interests that need to be considered are significant liabilities, gifts and paid/unpaid/voluntary outside employment;
- (h) Types that normally do not need to be disclosed are personal assets, works of art, jewellery, furniture, antiques and any other items or relationships that are unlikely to involve a conflict of interest or pose a threat to a Council Member's probity or objectivity.

5. PROCESS

Council shall give careful consideration to any material personal interest raised by any Member in relation to matters to be discussed at its meetings. If Council agrees that a conflict of interest exists, that Member shall be recused from the relevant discussion and any decision/s relating to the matter.

Council Members who have declared a material personal interest in a matter to be considered by Council may only be present and/or vote at a meeting considering the matter if the portfolio Minister makes a declaration under the PGPA Act, or if other Council Members who have not disclosed a material personal interest, decide he/she may either be present or vote (or both) and the decision is minuted.

All conflicts of interest must be formally recorded in the meeting minutes.

6. INVESTIGATION OF BREACHES

Any breaches of this protocol shall be investigated in accordance with AIMS Disciplinary Procedures for serious misconduct, with the investigation led by the Council Chairman, unless the matter relates to the Chairman, in which case an alternate investigation officer shall be nominated by Council.

7. REVIEW

The Declaration of Interests Protocol shall be reviewed every 3 years, or at an earlier date if so requested by Council.