



Blackall-Tambo

Regional Council

Employee Conflict of Interest Policy

Version	Revision Description	Approval Date
1	Adoption of Policy	20 February 2019
2	Review of Policy	17 August 2022
2.1	Review of Policy	19 August 2026

1. POLICY STATEMENT

Council is committed to conducting its business in a way that aligns with the fundamental ethic principles. That is, being guided by behaviours that ensure integrity and impartiality; promotion of the public good; a commitment to the system of government; and accountability and transparency.

Conflicts of interest; whether actual, perceived or potential; may diminish the public's trust in the way Council does business. This policy provides guidance to ensure all workers undertake their duties and responsibilities in a manner which places the public interest above their personal interests.

2. SCOPE

This policy applies to all employees including senior staff, contractors, consultants and volunteers.

3. POLICY OBJECTIVES

This policy provides transparent procedures for identifying, disclosing and managing conflicts of interest which will enable Council to:

- reduce the opportunity for improper conduct as set out in legislation;
- deal more easily with accusations of bias;
- demonstrate its commitment to good governance; and
- demonstrate it is performing in a fair and unbiased manner.

4. BACKGROUND AND/OR PRINCIPLES

A conflict of interest is a conflict between a person's official duties to Council and private interests which influence or may appear to influence the performance of those official duties.

A conflict of interest may be enough to undermine the public's confidence in Council, even where none actually exists or it has been identified and subsequently resolved.



5. GENERAL INFORMATION

5.1 Identifying Conflicts of Interest

Conflict of Interest involves a conflict between an employee's duties and responsibilities and the employee's private interests. Conflicts can be actual, perceived or potential depending on the circumstances. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.

The established test is an objective one, namely whether a reasonable member of the public properly informed, would feel that the conflict was unacceptable. Essentially it means that a reasonable member of the public would conclude that inappropriate factors could influence an official action or decision.

There are three (3) types of conflicts of interest:

- 1) Actual conflict of interest;
- 2) Perceived (or apparent) conflict of interest; and
- 3) Potential conflict of interest.

5.2 Areas of activity where conflicts may arise

A conflict of interest may arise as a result of the Council's involvement in any number of matters including the following:

- a) Appointing and managing staff;
- b) Providing sponsorships;
- c) Giving and receiving gifts;
- d) Use of resources or assets that could be used for private gain;
- e) Entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector;
- f) Collecting, retaining, accessing or using confidential information;
- g) Providing financial assistance and concessions;
- h) Performing a regulatory role in relation to the monitoring of standards;
- i) Disciplinary actions; and
- j) Providing advice.

5.3 When conflicts of interest arise

Primarily a conflict of interest will arise when there is a possibility or a perception that an employee could be influenced by a personal (private) interest when carrying out their duties.

For example, the following are some of the matters that may lead to a conflict of interest:

- a) financial interests of an employee;
- b) financial interest of an employee's spouse or family member;
- c) personal bias in relation to a particular topic;
- d) memberships of organisations held by the employee or affiliations with political, trade union or professional organisations; or
- e) personal or business relationships.



5.4 Responsibilities of employees

All employees of Council must consider the public interest when carrying out their official duties and place this above their own private or personal interests.

This is achieved by:

- carrying out all official duties in accordance with Council and legislative ethical principles as documented in Council's Code of Conduct;
- assessing their own private and personal interest to identify any action, potential or perceived conflicts of interest;
- identifying and declaring all conflicts of interest;
- avoiding all situations which may give rise to conflicts of interest; and
- managing all conflicts of interest in accordance with agreed management strategies.

All levels of management will:

- encourage a culture of disclosure within Council;
- regularly remind employees of their obligation to identify and declare conflicts of interest;
- actively liaise with employees to resolve and manage conflicts of interest;
- monitor their employee's work to develop management strategies to minimise conflicts; and
- maintain confidentiality with regards to conflict of interest declarations.

If an employee believes there may be a conflict of interest, whether real or perceived, that person must tell their supervisor promptly. Until the matter is resolved, the employee must make sure they are not part of any decision-making processes related to the matter.

If the employee feels there may be a conflict of interest between professional and corporate values, they must discuss it with their supervisor. The CEO will make the ultimate determination of whether a conflict of interest exists or not.

All reported conflicts of interest must be recorded and retained in the Council's official files.

6. DEFINITIONS

Conflict of Interest involves a conflict between an employee's duties and responsibilities and the employee's private interests. Conflicts can be actual, perceived or potential depending on the circumstances. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.

Corrupt Conduct has the meaning given to it for the purposes of the *Crime and Corruption Act 2001*.

- Is not honest or impartial, or
- Knowingly or recklessly breaches public trust, or
- Involves the misuse of agency-related information or material.
- Collusive tendering, or



- Fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or
- Dishonestly obtaining public funds or State assets, or
- Evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or
- Fraudulently obtaining or retaining an appointment.

Employee refers to members of staff who are employed on a permanent, part-time, fixed term or casual basis under award and enterprise bargaining agreement conditions. It also includes senior staff, contractors, consultants and volunteers.

Family Member/Dependent includes any person you are in a relationship with (including but is not limited to) a spouse, partner, child, brother, sister, parent, stepchild, stepparent, as well as mother-, father-, son-, daughter-, brother-, or sister-in-law, and any other person living with you (except tenants).

Gifts or benefits includes but not limited to: conference/seminar costs, gratuity, remuneration, allowance, discount, fee, subsidy, hospitality, travel, entertainment, alcohol, raffle tickets, scratch card, lotto/casket tickets, books, equipment, goods or other services received.

Interests refers to the realistic expectation that the employee or an associate directly or indirectly stand to gain a benefit or suffer a loss, depending on the outcome of an issue. Interests may be financial or non-financial.

Material Personal Interest If the private interest is substantially affected by the outcome of a decision by Council, the private interest is likely to be "material".

Non-pecuniary interest is an interest that does not have a financial component but may arise from personal or family relationships or involvement in sporting, social or cultural activities.

Official Duties is the work done by an employee that may be defined by their position description or directions given by their supervisor.

Pecuniary Interest is an interest that involves an actual or potential financial gain or loss. They may result from the employee or a related party owning property, holding shares or a position in a company bidding for council work, accepting gifts or hospitality (see 'Material Personal Interest').

Perceived conflict of interest or apparent conflict of interest can exist where it could appear to others, that the employee's private interests could improperly influence the performance of their official duties and responsibilities, whether or not this is actually the case.



Potential conflict of interest arises where an employee has private interests that could in the future conflict with your official duties and responsibilities at Council.

Private Interests are those personal, professional or business interests that can benefit or disadvantage an employee, or others an employee may wish to benefit or disadvantage. They also include the personal, professional or business interests of individuals or groups an employee associates with (e.g. relatives, friends, and non-profit associations).

7 LEGISLATIVE REFERENCE

Crime and Corruption Act 2001

Local Government Act 2009

Local Government Regulation 2012

Public Sector Ethics Act 1994

Public Service Act 2008

Integrity Act 2009

8 RELATED POLICIES/PROCEDURES

Employee Code of Conduct

Fraud Control Policy

Gifts and Benefits Policy

Privacy Policy

Procurement and Disposals Policy

Recruitment and Selection Policy

Enterprise Risk Management Strategy