

**CONFLICT OF INTEREST (STAFF) POLICY**

# **Overview**

The following has been developed as a full suite of documents councils may consider of implementing to support the management of staff conflicts of interests.

The *Local Government Act 2009* (LGA) (s13) prescribes the responsibilities of a local government employee. Specific reference to S13(2)(h-i) highlights the employees responsibilities to observe the ethical principles and complying with a code of conduct under the *Public Sector Ethics Act 1994* (PSEA).

Managing conflicts of Interest is a key issue for local governments to manage. It is best practice for CEO’s to implement a regime to support staff to be aware of their conflicts and declare and manage those such conflicts “in favour of the public interest” (PSEA s6(d)). The following could be a policy adopted by the CEO or developed as a guideline.

This template is aimed to manage conflicts of interest for staff ensuring that consideration of conflicts of interest are business as usual at the front end of all activities. However, Councils are also encouraged to implement a specific step within their contract tendering and procurement frameworks for identifying and managing conflicts of interest.

# **Related templates**

* Conflict of Interest Form (Staff) Template
* Conflict of Interest Checklist Template
* Conflict of Interest Awareness Training Template

# **References/acknowledgements:**

These templates have been developed referencing the *Local Government Act 2009, Public Sector Ethics Act 1994* and *Public Sector Act 2022* and other available reports/documentation.

Other research and reference material sourced from council websites), which the following list acknowledges:

* Charters Towers Regional Council & Isaac Regional Council
* Crime and Corruption Commission
  + Managing Conflicts of Interest in the Public Sector – Toolkit
  + Managing Conflicts of Interest in the Public Sector - Guideline
* Queensland Audit Office
  + Conflicts of interest—How do you manage yours?

*This resource has been prepared in partnership between LGMA and the Department of Housing, Local Government, Planning and Public Works through the Governance Advisory Service.*

# **TEMPLATE**

It is acknowledged that Councils will format to their own inhouse style guide when converting this template into their Policy or Document Management Framework

# **CONFLICTS OF INTEREST (STAFF) POLICY**

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| --- | --- | --- | --- |
| **Policy Number** |  | **Doc.ID** |  |
| **Policy Type:** |  | | |
| **Policy Owner** |  | | |
| **Approval Authority** | Council | | |
| **Approval Date** |  | **Resolution Number** |  |

# Purpose

This <policy> guides and assists employees in identifying and managing conflicts of interest to support ethical decision making and Council’s commitment to conducting business and delivering services with integrity, transparency and in an impartial manner.

# Scope

The <policy> applies to all employees of Council to manage instances where their private or personal interests may be contrary to those of the organisation or have the capacity to conflict with the employee’s duty to act in the public interest.

# Definitions

| **TERM** | **DEFINITION** |
| --- | --- |
| Actual | involves a direct conflict between a person/employee’s current duties and responsibilities and their existing private interest |
| Council | <insert Council name> |
| Conflict of Interest | involves a conflict between the public duty and private interests in which an employee has private-capacity interests which could improperly influence the performance of their official duties and responsibilities |
| Employee/s | Refers to full time, part time, casual, permanent or temporary employees, including those under a contract or labour hire company that carry out work for council |
| LGA | *Local Government Act 2009* |
| LGR | *Local Government Regulation 2012* |
| Perceived | where it could be perceived, or appears, that a person/employee’s private interests could improperly influence the performance of their public duties – whether or not this is in fact the case |
| Potential | arises where a person/employee has private interests that could interfere with their official duties in the future. |

# Policy Statement

Council is committed to conducting business and delivering services in a fair, transparent, accountable and impartial manner.

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.

A conflict of interest exists where a reasonable and informed person would perceive than an employee could be influenced by a private interest when carrying out their public duty.

There are three types of Conflicts that can occur:

* actual, perceived and potential.

The perception of a conflict can be as damaging as an actual conflict, because it undermines public confidence in the integrity of Council and Employees.

Personal interests may be pecuniary or non-pecuniary:

* A pecuniary interest refers to an actual or potential financial gain or loss for the person, their family, friends, or close associates.
* A non-pecuniary interest refers to an interest that is not financial or monetary but arises from such things as personal relationships, beliefs, or involvement in social, cultural, religious, or sporting activities.

## Responsibilities

#### Chief Executive Officer

The Chief Executive Officer, or delegate, must:

* maintain a register of disclosed conflicts for Council employees;
* ensure the policy is enforced;
* provide training and awareness for employees on conflict of interest issues; and
* arrange investigations of possible conflicts of interest.

The <position> ensures the policy and procedures are current, oversees and enforces the policies and refers possible breaches to the Chief Executive Officer if required.

#### All levels of Management

Directors, Managers and Supervisors are responsible for implementing this Policy, setting an example in the area of their own conflicts of interest and advising employees on appropriate ways to report and or manage their conflicts of interest.

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 minimize conflicts; and
* Maintain confidentiality with regards to conflict of interest declarations.

#### All Employees

Employees are responsible for adhering to the requirements of this Policy and supporting procedure, being aware and assessing their own conflicts of interest, promptly identifying and disclosing conflicts of interest and monitoring declared conflicts of interest.

## Recordkeeping

Conflict of Interest are to be made on the approved form, see Reference Documents below.

All reported conflicts of interest must be recorded in the Conflict-of-Interest Register maintained by <position/branch> and stored according to Council’s records management policy and procedures.

## Non-Compliance

Non-compliance with the provisions of this policy may result in disciplinary action being taken in accordance with Council’s policies and procedures.

# Legislation/Literature

*Public Service Act 2022*

*Public Sector Ethics Act 1994*

*Crime and Corruption Act 2001*

*Human Rights Act 2019*

*Local Government Act 2009*

*Local Government Regulations 2012*

[*Managing Conflicts of Interest in the public sector*](https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CMC/Bulletins%2Cseries-and-discussion-papers/Managing-conflicts-of-interest-in-the-public-sector-Toolkit-2004.pdf) *– Toolkit (CCC)*

# References

|  |  |
| --- | --- |
| **Doc Reference** | **Document Name** |
|  | Refer to any other relevant policies/procedures/forms |
| Code of Conduct (Staff) |  |
| Conflict of Interest (Staff) Form |  |
| Conflict of Interest (Staff) Procedure |  |
| Disciplinary Procedure |  |