




Policy Title: **EMPLOYEE CONFLICT OF INTEREST**

Policy Type: **ADMINISTRATIVE**
(Statutory, Financial, Administrative, Human Resources)

Policy Number: **A020**

Approved by Council	Last Review	Current Review	Next Review
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Implementation Department		Officer Position	
Corporate Services		Director Corporate Services	
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2.0	01-03-A020		

1.0 Purpose and Scope

This policy defines council's commitment to assist employees of Aurukun Shire Council to identify and manage conflicts of interest and to foster:

- a) integrity and impartiality.
- b) promoting the public good.
- c) commitment to the system of government; and
- d) accountability and transparency.

2.0 Reference

Local Government Act 2009

Local Government Regulation 2012

Public Service Act 2008

Public Sector Ethics Act 1994

Crime and Misconduct Act 2001

Councillor Conduct Investigation Policy and associated forms and register

Council Employee Code of Conduct

Council Fraud and Corruption Prevention and Management Policy

Council Gift Policy

3.0 Definitions

CEO refers to Chief Executive Officer

Council refers to Aurukun Shire Council

The Act shall mean the *Local Government Act 2009* (as amended).

The Regulation shall mean the *Local Government Regulation 2012* (as amended)

Employees 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 managers, contracted staff and volunteers.

Close Personal Relationships refers to family and other intimate relationships with employees including co-workers and subordinates of a domestic or sexual nature.

4.0 Policy Statement Responsibilities

The Chief Executive Officer is responsible for:

- a) maintaining a register of disclosed conflicts for Councillors and Senior Executive Management.
- b) ensuring the conflicts of interest policy is kept current.
- c) arranging investigations of possible conflicts of interest as required; and
- d) ensuring the policy is enforced.

4.1 Identifying Conflicts of Interest

A Conflict of interest is defined by the *Public Sector Act 1994* as a conflict between a person's private interests and person's official duties. It is therefore set out that:

"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 such 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.
3. Potential conflict of interest.

All employees, contractors and volunteers are directed to the Conflict of Interest Procedure and checklist on the Queensland Crime and Corruption website; 'Identifying Conflicts of Interest in the Public Sector' and 'Managing Conflicts of Interest in the Public Sector' – <http://www.ccc.qld.gov.au> for further information.

4.2 Areas of activity where conflicts may arise

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

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

4.3 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 (a financial interest of an employee's spouse or family may also be relevant)
- b) Personal bias in relation to a particular topic
- c) Memberships of other organisations held by the employee or affiliations with political, trade union or professional organisations
- d) Personal or business relationships

4.4 Responsibilities of employees

All employees of council must consider the public interest when carrying out the 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, including personal relationships
- Avoiding all situations which may give rise to conflicts of interest
- 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 minimize conflicts
- Maintain confidentiality with regards to conflict of interest declarations

All reported conflicts of interest must be recorded in the Conflict of Interest Register maintained by Governance

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation
2. The related information is amended or replaced
3. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.