
CONFLICTS OF INTEREST

APPROVALS

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CATEGORY	Statutory		
POLICY OWNER	Manager Governance and Corporate Services		
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OBJECTIVE

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

The purpose of this policy is to assist all employees 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 person's duty to act in the public interest.

SCOPE

This policy applies to all individuals administered by or working for Isaac Regional Council individuals.

DEFINITIONS

TERM / ACRONYM

MEANING

Actual	An actual conflict of interest occurs when there is a conflict between a person's official duties and responsibilities in serving the public interest, and their personal interest.
Conflict of Interest	Involves a conflict between the public duty and private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities. A conflict may exist where a decision can influence the outcome that may benefit or adversely affect an individual due to personal interests.
Individual	<ul style="list-style-type: none">• Employees, whether full-time, part-time, fixed term or on contract• Councils and Senior Executives• Volunteers; and• Employees of businesses and entities contracted to provide services to or on behalf of council
Perceived	A perceived conflict of interest occurs when a reasonable person, knowing the facts, would consider that a conflict of interest may exist, whether or not this is the case.
Potential	A potential conflict of interest occurs where a person has a personal interest that could conflict with their official duties in the future.

POLICY STATEMENT

Responsibilities

The Chief Executive Officer is responsible for:

- Maintaining a register of disclosed conflicts for Councillors and Senior Management;
- Ensuring the conflicts of interest policy is kept current;
- Arranging investigations of possible conflicts of interest as required;
- Ensuring the policy is enforced; and
- Identifying Conflicts of Interest.

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

Conflict of interest can arise when Employees are influenced, or appear to be influenced, by personal interest (s) when carrying out their duties. The perception of a conflict can be as damaging as an actual conflict, because it undermines public confidence in the integrity of IRC and Employees.

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 Employee Conflict of Interest Checklist for further information.

Areas of Activity where Conflicts may arise

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

- Appointing and managing staff.
- Providing sponsorships.
- Use of resources or assets that could be used for private gain.
- Entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector.
- Collecting, retaining, accessing or using confidential information.
- Providing financial assistance and concessions.
- Performing a regulatory role in relation to the monitoring of standards.
- Disciplinary role.

- Providing advice.
- Secondary employment.

When Conflicts of Interest arise

Primarily a conflict of interest will arise when there is a possibility or a perception that an individual 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:

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

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.
- 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; and
- 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.

LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Service Act 2008*
- *Public Sector Ethics Act 1994*
- *Crime and Corruption Act 2001*
- *Human Rights Act 2019*

REFERENCES

ID	NAME
CORP-POL-079	Code of Conduct
CORP-POL-122	Procurement
N/A	Conflict of Interest Register
CORP-FRM-194	Conflict of Interest Form
CORP-CL-100	Employee Conflict of Interest Checklist