

# Policy



## STRATEGIC

# CONFLICT OF INTEREST

## Head of Power

*Local Government Act 2009*

### Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan (2022-2027):

- Commit to open and accountable governance to ensure community confidence and trust in council and our democratic values.

## Definitions

Actual Conflict of Interest	A Council staff member, right now, could be influenced by a private interest and not put the public interest first when exercising their official duties.
Conflict of Interest	Involves a conflict between a staff member's duties and responsibilities and the staff member's private interests. A Conflict of Interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.
Corruption	Means the abuse of public office for private advantage.
Employee Code of Conduct	Council's statements informing staff how they are expected to and/or required to act.
Official Duties	Is the work done by a member of staff that may be defined by their position description or directions given by their manager or supervisor.
Perceived Conflict of Interest	A Council staff member could appear to be influenced by a private interest and not put the public interest first when exercising their official duties (whether or not this is true)
Potential Conflict of Interest	A Council staff member, in the future, could be influenced by a private interest and not put the public interest first when exercising their official duties. Staff are to be aware of these Conflicts of Interest and can inform their manager or supervisor of these; however formal declarations are not required until the conflict is perceived or actual.

Private Interests	Are those personal, professional or business relationships and interests that can benefit or disadvantage a member of staff or others a member of staff may wish to benefit or disadvantage.
Staff	means all employees, contractors and volunteers of Council, whether employed on a permanent, temporary, part-time or casual basis.

## Policy Objective

The objective of this policy is to ensure that staff are aware of their obligations and responsibilities to disclose any Conflicts of Interest that they may have between their private interests and their official duties as a member of staff of Lockyer Valley Regional Council, including secondary employment, to ensure those Conflicts of Interest are effectively assessed and managed.

## Policy Statement

The correct identification, management and monitoring of Conflicts of Interests supports the principles of integrity, fairness, transparency and accountability in Council's decision-making processes which enhances public confidence in Council.

The community has a right to expect that council staff at all levels perform their official duties in a fair and unbiased way and that the decisions they make are not affected by self-interest, private affiliations or the likelihood that they, or those close to them, will financially gain or lose from a decision in which they participate.

The perception that a Conflict of Interest has influenced an outcome can undermine public confidence in the integrity of Council and the staff member involved. Unresolved or badly managed Conflicts of Interests can lead to corruption or abuse of public office or the perception that these exist within Council.

This policy draws on the following values which underpin Council's Conflict of Interest Framework Guideline:

- Protect the public interest
- Support transparency and accountability
- Promote individual responsibility
- Build a supportive organisational culture.

To achieve this, Council:

- has established a system for managing Conflicts of Interest in the form of a clear policy and process for all staff to follow
- is building an organisational culture that supports managers, supervisors and staff in the implementation of this policy and process
- promotes and supports a positive approach to the management of perceived and actual conflicts of interests
- provides training opportunities for staff to promote and raise awareness of their individual responsibility to identify, manage and monitor perceived and actual conflicts of interest
- appropriately and securely creates and stores all documentation pertaining to conflicts of interest
- maintains confidentiality in the management of any perceived or actual conflicts of interest
- ensures that any personal information collected, stored, used or disclosed pertaining to conflicts of Interest is managed appropriately
- provides reports to the Executive Leadership Team on any issues including but not limited to, breaches prior to referring to appropriate external agencies, where applicable.

There are three types of conflicts of Interest that may be encountered by staff:

- Actual conflicts of interest
- Perceived conflict of interest
- Potential conflict of interest.

All staff are required to:

- avoid situations that place them in a position of perceived or actual conflicts of interest with their official duties to Council and the community
- attend required training to raise awareness and outline their responsibility to identify, manage and monitor perceived or actual conflicts of interest
- declare any private interests that could reasonably result in a perceived or actual conflict of interest in accordance with this policy, the Employee Code of Conduct and the conflict of interest framework guideline
- comply with reasonable and lawful directions regarding the careful assessment and management of any conflicts of interests
- develop a conflict of interest management strategy in consultation with their manager or supervisor, where appropriate
- keep Council informed of any changes in circumstances that may impact on Council's previous assessment or management of a perceived or actual conflict of interest; and
- follow this policy and the process outlined in the Conflict of Interest Framework Guideline and respond to any breaches.

The Governance and Property team will maintain a Conflict of Interest Register and will work with the Executive Leadership Team, managers, supervisors and staff to register and manage conflicts of interest in accordance with this Policy.

## Breach of this Policy

A staff member may face disciplinary action (up to and including termination) in accordance with Council's policies and procedures if the staff member:

- does not identify and disclose personal interests and/or conflicts of interests as required by this policy and the Conflict of Interest Framework Guideline;
- fails to declare any material change to a previously declared conflict of interest; or
- fails to comply with an endorsed management strategy or other reasonable and lawful direction in relation to the management of a declared conflict of interest.

A manager or supervisor may face disciplinary action (up to and including termination) if they fail to assess, manage and monitor a declared conflict of interest in accordance with this policy and the Conflict of Interest Framework Guideline.

A breach of this policy or the Conflict of Interest Framework Guideline may also give rise to regulatory obligations, including notification to the Crime and Corruption Commission.

## Human Rights

Council is committed to respecting, protecting and promoting human rights. Council has an obligation under the *Human Rights Act 2019* to give proper consideration to human rights when making a decision, and to act and make decisions in a way that is compatible with human rights. To the extent that an act or decision under this policy may engage human rights, Council will have regard to the *Human Rights Act 2019* in undertaking the act or making the decision.

## Relevant Legislation

*Crime and Corruption Act 2001*  
*Information Privacy Act 2009*

*Integrity Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

*Right to Information Act 2009*

## Related Documents

Declaration of Employee Conflict of Interest Form

Conflict of Interest Register

Conflict of Interest Framework Guideline

Disclosure of Personal Information Policy

Employee Code of Conduct

Fraud and Corruption Control Policy

Fraud and Corruption Control Plan

Gifts, Benefits and Hospitality Policy

Gifts, Benefits and Hospitality Procedure

Information Management Policy

Information Privacy Policy

Procurement Policy

Public Interest Disclosure Policy and Procedure