

STAFF CONFLICT OF INTEREST POLICY

PC06

Policy Title:	Staff Conflict of Interest Policy		
Policy Type:	People and Culture Policy		
Policy Owner:	Chief Executive Officer		
Policy Custodian:	People and Culture Manager		
Responsible Officer:	Governance Officer		
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Purpose

The purpose of this policy is to outline the obligations of staff of the West Daly Regional Council (Council) who have a personal or financial interest relating to their duties as an employee of Council. The interest can be real or perceived.

Scope

This policy applies to all employees of Council including Senior Executive Staff, contractors and consultants interacting with Council (workers).

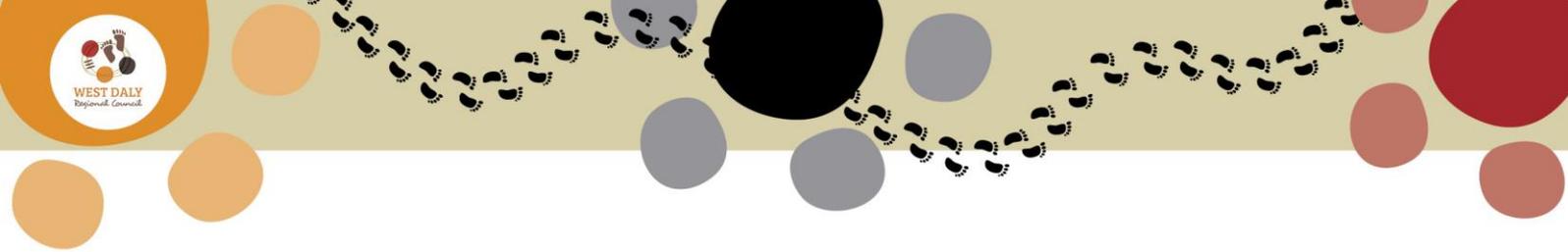
Policy Statement

1. Objectives

- 1.1. To maintain its core principle of accountability, Council must ensure that every employee performs their duties in a transparent manner.
- 1.2. To preserve public trust in Council and its activities.
- 1.3. All Council employees and workers are aware of the legal obligations set forth in the *Local Government Act 2019* (Act) and the associated regulations with regard to influence, interests, and their responsibilities concerning those interests.

2. Conflict of interest

- 2.1. Conflicts of interest occur when:



- i. An employee or a member of their family, close friend or business partner may be perceived to gain from a decision of the Council (i.e. receive money, work or other benefit)
- ii. When an employee makes or influences a decision and puts their own interest or their family, close friends, or business partners above the Council's.

2.2. Examples of when a conflict of interest may arise include:

- i. Managing and supervising employees
- ii. As a member on recruitment panels
- iii. As a member of a tender selection panels
- iv. Determining development applications
- v. Deciding grant applications
- vi. General decision making

3. Managing a conflict of interest

Section 179 of the Act (Offences for conflict of interest) states that:

3.1. A person commits an offence if:

- i. the person is a staff member; and
- ii. the person has a personal or financial interest in a matter in regard to which the staff member is required or authorised to act or give advice; and
- iii. the person does not disclose the interest:
 - a) if the person is the CEO – to the council; or
 - b) in any other case – to the CEO.

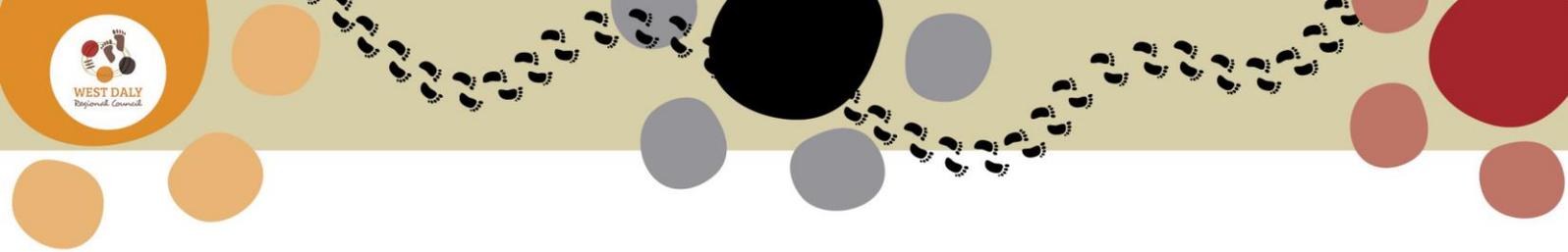
3.2. A person commits an offence if:

- i. the person is a staff member; and
- ii. the person has a personal or financial interest in a matter in regard to which the staff member is required or authorised to act or give advice; and
- iii. the person acts in the matter in a way other than as authorised by the CEO or the council (as the case requires).

4. Disclosing a conflict of interest

4.1. Should a conflict of interest occur, the employee or worker is required to:

- i. Report it to their immediate supervisor and/or the person in charge of making the decisions (such as the recruiting supervisor).
- ii. Send an email to the CEO, the director, and their manager (an employee's supervisor may send an email on their behalf).
- iii. An employee is not permitted to act or continue acting when there is a conflict of interest until the manager, director, or CEO has evaluated the conflict.



- iv. A record of the evaluation and decision must be submitted to People and Culture for saving under the workers records.

5. Recruitment Panels

- 5.1. All members of a recruitment panel must complete a conflict of interest form and submit it to the People and Culture Department.
- 5.2. If a conflict of interest exists, the employee is not permitted to continue as a panel member until the CEO has evaluated the conflict and provides a resolution in writing.

6. Tender Selection Panels

- 6.1. All members of a tender selection panel must complete a conflict of interest form and submit it to the Governance Officer.
- 6.2. If a conflict of interest exists, the employee is not permitted to continue as a panel member until the CEO has evaluated the conflict and provides a resolution in writing.

7. Annual return of interests – CEO and Senior Staff

- 7.1. The following persons must submit an annual return to the council containing the details prescribed by regulation (an annual return of interests):
 - i. a CEO;
 - ii. a council senior staff member.
- 7.2. Each person mentioned in subsection (i) or (ii) must submit the annual return of interests:
 - i. within 14 days of the commencement of the person's employment; and
 - ii. by no later than 30 September each year for the duration of the person's employment.
- 7.3. However, if the person has submitted an annual return of interests after 31 March in a calendar year, the person is not required to submit another return before 30 September in that year.

8. Supervising family members

- 8.1. Council recommends that family members not work together in roles where one could be the other's supervisor.
- 8.2. In cases where the appropriate director or the CEO consider that this cannot be avoided, the following actions must be taken:
 - i. When it comes to their jobs and position responsibilities, employees must maintain professional interactions with family members.
 - ii. Any decisions pertaining to timesheets, leave authorisation, discipline, performance reviews, and performance management must be forwarded to the next level of management or another qualified supervisor.

References

Local Government Act 2019

Definitions

For the purpose of this policy, the following definitions apply:

Term	Definition
Conflict of Interest	A conflict of interest occurs when an employee or their associate (e.g. relative, business partner or friend) has a personal or financial interest in the outcome of a Council decision or Council operations.
Conflict of interest – financial	Financial interest is where a person is likely to receive money for themselves or their associates (e.g. relatives, business partners, friends), or cause loss to another person.
Conflict of Interest – non-financial	Non-financial interest does not relate to money, but to the provision of services or access to facilities that will benefit the individual or their associates (e.g. relatives, business partners, friends).

Review History

Version No.	Approval Date	Policy No.	Policy Name	Minutes ref./resolution no.
3.0	30/01/2019	HR06	Conflict of Interest	013/2019
4.0	23/05/2024	PC06	Staff Conflict of Interest Policy	OCM-2024/46 ID: 24944

Endorsement

Signature:	
Date:	23/05/2024
Name and Position:	Mark Blackburn, A/Chief Executive Officer