

CONFLICT OF INTEREST POLICY

SCOPE

All Councillors and Employees of Banana Shire Council

LEGISLATION

Local Government Act 2009 (as amended)
Local Government Regulation 2012 (as amended)
Public Service Act 2008
Public Sector Ethics Act 1994
Crime and Misconduct Act 2001

OBJECTIVE

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

- integrity and impartiality;
- promoting the public good;
- commitment to the system of government; and
- accountability and transparency.

DEFINITIONS

| | |
|----------------|--|
| CEO | Chief Executive Officer. |
| Council | Banana Shire Council |
| The Act | The Local Government Act 2009 (as amended) |
| The Regulation | The Local Government Regulation 2012 (as amended) |
| Employees | 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 |

POLICY

Responsibilities

The Chief Executive Officer is responsible for:

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

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 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 appropriate factors council influence an official action or decision".

There are three (3) types of conflicts of interest:

- Actual conflict of interest;
- Perceived (or apparent) conflict of interest; and
- Potential conflict of interest.

All employees, contractors and volunteers are directed to Council's Conflict of Interest Procedure and checklist, and the '[Managing Conflicts of Interests in the Public Sector](#)' on the Queensland Integrity Commissioners website.

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:

- 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; and
- Providing advice.

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:

- 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 interest. 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; and
- 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 minimise 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 within 5 days of being received by the Governance Team. The Conflict of Interest register will be maintained by the Governance Team and reviewed on an annual basis.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION



**CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL**



DATE