



# BOULIA SHIRE COUNCIL

## CONFLICT OF INTEREST POLICY (EMPLOYEE)

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Related documents:	Policy 104 – Gift Policy Policy 128 - Public Interest Disclosure Policy and Procedure Policy 139 - Related Party Disclosure Policy Policy 140 - Statement of Business Ethics Policy 146 - Code of conduct Policy 151 - Model Meeting Procedures Policy Form 13 Gift & Hospitality Disclosure Form
Responsible Section:	Executive
Responsible Officer:	CEO
Legislation:	Local Government Act 2009 (Chapter 2, Div 3 s24) Public Sector Act 2022

# Conflict of Interest Policy (Employee)

## 1 Purpose

Boulia Shire Council is committed to conducting business and delivering services in a fair, transparent, accountable and impartial manner. This Conflict of Interest Policy deals with situations in which our employees may have an actual, perceived or potential conflict of interest between their public role and their personal interests.

The purpose of this policy is to set out a framework for employees and relevant persons to identify, disclose, manage and monitor conflicts of interest.

The conflicts of interest of a Councillor are managed separately to this policy and in accordance with the directives of the *Local Government Act 2009*.

## 2 Key concepts and definitions

A conflict of interest arises from a conflict between the performance of a public duty and a private or personal interest.

A **conflict of interest** includes the private, professional or business interests of a person, or of the individuals or groups with whom they have a close association, such as relatives, friends or even enemies. Interests may be **real, perceived or potential**.

- **Real:** a real conflict of interest refers to an actual or potential financial gain or loss for the person, their family, friends or close associates.
  - 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
- **Perceived:** a perceived conflict of interest refers to an interest that is not financial or monetary but arises from such things as personal relationships, beliefs or involvement in social, cultural, religious or sporting activities.
  - 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.

## 3 Scope

This policy applies to all persons administered by or working for Boulia Shire Council including:

- employees, whether full-time, part-time, fixed-term or on contract;
- committee members;
- volunteers; and
- suppliers or consultants whose contracts specify that they are bound by this policy.

## 4 Policy Statement

A conflict of interest may affect a person's judgement as to what is in the public interest, or may lead to a bias in their decision making. It is not always possible to avoid a conflict of interest. A conflict of interest is not necessarily unethical or wrong.

It is important that any actual, perceived or potential conflict of interest is identified, disclosed and effectively managed (including avoided if possible). Management of conflicts of interest must be fair, transparent, accountable and free from bias.

Persons to whom this policy applies must:

- disclose any actual, perceived or potential conflict of interest;
- seek independent advice about how a conflict will be managed; and
- are encouraged to report any actual, perceived or potential conflict of interest that they observe.

It is the responsibility of each staff member to identify potential conflicts of interest and report to their supervisor and exclude themselves from any decision making process.

## 5 Relevant legislation

Statutes may impose obligations in relation to disclosure and/or management of a conflict of interest, including (but not limited to) the following:

### 5.1

89 Conflicts of interest - public sector employee

- (1) If a public sector employee has an interest that conflicts or may conflict with the discharge of the employee's duties, the employee -
  - (a) must disclose the nature of the interest and conflict to the employee's chief executive as soon as practicable after the relevant facts come to the employee's knowledge; and
  - (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the employee's chief executive.
- (2) A public sector employee's chief executive may direct the employee to resolve a conflict or possible conflict between an interest of the employee and the employee's duties.
- (3) A reference to a public sector employee in this section does not include a reference to a chief executive of a public sector entity.

### 5.2 Local government

The *Local Government Act 2009* covers how interests are to be managed (Chapter 2, Div 3 s24).