

1. POLICY CERTIFICATION

Policy title:	Conflict of Interest
Policy number:	011
Category:	Policy
Classification:	ADM
Status:	Approved (26/6/2013 OCM)

2. PURPOSE

This policy has been developed to set the procedures and guidelines for Elected Members and staff of Roper Gulf Regional Council to follow to ensure that the Public of the Roper Gulf Region know and can be confident that the decisions made by the Elected Members and employees of Roper Gulf Regional Council are in the upmost best interest of the Roper Gulf Region.

3. ORGANISATIONAL SCOPE

This policy applies to all elected members, employees, contractors and volunteers of Roper Gulf Regional Council.

4. POLICY STATEMENT

All Elected Members and staff alike employed by any Local Council in the Northern Territory have the responsibility of operating in the public's interest without benefiting from any actual, potential or apparent personal gain. All conduct is to be undertaken in a fair, transparent and unbiased approach. The Roper Gulf Regional Council recognises that Elected Members and staff may hold a number of legitimate interests outside of the workplace; however Elected Members and staff are responsible for ensuring that these interests are disclosed and evaluated so as not to create any conflicts of interest.

5. DEFINITIONS

Associate	A person is an associate of another if: <ol style="list-style-type: none"> They are in a close family relationship; or They are in a partnership; or One is a company and another is a director or manager of the company; or One is a private company and another is a shareholder in the company; or A chain of relationships can be traced between them under one or more of the above paragraphs.
Conflict of Interest	A <i>conflict of interest</i> occurs when there is a clash between a person's private interest and their public duty. It involves a lack of impartiality, however arising, and whether or not financial

ADM011 – Conflict of Interest Policy

	gain or loss is involved.
Disclose	Make known
Improper use of Undue Influence	The use of a Council position to improperly influence others.
Pecuniary Interest	This is an interest that a person has in a matter because of the reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. Associated persons include relatives, partners and employers.
Personal Benefit	Use of confidential Council information to gain improper advantage.
RGRC	Roper Gulf Regional Council
Non-pecuniary Interest	This is any private interest that does not relate to money e.g. arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity.

6. PRINCIPLES

- 6.1 A conflict of interest arises where an individual has a private or personal interest, perceived or real, which could affect their capacity as an elected member, employee, contractor or volunteer to perform their public or professional duties in an impartial manner.
- 6.2 Having a public/professional duty and a private/personal interest does not mean there is automatically a conflict of interest.
- 6.3 Conflicts of interest can be pecuniary or non pecuniary:

6.3.1 Pecuniary Interest

- a. An Elected Member or staff member will be considered to have a pecuniary interest if:
- i. They or a person with whom they are associated has a pecuniary interest.
 - ii. Their spouse, defacto partner, relative, partner or employer has a pecuniary interest (relative includes any of the following – parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or an adopted child of the person or the person’s spouse).
 - iii. They, a nominee, partner or employer are a member of a company or other body that has a pecuniary interest.
- b. An Elected Member or staff is not taken to have a pecuniary interest if:
- i. They are unaware of the relevant pecuniary interest of the spouse, defacto partner, relative, partner, employer or company or other body.

ADM011 – Conflict of Interest Policy

- ii. They are a member of, or employed by, a Council or statutory body or by the Crown.
- iii. They are a member of or a delegate of a Council, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.
- c. An Elected Member or staff member does not have a pecuniary interest in a matter if the interest is so remote that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter.

6.3.2 Non-Pecuniary Interest

- a. May be identified if a decision that an Elected Member or staff member makes can not be justified to the public reasonably. If the decision creates reasonable suspicion or the appearance of improper conduct, the decision may be identified as a non-pecuniary conflict of interest.

6.3.3 Potential Areas of Conflict

- a. Procurement, tendering, purchasing and contracting
- b. Staff recruitment
- c. Gifts, benefits and hospitality
- d. Elected Members on boards and committees making Council decisions
- e. Private sector sponsorship
- f. Grant allocation
- g. Dual roles as a public officer and/or secondary employment

7. POLICY

7.1 Should there be a conflict of interest, the Elected Member or member of staff concerned shall not do anything which they could not justify to the public or which suggests reasonable suspicion of improper conduct or preferential treatment.

7.2 A conflict of interest must be disclosed.

7.2.1 Elected Members:

- i. Who believe they have an interest in a matter, pecuniary or otherwise, must declare that interest in any meetings or discussions where that matter is considered and that they are present at as soon as practical.
- ii. Once a declaration of a conflict of interest is made, the matter may be dealt with in a variety of methods. The method in which is chosen will depend on the circumstances of the matter. The various methods include but are not limited to:
 - take no action because the conflict is assessed as minor in nature.
 - the Elected Member is allowed limited involvement (eg, participate in the discussions but not in the decision making)
 - any involvement by the Elected Member is prohibited. Should this method be selected, the elected member should not be present at or

ADM011 – Conflict of Interest Policy

- in sight of the meeting of Council at any time during which the matter is being considered or discussed by Council or at any time during which the Council is voting on any questions in relation to the matter.
- the Elected Member is required to remove the source of conflict.
 - include an independent process to provide assurances of integrity and honesty.
- iii. Once a declaration of conflict of interest is made, it will be recorded in the minutes of that meeting.
- iv. Once a declaration of conflict of interest is made, the '*Conflict of Interest Register*' shall be updated. The '*Conflict of Interest Register*' is published onto the Roper Gulf Regional Council website. This register provides sufficient details to enable other elected members and the public to appreciate the connection of the person and the matter under consideration whilst not revealing sensitive or damaging information.

7.2.2 Chief Executive Officer:

The Chief Executive Officer may declare a conflict of interest in a matter. The Mayor will then decide on the future participation of the Chief Executive Officer at any time during which the matter is being considered or discussed or may be voted on by Council or the Committee.

7.2.3 Employees , volunteers and contractors:

- i Who believe they have an interest in a matter, pecuniary or otherwise, must declare that interest in any meetings or discussions where that matter is considered.
- ii To declare and interest, they must immediately inform their manager or supervisor.
- iii The manager or supervisor may, but does not have the responsibility to then determine which method of action to take. The various methods include but are not limited to:
 - Take no action because the conflict is assessed as minor in nature.
 - The staff member is allowed limited involvement (eg, participate in the discussions but not in the decision making)
 - Any involvement by member of staff is prohibited.
 - The member of staff is required to remove the source of conflict.
 - Include an independent process to provide assurances of integrity and honesty.

7.3 Responsibility for Making a Disclosure

7.3.1 The objective of disclosure is to protect both ones self and the Council.

7.3.2 If one is unsure as to whether or not you have a conflict of interest, full details should be given to one's Manager or Supervisor if they are a staff

ADM011 – Conflict of Interest Policy

member or to the Mayor if an Elected Member. Alternatively, independent legal advise may be sort.

7.3.3 It is not the responsibility of the Mayor, CEO, one’s Supervisor or Manager to provide you with a determination on whether or not you have a conflict of interest in a matter.

7.3.4 The responsibility of disclosure rests with the individual as the individual is often the only person who is aware of any potential conflict of interest. Roper Gulf Regional Council urges one to err on the side of caution when making decisions with regards to conflicts of interest.

8. ADDITIONAL INFORMATION: DECIDING IF THERE IS A CONFLICT OF INTEREST

The following questions may help in deciding whether one has a conflict of interest or whether ones conduct could create the impression that a conflict of interest exists:

1. Do I, a relative, friend or associate stand to gain or lose financially from Council’s decision or action on this matter?
2. Do I, a relative, friend or associate stand to gain or lose reputation from Council’s decision or action on this matter?
3. Have I contributed in a private capacity in any way to the matter before Council?
4. Have I made any promises or commitments in relation to the matter?
5. Have I received a benefit or hospitality from someone who stands to gain or lose from Council’s decision or action?
6. Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council’s consideration of the matter?
7. Could there be benefits for me in the future that could cast doubt on my objectivity?
8. If I participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?
9. Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
10. Do I need to seek advice or discuss the matter with an objective party?
11. Am I confident of my ability to act impartially and in the public interest?
12. Do I understand the possible penalties if I go on with the action?

9. REFERENCES

Acknowledgements (original author/source documents)	
Related Policies	<ul style="list-style-type: none"> • CL001 – Code of Conduct Policy • CL003 – Elected Member Gift Policy

ADM011 – Conflict of Interest Policy

	<ul style="list-style-type: none"> • CL005 – Council Meeting Procedures Policy
Related Publications	<ul style="list-style-type: none"> • Local Government Act 2012 (The Act): Section 73 and 74 • Managing Conflicts of interest in the Public Sector – Guidelines – NSW Independent Commission Against Corruption and the Crime and Misconduct Commission • Conflict of Interest/Improper use and Disclosure of Information Appendix – Victoria Daly Shire Council • Litchfield Council: Conflict of Interest Policy
Relevant Forms	<ul style="list-style-type: none"> • Conflict of Interest Register

10. DOCUMENT CONTROL

Policy number	011
Policy Owner	Governance
Endorsed by	OCM
Date approved	26/06/2013
Revisions	
Amendments	
Next revision due	May 2015

11. CONTACT PERSON

Contact person

**Manager Governance, Corporate
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