

Disclosures (Conflicts of Interest and Prescribed Personal Interests) - Council Policy

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Policy Owner	Customer Support and Governance Manager
Link to Corporate Plan	Strategic Theme 1: Effective and Inclusive Governance
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Related Legislation	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Public Sector Ethics Act 1994</i> <i>Crime and Corruption Act 2001</i> <i>Crime and Corruption Regulation 2015</i>
Related Documents	SWP - Keeping and Maintenance of Registers of Interest. Employee Code of Conduct. Procurement - Council Policy. Crime and Corruption Commission - Managing Conflicts of Interest in the Public Sector.

Policy Version	Approval Date	Adopted/Approved
1	17/08/2016	Ordinary Meeting of Council

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1. PURPOSE

The purpose of this policy is to set out Western Downs Regional Council Officers' obligations in relation to disclosures of conflicts of interest and prescribed personal interests.

2. SCOPE

This policy applies to all employees (including contractors) of Western Downs Regional Council and will assist Officers in complying with their obligations under the Code of Conduct and *Local Government Act 2009*.

This policy applies to the disclosure of information relating to:-

- a) actual, perceived and potential conflicts of interests; and
- b) prescribed personal interests.

This policy does not apply to Councillors. Arrangements for Councillors are set out in other legislative instruments.

3. POLICY

3.1 Introduction

All Council Officers have an obligation to avoid conflicts between their private interests and the public interest.

Consistent with the five local government principles, the *Local Government Act 2009* (the Act) and the *Local Government Regulation 2012* (the Regulation) provide that there is:-

- a) a general obligation for all employees to make disclosures about conflicts of interest; and
- b) a specific requirement for the *disclosure* of prescribed personal interests by senior executive employees.

All Officers are further obliged to comply with the ethics principles set out in the *Public Sector Ethics Act 1994* and Council's Employee Code of Conduct.

3.2 Principles

Council Officers should be guided by the following principles relating to disclosures of interest:-

- a) disclosures of conflicts of interests and prescribed personal interests is expected;
- b) disclosures of interests and conflicts of interest, should be made by anyone where there could be a perception of undue influence or compromised ethical behaviour;
- c) applying disclosure requirements that enhance transparency and decision making in the public interest is fundamental to good governance.

3.3 General Disclosure Requirements

3.3.1 Employees

All employees should make disclosures about any actual, perceived or potential conflict of interest between their personal interest, and their public duties, as they arise during the course of their employment with Council.

The Executive team and other employees nominated by the Chief Executive Officer, are required to make disclosures about 'prescribed' personal interests pursuant to their obligations set out in the *Local Government Regulation 2012*.

3.3.2 Employee's Related Persons

The requirement for the related persons of the Chief Executive Officer and other senior executive employees to make disclosures is set out in the *Local Government Regulation 2012*.



3.4 Conflicts of Interest

A 'conflict of interest' involves a conflict between the public duty and the private interests of an employee, where the employee has private interests which could improperly influence the performance of their official duties and responsibilities.

Conflicts of interest can be actual, perceived or potential:-

- a) an actual conflict of interest involves a direct conflict between an employee's current duties and responsibilities and existing private interests;
- b) a perceived conflict of interest can exist where it could be perceived, or appears, that an employee's private interests could improperly influence the performance of their duties – whether or not this is in fact the case; and
- c) a potential conflict of interest arises where an employee has private interests that could conflict with their official duties in the future.

3.4.1 Disclosure Requirements

All employees are required to make disclosures about any conflict of interest that arises during the course of their employment.

3.4.2 Timeframe for Making a Disclosure

As soon as an employee is of the view that a conflict may appear to exist, the employee should notify their manager and complete a disclosure form.

The initial disclosure should be made on the appropriate form within 30 days of the employee commencing in the position or being nominated to complete a form. . Any changes to the details provided in the initial form should be provided within 30 days of the change.

3.4.3 Managing Disclosures

The Mayor, Chief Executive Officer, General Manager or Manager (as appropriate) will examine the details of the case and determine which strategy to apply consistent with the Crime and Corruption Commission's toolkit for managing conflicts of interest.

3.5 Prescribed Personal Interests

Council Officers are required to make disclosures about prescribed personal interests pursuant to Schedule 5 of the *Local Government Regulation 2012*.

3.5.1 Information to be Disclosed

The information required to be disclosed is set out in Schedule 5 of the *Local Government Regulation 2012*. (as varied from time to time). The disclosure requirements for gifts and personal benefits are provided in the Disclosures Gifts and Personal Benefits Policy - Council Policy.

3.5.2 Disclosure Process

The disclosure process is in accordance with Council's Standard Work Practice for the Keeping and Maintenance of Registers of Interest. Registers will be kept in accordance with the *Local Government Regulation 2012*.

3.6 Non-Compliance and Disciplinary Action

Failure to provide known information could constitute a breach of the Code of Conduct and may lead to disciplinary action.

An employee who is required to provide information about prescribed personal interests must provide all the information of which they are aware. Failure to provide known information may lead to disciplinary action.

