

CONFLICT OF INTEREST – COUNCIL EMPLOYEES

1. Purpose & Scope

- 1.1 This Policy guides employees of Charters Towers Regional Council in identifying and managing conflicts of interest and to foster:
- integrity and impartiality;
 - promoting the public good;
 - commitment to the system of government; and
 - accountability and transparency.
- 1.2 The Policy is to be interpreted in conjunction with the Queensland Local Government Principles:
- a) transparent and effective processes, and decision-making in the public interest; and*
 - b) sustainable development and management of assets and infrastructure, and delivery of effective services; and*
 - c) democratic representation, social inclusion, and meaningful community engagement; and*
 - d) good governance of, and by, local government; and*
 - e) ethical and legal behaviour of councillors and local government employees.*

2. Commencement of Policy

- 2.1 This Policy will commence from 20 November 2024.

3. Application Of Policy

- 3.1 This Policy applies to all employees of Council including full time, part-time, contract employees, casual employees, and volunteers. It applies where an employee's personal interest might conflict with their responsibilities when undertaking their duties as a Council employee.

4. Definitions

Term	Definition
CEO	Chief Executive Officer
Council	Charters Towers Regional Council
Employees	Refers to all full time, part time, casual, and contract employees of Council and includes volunteers
Conflict of Interest	A conflict of interest is a conflict between the performance of a public duty and private or personal interest.

5. Policy Provisions

5.1 Responsibilities

The Chief Executive Officer maintains a register of disclosed conflicts for Councillors and Senior Executives. The Chief Executive Officer, or delegate, also maintains a register of disclosed conflicts for Council employees.

The Governance Officer ensures the policies are current, oversees and enforces the policies and refers possible breaches to the Chief Executive Officer if required.

Executive Managers, Managers and Employees in people leader positions are responsible for implementing this Policy, setting an example in the area of their own conflicts of interest and advising employees on appropriate ways to report and or manage their conflicts of interest.

Employees are responsible for adhering to the requirements of this Policy and D0125 - Conflict of Interest Directive, being aware of potential conflicts of interest, promptly identifying and disclosing potential or actual conflicts of interest and monitoring declared conflicts of interest.

5.2 Identifying a Possible Conflict of Interest

A Conflict of Interest is when an employee's private interests interfere, or appear to interfere, with their duty to act impartially and in the public interest.

It is therefore set out that:

"The established test is 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 inappropriate factors could influence an official action or decision".

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

Personal interests may be pecuniary or non-pecuniary:

- A *pecuniary* interest refers to an actual or potential financial gain or loss for the person, their family, friends, or close associates.
- A *non-pecuniary* 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.

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

1) Actual Conflict of Interest:

An actual conflict of interest involves a direct conflict between an employee's current duties and responsibilities and their existing private interests.

2) Perceived (or apparent) Conflict of Interest:

A perceived conflict of interest occurs where it could be perceived by others that a public officials' private interests could improperly influence the performance of their public duties, whether or not this is the case.

3) Potential Conflict of Interest:

A potential conflict of interest will arise when an employee has a private interest that could conflict with their official duties and responsibilities in the future.

Conflicts of interest may also occur when an employee's interest in a particular subject may lead to actions, activities or relationships which undermine or place Council at a disadvantage.

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 and a conflict of interest is not necessarily unethical or wrong.

However, 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.

5.3 Further Guidance:

Council's D0125 Conflict of Interest Directive sets out the steps and processes that may be used to avoid or manage a conflict of interest, how a conflict of interest is to be recorded and reported, specifies how and to whom disclosures or reports must be made, and the roles and responsibilities of various employees. Specific guidance is also provided for roles or areas where there is a high risk of a conflict of interest arising.

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All reported conflicts of interest must be recorded in the Conflict of Interest Register maintained by the Governance Officer; together with an agreed strategy for managing the conflict.

5.4 **Responsibilities of Employees**

All Employees must consider the public interest when carrying out their official duties and place this above their own private or personal interests. This is achieved by:

- Carrying out all official duties in accordance with Council and legislative ethical principles as documented in Council's Employee 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.
- Managing all conflicts of interest in accordance with agreed management strategies contained in Council's D0125 Conflicts of Interest Directive.

5.5 **All People Leaders Will Commit to:**

- Encouraging a culture of disclosure within Council.
- Regularly reminding Employees of their obligation to identify and declare conflicts of interest.
- Actively liaising with Employees to resolve and manage conflicts of interest.
- Monitoring their Employees' work to develop management strategies to minimise conflicts.
- Maintaining confidentiality with regards to conflict of interest declarations.

5.6 **Non-Compliance**

Non-compliance with the provisions of this Policy may result in disciplinary action being taken in accordance with Council's policies and procedures.

6 Variations

6.1 Council reserves the right to vary, replace or terminate this Policy from time to time.

Associated Documents

- *Crime and Corruption Act 2001*
- *Information Privacy Act 2009*
- *Integrity Act 2009*
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Records Act 2002*
- *Public Service Act 2008*
- *Public Sector Ethics Act 1994*
- *Right to Information Act 2009*
- D0125 Conflict of Interest Directive – ECM 1232709
- Conflict of Interest Register – ECM 1232711
- [Conflict of Interest Electronic Declaration Form](#) or ECM 1232710

Further Reading

Crime & Corruption Commission Queensland has a number of publications available to assist with understanding and managing conflicts of interest in the public sector and also more specifically related to local government employees. Their website is <https://www.ccc.qld.gov.au/>

Document Review			
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