

# Conflict of Interest

Policy

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# 1. Policy statement

The Greater Cities Commission (Commission) is committed to managing conflicts of interest and ensuring appropriate measures are in place to minimise any risk of bias or potential for corruption.

The Commission has zero tolerance for any form of corruption, as it can negatively impact the Commission’s financial operations and damage its reputation. It is expected that all staff representing the Commission set and meet the highest standards of professionalism and conduct.

This Conflict of Interest Policy (Policy) is intended to:

- provide a framework for staff to perform their official duties in a fair and unbiased way without regard to self-interest or personal gain;
- provide guidance to staff in the risk-based approach adopted by the Commission for identifying, disclosing, and managing conflicts of interest; and
- ensure all staff are aware of their responsibilities relating to transparent, responsible, and ethical decision-making.

This Policy must be read in conjunction with the Conflict of Interest Procedure (the Procedure).

# 2. Who does this Policy apply to?

This Policy applies to all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Policy, “staff” refers to all people to whom this Policy applies.

In this Policy, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

# 3. Definitions

<b>Conflict of interest</b>	exists when a reasonable person might perceive that a staff member’s personal interests could be favoured over their public duties.
<b>Declaration</b>	means staff are responsible for declaring any relationship or personal interest that have the potential, to impact on the unbiased and fair decisions or advice they provide.

<b>Management Strategy Plan</b>	means staff must manage any declared conflict of interest in line with a management strategy, that addresses and manages the risk of the conflict of interest, as approved by a senior executive manager or the Chief Executive Officer.
<b>Urgent situation</b>	means an urgent situation that arises where a potential conflict of interest arises unexpectedly and there is no time to complete a Conflict of Interest Declaration form.
<b>Conflict of Interest Register</b>	means where completed declaration forms are automatically recorded.

## 4. Key responsibilities

### Senior executive managers and managers

A senior executive manager or manager responsible for supervising or managing an individual or group of staff, is responsible for:

- ensuring all staff are aware of this Policy and the Procedure;
- ensuring all staff complete all relevant declaration forms;
- being aware of the kinds of conflict that might arise in for the staff they manage;
- being alert as to how conflicts of interest might be perceived outside of the Commission;
- advising staff how to address conflicts of interest;
- working with staff to establish and monitor any management plan to address declared conflicts of interest;
- taking appropriate action when a staff member is unable or unwilling to address a conflict of interest satisfactorily;
- identifying significant or sensitive projects that might warrant specific declarations of conflicts of interest; and
- addressing any concerns about conduct should they consider there might be a breach of this Policy.

### All staff

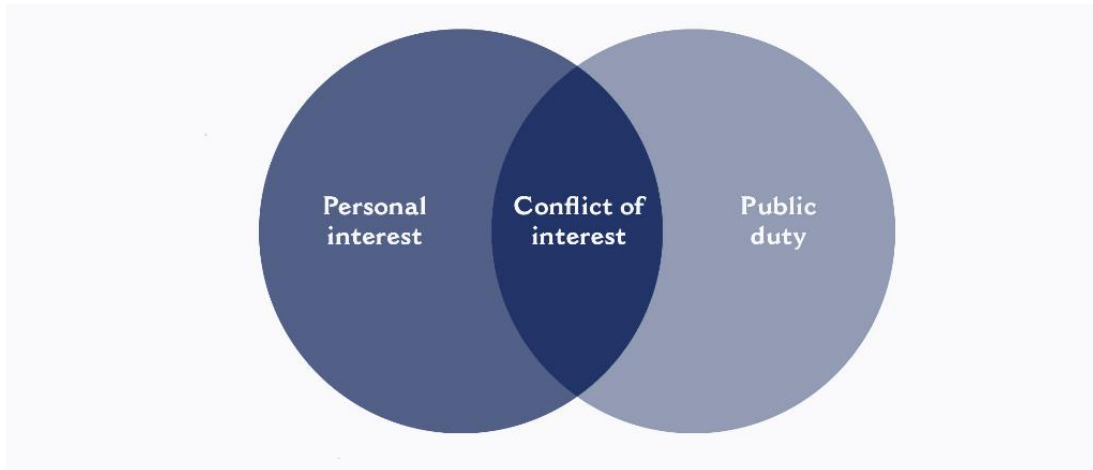
All staff have a responsibility to:

- understand and follow this Policy and the Procedure;
- avoid conflicts of interest when performing their official duties;
- determine whether they have any private interests that may conflict with their official duties;
- ensure their manager/supervisor is informed about any conflict of interest; and
- where it is not possible to completely avoid a conflict of interest, take appropriate steps to manage it.

## 5. Managing Conflict of Interest Principles

A conflict of interest exists when a reasonable person might perceive that a staff member's

personal interests could be favoured over their public duties.



There are four elements to consider when determining whether a conflict of interest exists.

1. Do you have a personal interest?
2. Do you have a public duty?
3. Is there a connection between your personal interest and your public duty?
4. Could a reasonable person perceive that the personal interest might be favoured?

Conflicts of interest do not, in themselves, usually constitute corrupt conduct. Corrupt conduct can, however, arise when a conflict of interest is concealed, understated, mismanaged, or abused.

A conflict of interest can relate to:

- **Pecuniary interest** – for example, arising from property or share ownership, secondary employment, the receipt of gifts benefits or hospitality, or other sources of income;
- or
- **Non-pecuniary interests** – which can lead to personal feelings affecting a staff member’s judgement, duties, or decisions – for example, personal or family relationships, or involvement in sporting, social or cultural activities, or workplace relationships or associations.

## 6. Reporting

### 6.1. Register

Completed declarations are recorded in the Conflict of Interest Register, which records:

- name;
- date of the declaration and the date of approval of the declaration;
- whether or not a conflict was declared; and
- how the conflict is to be managed, and approval of the Management Strategy Plan.

The Conflict of Interest Register is confidential and is maintained by People and Culture.

### 6.2. Updating Conflicts of Interest

All staff must make a declaration of private financial, business, personal or other interests or relationships upon commencing employment with, or commencing work at, the Commission, when

there is a relevant change to the person's circumstances and then on an annual basis.

If a conflict is declared, a staff member must review their declarations and management strategies every six months.

## 7. Conflict of Interest Declaration and Management

Conforming to this Policy will considerably reduce the following risks:

- misuse of position or authority;
- loss and/or unauthorised use of confidential information;
- damage to the Commission's reputation;
- inability to meet corporate objectives; and
- detrimental effect on morale and performance.

### 7.1. Identifying Conflict of Interest

Staff must disclose all conflicts of interest and discuss them with their manager/supervisor.

When an conflict of interest arises, staff must identify:

- whether an conflict may exist;
- the cause or reasons for the conflict;
- the private interests that may be involved;
- the potential for the conflict to affect the staff member's official duties and responsibility to act in the public interest;
- how the conflict could impact upon those duties; and
- the measures that might be used to minimise or remove the risks arising from the conduct.

### 7.2. Declaring a Conflict of Interest

Staff are responsible for declaring any relationships or personal interests that have the potential, or could be perceived as having the potential, to impact on the unbiased and fair decisions or advice that staff provide in the course of their duties.

Staff must complete a Declaration of Conflict of Interest form regardless of whether they have an interest to declare when:

- commencing work with the Commission;
- commencing a new role at the Commission;
- their circumstances or private interests change; or
- a new conflict of interest arises.

Conflicts of interest are recorded in the Commission's Conflicts of Interest Register.

Staff are also required to declare conflicts of interest at meetings with external stakeholders when a Probity Officer has been engaged by the Commission to attend. For more information about probity and the requirements for meetings with external stakeholders, staff should refer to the Commissions Engaging with Lobbyists and Business Contacts Policy and Procedure.

### 7.3. Managing a Conflict of Interest

If a staff member declares a conflict of interest(s), they must work collaboratively with their manager/supervisor to develop an appropriate Management Strategy Plan. The Management Strategy Plan must be agreed by both the staff member and their manager/supervisor. It must be approved by their manager and a senior executive manager.

Options for managing a conflict of interest will depend on the type of conflict, and may include:

- disclosure;
- effective supervision;
- additional training;
- exclusion of the staff member from consideration or discussion of specific matters;
- restriction of access by the staff member to related information;
- the staff member relinquishing or giving up the interest to prevent or minimise ongoing conflicts of interest; or
- reallocation of the staff member's role or duties to avoid further conflicts of interest.

Any Management Strategy Plan in place must be monitored to ensure effectiveness of the actions approved to deal with the conflict of interest.

Approval may be refused or withheld; staff may be required to provide further details or augment their Management Strategy Plan until it is satisfactory, in the absolute discretion of their manager and/or senior executive manager.

### 7.4. Unexpected Situations Raising Conflicts of Interest

If an unexpected situation arises, such as discussions at a meeting that raise a conflict of interest, the staff member must take immediate and appropriate action to manage the situation. For example, they may verbally declare the conflict and consider excusing themselves from the meeting.

Following the event, the staff member will need to declare the interest and provide this declaration to their manager/supervisor, who will forward it to a senior executive manager for approval.

### 7.5. Privacy and Confidentiality

Information provided about conflicts of interest must be handled in accordance with the [Privacy and Personal Information Act 1998](#) and the [Health Records and Information Privacy Act 2002](#).

For more information on how to handle personal information staff should refer to the Commission's Privacy Management Plan.

## 8. Breaches of the Conflict of Interest Policy

The [Government Sector Employment Act 2013](#) and the [Government Sector Employment \(General\) Rules 2014](#) with specific reference to pt 8 establishes procedures for dealing with allegations of misconduct, and the actions that may be taken. Those actions may result in any of the following actions:

- suspension and/or termination of employment;
- imposition of a fine;
- reducing remuneration;

- reducing classification or grade;
- assignment to a different role; or
- caution or reprimand.

The Commission provides reports of suspected fraud and/or corrupt conduct to the Independent Commission Against Corruption (ICAC), and in some cases, to the NSW Police Force.

Where a breach of this Policy is considered to involve potentially corrupt conduct, the Commission will notify ICAC.

ICAC has significant statutory powers to investigate serious corrupt conduct in all NSW Government departments and agencies.

## 9. Further information and resources

### 9.1. Internal Policies

- Conflict of Interest Procedure
- Acceptable Use of Official Resources – ICT Policy
- Code of Ethics and Conduct – Staff
- Engaging with Lobbyists and Business Contacts Policy
- Engaging with Lobbyists and Business Contacts Procedure
- Fraud and Corruption Control Policy
- Gifts, Benefits and Hospitality Policy
- Gifts, Benefits and Hospitality Procedure
- Privacy Management Plan
- Procurement Policy
- Public Interest Disclosures Policy
- Public Interest Disclosures Procedure
- Records Management Policy
- Risk Management Policy

### 9.2. Legislation

#### Commonwealth

- [Fair Work Act 2009](#)

#### NSW

- [Crimes Act 1900](#)
- [Crown Employees \(Planning Officers\) 2016](#)
- [Crown Employees \(Public Service Conditions of Employment\) Award 2009](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Government Sector Audit Act 1983](#)
- [Government Sector Employment \(General\) Rules 2014](#)



- [Government Sector Employment Act 2013](#)
- [Government Sector Employment Regulation 2014](#)
- [Government Sector Finance Act 2018](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Public Interest Disclosures Act 1994](#)
- [State Records Act 1998](#)

### 9.3. Other Resources

ICAC '[Conflict of interest](#)' see report 'Managing conflicts of interest in the public sector', April 2019

ICAC [What is a Conflict of Interest?](#)

[NSW Government Personnel Handbook](#)

[NSW Public Service Commission, \*Behaving Ethically: a guide for NSW government sector employees\*](#)

[NSW Public Service Commission website 'Culture and Inclusion'](#)

### 9.4. Support and/or Advice

Employee Assistance Program – (AccessEAP)      1800 818 728

[info@accesseap.com.au](mailto:info@accesseap.com.au)

Safework NSW – Information, advice or assistance      13 10 50

## 10. Document management

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