Conflict of Interest

Head of Power

Local Government Act 2009
Public Sector Ethics Act 1994
MBRC Employee Code of Conduct

Objective

To assist employees of Moreton Bay Regional Council (MBRC) to manage instances where their private or personal interests may be contrary to those of the organisation or have the capacity to conflict with the person’s duty to act in the public interest.

Definitions/Application

Definitions

“Conflict of Interest” - A conflict of interest involves a real or perceived conflict between an employee's official duties and responsibilities in serving the public interest and their private interests. A conflict of interest can arise from avoiding personal losses as well as gaining a personal advantage - whether financial or otherwise. This includes advantages to relatives, friends and business associates.

An example of a ‘real’ conflict of interest is:
Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel.

An example of a ‘perceived’ conflict of interest is:
Mary works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the funding program Mary is managing.

“Employee/s” – means all employees of Council, whether employed on a permanent, temporary, or part-time basis. This definition also includes volunteers and employees of businesses and entities contracted to provide services to, or on behalf of Council.

Application

This policy applies to all employees.

Policy Statement

MBRC is committed to ensuring that the conduct of all employees is beyond reproach and that appropriate processes are in place to assist employees to act impartially and in accordance with the public interest at all times.

All employees must place the public interest above their private or personal interests when carrying out their official duties. Employees are to achieve this by, among other things:

- Carrying out official duties in accordance with ethical and local government legislative principles as outlined in the MBRC Employee Code of Conduct;
• Assessing their private and personal interests and whether they conflict, or have potential to conflict, with their work for Council;
• Identifying and declaring any conflicts of interest;
• Avoiding, where possible, situations that may give rise to a conflict of interest; and
• Managing conflicts of interest in accordance with any agreed resolution or management plan.

Managers and Supervisors will:

• Encourage a culture of disclosure;
• Regularly remind employees of the obligation to identify and declare any conflict of interest;
• Work together with employees to resolve and manage conflicts of interest;
• Monitor the work of employees and the risks they are exposed to and develop adequate controls to minimise conflicts occurring; and
• Keep conflict of interest declarations confidential.

**Review Triggers**

This Policy is reviewed internally for applicability, continuing effect and consistency with related documents and other legislative provisions when any of the following occurs:

(1) The related documents are amended.
(2) The related documents are replaced by new documents.
(3) Amendments which affect the allowable scope and effect of a Policy of this nature are made to the head of power.
(4) Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this Policy is to be reviewed at least once every two years for relevance and to ensure that its effectiveness is maintained.

**Responsibility**

This Policy is to be:

(1) implemented by the Chief Executive Officer.
(2) reviewed and amended in accordance with the "Review Triggers" by the Director Executive & Property Services.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Version</strong></td>
<td><strong>Adoption (Council meeting / Minute Page)</strong></td>
</tr>
<tr>
<td>V1</td>
<td>Coordination Committee (10/362-363)</td>
</tr>
<tr>
<td>V2</td>
<td>Legislation amendment only (Whistleblowers Protection Act 1994 amended to Public Interest Disclosure Act 2010)</td>
</tr>
<tr>
<td>V3</td>
<td>Coordination Committee (16/642)</td>
</tr>
</tbody>
</table>

**Related Links:**

- 2160-020 Policy Directive: Conflict of Interest
- MBRC Employee Code of Conduct
- HR Kiosk Conflict of Interest Form
- Conflict of Interest Form (for new employees)
- Conflict of Interest Register – embarc / Organisational Reporting