

POLICY

4.2 CONFLICT OF INTEREST



Supporting Procedure:		
Other Related Documents:	Policy 1.1 Board of Management Policy 1.2 Board Recruitment Policy 4.1 Code of Ethics Policy 4.3 Risk Management Policy 4.4 Gifts and Benefits Conflict of Interest Register Gifts and Benefits Register	
Category:	Organisation	
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Introduction

Peel Harvey Catchment Council (PHCC) considers that raising awareness around conflict of interest helps to build organisational and individual capacity to manage work effectively and strengthens public perception and confidence.

PHCC acknowledges that it is not wrong or unethical to have a conflict of interest, but that it is important to identify and appropriately manage it where it cannot be avoided.

The objective of this policy is to provide a framework to identify and measure the level of risk posed by conflicts of interest and determine a consistent protocol for resolving concerns.

This policy provides guidance for Board, Employees and Volunteers in cases where tangible, apparent or potential conflicts of interest arise that may compromise their ability to maintain organisational transparency and/or personal integrity.

Definitions

For the purposes of this Policy:

'Board of Management' or 'Board' means the Association Members of PHCC and has the same meaning as the word 'Council' in the Constitution

'Conflict of Interest' is a situation arising from conflict between the performance of public or professional responsibility and private or personal interest where someone is in a position to derive personal benefit from actions or decisions made in their official capacity. It is an action, omission or situation that may, or may appear, to compromise the objectivity or integrity of a person's decision or action. Conflicts can be

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personal, financial or material and may be immediately apparent or have potential to occur based on forecasted risk

'Employee' means all paid employed persons of PHCC

'Representative' means any Board Member, Employee, Volunteer, Contractor or any other person working for or representing PHCC

'Volunteer' means anyone providing unpaid assistance to PHCC

Policy Statement

1 Expectations of Representatives

- 1.1 Representatives of PHCC are required to demonstrate integrity and impartiality and act in the best interests of the organisation and the community it serves by:
 - 1.1.1 Adhering to the Code of Ethics
 - 1.1.2 Serving the public interest
 - 1.1.3 Using authority responsibly
 - 1.1.4 Proactively contributing to the identification and resolution of conflicts

2 Behaviours of Representatives

Representatives must not:

- 2.1 Participate in making decisions
 - 2.1.1 From which they could benefit personally, financially or materially (including proximity to property)
 - 2.1.2 That may, or may appear to, compromise the integrity or objectivity of their decision
- 2.2 Use their position, or information, data or material obtained thereof, to provide professional, personal or financial advantage to themselves
- 2.3 Abuse their position of authority to derive unfair professional, personal or financial advantage from other Representatives or the public
- 2.4 Represent anyone other than PHCC in any matter in which they are representing a PHCC interest
- 2.5 Promote any of their own interests when at PHCC events or meetings
- 2.6 Take any action that could create an appearance of impropriety, or could cause an impartial observer to believe their actions demonstrate bias or favouritism
- 2.7 Participate in activities that are inherently incompatible with the responsibilities of their position at PHCC and PHCC's Code of Ethics
- 2.8 Have a financial interest in a contract with PHCC unless:
 - 2.8.1 they meet all specified criteria of the contract
 - 2.8.2 the contract is awarded through a transparent public procurement process, and
 - 2.8.3 they publicly disclose their financial interest

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3 Acceptance of a Conflict of Interest Risk

The natural resource management community is relatively small and specialised, so the potential for conflict of interest is significant. Situations may arise where limited availability or choice of specialist skills and knowledge means that absolute disqualification of a person or activity to completely avoid the potential for conflict of interest may not be practical or in the best interests of PHCC.

Common activities or functions where this may occur include (but are not limited to):

- Procurement of Goods or Services
- Grant and/or sponsorship funding receipt and allocation
- Recruitment of Board, Contractors and Volunteers who have other Board, Committee, volunteering, contract or employment obligations
- Project partnerships (financial, in-kind and shared outcome)
- Gifts or bequests offered
- Hospitality (using another organisation's facilities)

3.1 Acceptance of circumstances where a conflict of interest exists must:

- 3.1.1 Have utilised any and all processes in place to ensure transparency and equity (for example grant guidelines, consultation with stakeholders, steering groups, procurement processes)
- 3.1.2 be approved by the CEO, and
- 3.1.3 Be declared or notified in accordance with this policy or any other policies of PHCC relating to the activity

4 Declaring, Reporting and Managing Conflicts of Interest

- 4.1 Any Conflict of Interest that has been declared or recognised must be recorded on the Conflict of Interest Register and
 - 4.1.1 The Conflict of Interest Register must be reviewed annually by the Board of Management and in relation to the risk management strategies of the organisation
- 4.2 Representatives are expected to declare actual or potential conflicts of interest as soon as they become aware of them, and
 - 4.2.1 Declarations of a conflict of interest should be made to the persons identified in section 4.4, or,
 - 4.2.2 Where the conflict of interest arises at a meeting in relation to matters being discussed, the conflict must be declared at that meeting and recorded in any minutes to the meeting
- 4.3 In relation to the recruitment of Board Members, Contractors, Employees and Volunteers:
 - 4.3.1 Potential Representatives must declare all relevant interests, financial or otherwise, during the recruitment process
 - 4.3.2 Any identified conflict must be recorded on the Conflict of Interest Register
- 4.4 Outside of a specific meeting requirements, if an individual wishes to declare or discuss a tangible, apparent or potential conflict of interest of their own, or of another Representative of PHCC, the following protocols apply:

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- 4.4.1 Employees would consult with their immediate Manager or if the matter concerned that Manager, then the next person in authority
- 4.4.2 Managers would consult with the CEO, or
 - 4.4.2.1 if the matter concerned the CEO, then they would consult with the Chairperson or
 - 4.4.2.2 If the matter concerned the CEO and the Chairperson, then they would consult with the Deputy Chairperson
- 4.4.3 The CEO would consult with the Chairperson, or
 - 4.4.3.1 If the matter concerned the Chairperson, then they would consult with the deputy Chairperson, or
 - 4.4.3.2 If the matter concerned the Chairperson and deputy Chairperson, or the entire Board of Management, they would consult with PHCC's legal advisors
- 4.5 Unmanaged conflict of interest matters may be referred for independent review by the Board of Management to determine the circumstances and legal implications
- 4.6 Any conflict of interest that is acted upon will be managed by PHCC within the legal frameworks in which it has occurred or relates (for example to the legal expectations of a contract, employment agreement, or Board).