



CONFLICT OF INTEREST

POLICY

APRIL 2019

Document management

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Revision history	Version 1 - April 2019
Next review date	April 2021
Responsible branch	Operations and Governance

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1. Policy Statement

The Greater Sydney Commission (the 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 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.

2. Who does this Policy apply to?

The Conflict of Interest Policy (Policy) applies to all employees 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. 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 the Conflicts of Interest Policy and complete relevant declaration forms;
- being aware of the kinds of conflict that might arise in the work of staff you 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 conflict of interest; and
- addressing any concerns about conduct should you consider there might be a breach of this policy.

All staff

All staff have a responsibility to:

- understand and follow this policy;
- avoid conflicts of interest when performing their official duties;
- determine whether they have any private interests that may conflict with their official duties;
- declare any conflict of interest (which may include a 'nil' declaration) using the Commission's Conflict of Interest system;
- ensure their status is up-to-date by renewing a declaration of conflict of interest every six months and nil declarations annually;
- ensure their manager/supervisor is informed about any actual, reasonably perceived or potential conflict of interest; and
- where it is not possible to completely avoid a conflict of interest, take appropriate steps to manage it.

4. Managing Conflict of Interest Principles

A conflict of interest is a conflict between a staff member's private interest and the performance of their duties in the public interest. A conflict of interest can be:

- **Actual** – where there is a direct conflict of interest between the private interests of a person and the performance of their official duties and responsibilities;
- **Potential** – where a person has private interests that could interfere with the performance of their official duties and responsibilities in the future;
or
- **Reasonably perceived** – where it might appear to others that a person's private interest could improperly influence the performance of their official duties and responsibilities, whether or not this is in fact the case.

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.

5. Managing Conflict of Interest

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.

5.1. Identifying Conflict of Interest

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

When an actual, perceived or potential conflict of interest arises, staff must identify:

- whether an actual, perceived or potential 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.

5.2. 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 Interest regardless of whether they have an interest to declare when:

- commencing work with the Commission;
- commencing a new role;
- 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.

5.3. Managing a Conflict of Interest

If a staff member declares a conflict of interest, they must work collaboratively with their manager/supervisor to develop an appropriate management strategy. The strategy must be agreed by both the staff member and their manager/supervisor. It must be approved by a senior executive manager or the Chief Executive Officer.

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

5.4. Managing a Conflict of Interest

Where a member of staff declares a conflict of interest and prepares a plan of management in conjunction with their manager/supervisor, the plan of management must be approved by a senior executive manager or the Chief Executive Officer.

Approval may be refused or withheld; staff may be required to provide further details or augment their plan of management until it is satisfactory, in the absolute discretion of the senior executive manager or the Chief Executive Officer.

5.5. 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 or the Chief Executive Officer for approval.

6. Reporting

6.1. Register

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

- the name of the staff member;
- the 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 for the plan of management.

The Register is confidential and is maintained by the Department of Planning and Environment.

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, staff must review their declarations and management strategies every six months.

The Chief Executive Officer will make their declaration to the Secretary of the Cluster under which the Commission sits.

7. Breaches of the Conflict of Interest Policy

The *Government Sector Employment Act 2013* and the *Government Sector Employment Rules 2014* (in particular Part 8) establish procedures for dealing with allegations of misconduct, and actions 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. Where a breach of the 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.

8. Further information and resources

8.1. Internal Policies

- Greater Sydney Commission Code of Ethics and Conduct Policy
- Greater Sydney Commission Gifts, Benefits and Hospitality Policy
- Greater Sydney Commission Engaging with Lobbyists and Business Contacts Policy
- Greater Sydney Commission Public Interest Disclosures Policy
- (Draft) Greater Sydney Commission Procurement Policy
- Department of Planning and Environment Risk Management Policy

8.2. Legislation

NSW

- *Government Sector Employment Act 2013*
- *Government Sector Employment Rules 2014*
- *Government Sector Finance Act 2018*
- *Independent Commission Against Corruption Act 1988*
- *Public Finance and Audit Act 1983*
- *Public Interest Disclosures Act 1994*

8.3. Other resources

Independent Commission Against Corruption website -

<https://www.icac.nsw.gov.au/prevention/basic-standards/conflicts-of-interest> – ‘Conflicts of interest’

Independent Commission Against Corruption Fact Sheet – ‘Identifying and managing conflicts of interest in the public sector’, July 2012

NSW Public Service Commission website - <https://www.psc.nsw.gov.au/workplace-culture---diversity/workplace-culture>

8.4. Support and/or advice

Employee Assistance Program – (AccessEAP)

1800 818 728

info@accesseap.com.au

Safework NSW – Information, advice or assistance

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