



LOCAL GOVERNMENT PROCUREMENT PTY LTD

**CODE OF CONDUCT AND
CONFLICT OF INTEREST POLICY**

Code of Conduct and Conflict of Interest Policy

This Code of Conduct outlines the minimum conduct obligations for LGP Board members and staff, consultants and agents of LGP ('LGP Officers') in carrying out their LGP functions. As these functions relate to procurement that would otherwise be undertaken by councils, the LGP Code of Conduct ('Code of Conduct') imposes standards of behaviour similar to those applying to council officials. Where appropriate, the provisions of the "Model Code of Conduct for Local Councils in NSW", Office of Local Government, have been incorporated into this Code of Conduct.

LGP Officers must comply with the applicable provisions of the Code of Conduct. It is the personal responsibility of each individual LGP Officer to comply with the standards in the Code of Conduct, and regularly review their personal circumstances with this in mind.

Allegations of breaches of the Code of Conduct may be investigated and reported to the Internal Ombudsman in accordance with the LGP Complaints Policy ('Complaints Policy'). Where there is a finding of failure to comply with an applicable requirement of the Code of Conduct, any of the sanctions outlined under the Complaints Policy may be imposed.

Purpose of the Code of Conduct

The Code of Conduct has been developed to assist LGP Officers:

- understand the standards of conduct that are expected of them;
- enable them to act honestly and exercise a reasonable degree of care and diligence; and
- act in a way that enhances confidence in the integrity of LGP and local government in NSW.

Key Principles

The Code of Conduct is based on the following key principles:

- **Integrity**

LGP Officers must not place themselves under any financial or other obligations to any individual or organisation that may reasonably be thought to influence them in the performance of their duties.

- **Accountability**

LGP Officers are accountable to the LGP Board, the LGP Partnership and council customers for their decisions and actions, and must consider issues on their merits, taking into account the views of others. This means recording reasons for decisions, submitting to scrutiny, keeping proper records and establishing audit trails.

- **Honesty**

LGP Officers have a duty to act honestly. LGP Officers must declare any private interests relating to their duties as an LGP Officer and take steps to resolve any conflicts. This means observing the Code of Conduct and any applicable probity plan, following the letter and spirit of other LGP policies, codes, guidelines and procedures and fully disclosing actual, potential or reasonably perceived conflicts of interests.

- **Respect**

LGP Officers must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in the decision-making process.

General Conduct Obligations

LGP Officers must avoid behaviour that:

- contravenes any LGP policy, code, guideline, procedure or other, relevant administrative requirement;
- is detrimental to the objectives of LGP's Constitution;
- is improper or unethical;
- causes, comprises or involves intimidation, harassment or verbal abuse;
- causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.

LGP Officers must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions. LGP Officers must behave in accordance with LGP's corporate values and treat others with respect at all times.

Fairness and equity

- LGP Officers have an obligation to consider issues consistently, promptly and fairly. This involves dealing with matters in accordance with established LGP procedures, in a non-discriminatory manner.

- LGP Officers must take all relevant facts known to themselves, or that they should be reasonably aware of, into consideration and have regard to the particular merits of each situation. LGP Officers must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- LGP Officers must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Guide to ethical decision-making

If an LGP Officer is unsure about the ethical issues around an action or decision they are about to take, they should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with the LGP's objectives as outlined in its Constitution, the Code of Conduct, LGP's corporate values, any applicable probity plan or any other policy, code, guideline or procedure applying to the action or decision?
- What will the outcome be for the LGP Officer, other LGP Officers, LGP as an organisation and any other relevant parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at LGP or council customers' expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

LGP Officers have the right to question any instruction or direction given to them which they think may be unethical or unlawful. If an LGP Officer is uncertain about an action or decision, they may need to seek advice from other people. This includes their supervisor or trusted senior LGP Officer, Chairperson of the LGP Board, or the Internal Ombudsman.

Conflict of Interest

Pecuniary and non-pecuniary conflict of interests

A conflict of interest exists when an LGP Officer could be influenced, or a reasonable person would perceive that they could be influenced by a personal interest when carrying out their professional duty as an LGP Officer.

- LGP Officers must appropriately resolve any conflict or incompatibility between their private or personal interests and the impartial performance of their professional duties.
- Any conflict between their interests and those of LGP must be resolved to the satisfaction of LGP. When considering whether or not an LGP Officer has a conflict of interest, it is always important to think about how others would view their situation.
- It is essential that an LGP Officer properly addresses conflict of interest issues that may arise. LGP Officers must:
 - try to understand the concept and practical implications of conflict of interest issues;
 - accept that failure to resolve an actual, potential or reasonably perceived conflict of interest is unacceptable as an LGP Officer; and
 - take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interest.
- Perceptions of a conflict of interest are as important as actual or potential conflict of interests. The onus is on the LGP Officer to identify a conflict of interest, whether perceived or real, and take the appropriate action to resolve the conflict in favour of their professional duty.
- Where necessary, an LGP Officer must disclose an interest promptly, fully and in writing. If a disclosure is made at an LGP Board or Tender Evaluation Panel meeting, or at a formal tender/contract negotiation meeting, both the disclosure and nature of an interest must be recorded in the minutes.
- If an LGP Officer is in doubt as to whether a conflict of interest exists, they should seek legal or other appropriate advice.

A conflict of interest can be pecuniary or non-pecuniary:

Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – A private or personal interest the LGP Officer has that does not amount to a pecuniary interest (for example, a friendship, membership of an association, society or trade union, or involvement or interest in an activity and may include an interest of a financial nature).

- LGP Officers are required to complete and submit to LGP administration an initial and an annual written “Probity Advice to Local Government Procurement Authorised Officers and Staff” (Annual Probity Declaration) or alternatively, a Declaration of Confidentiality and Interest form, as required. Within this form, the LGP Officer must identify any actual, potential or reasonably perceived conflict of interest that may potentially be in conflict with their professional duties and capacity as an LGP Officer. If the LGP Officer becomes aware of any actual, potential or reasonably perceived conflict of interest, they must update their Annual Probity Declaration and resubmit it to LGP administration.
- LGP Board members must disclose any interest in a matter to be considered at a meeting, leave the meeting, and be out of sight of the meeting and not participate in discussions or voting on the matter.
- Where an LGP Officer is a member of staff of LGP, they must disclose to the Chief Executive Officer (CEO) the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable.
- If an LGP Officer has a non-pecuniary conflict of interest, the LGP Officer must disclose the nature of the conflict. If this is in a meeting, the LGP Officer must disclose this as soon as practicable to the Chairperson of the meeting.
- If an LGP Officer has declared a non-pecuniary conflict of interest the LGP Officer has a broad range of options for managing the conflict. The option the LGP Officer chooses will depend on an assessment of the circumstances of the matter, the nature of their interest and the significance of the issue being dealt with. LGP Officers must deal with a non-pecuniary conflict of interest in at least one of the following ways:
 - It may be appropriate that no action is taken where the potential for conflict is minimal. However, LGP Officers should consider providing an explanation of why they consider a conflict does not exist.
 - Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.

- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or relocating the conflicting duties to another officer).
- Have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue (particularly if the LGP Officer has a significant non-pecuniary conflict of interest).
- Include an Independent Person in the process to provide assurance of probity, in accordance with the Complaints Policy.

Other Business or Employment

An LGP Officer who is a member of staff of LGP and is considering outside employment or contract work that relates to the business of LGP or that might conflict with their LGP duties must notify and seek the approval of the CEO in writing.

- Before you engage in outside employment or business you must ensure that it will not:
 - conflict with their duties as an LGP Officer;
 - interfere with their LGP work;
 - involve using confidential information or LGP resources obtained through their work with LGP;
 - require the LGP Officer to work during their LGP working hours; or
 - discredit or disadvantage LGP.

Political support

If an LGP Board member is a councillor, the LGP Board member should note that matters before the LGP Board involving councillor campaign donors may give rise to non-pecuniary conflict of interests.

Personal Benefit

For the purposes of this section, an LGP Board member who is also a councillor should note that a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts or Benefits

All LGP Officers must declare all gifts of a value of \$50.00 or above in the Gifts Register held by the Head of Tendering & Contracting.

Those LGP Officers involved in a tender process must not accept any gifts, hospitality or other benefits from potential suppliers or organisations relating to that particular tender, either during the tender development phase or through to appointment of a successful tenderer/s.

LGP Officers must not:

- seek or accept a bribe or other improper inducement;
- by virtue of their LGP Officer's position, acquire a personal profit or advantage which has a monetary value, other than one of a nominal or token value;
- seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence the LGP Officer to:
 - act in a particular way (including making a particular decision);
 - fail to act in a particular circumstance; or
 - otherwise deviate from the proper exercise of their official duties.

An LGP Officer may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on their part.

Token Gifts & Benefits

Generally speaking, nominal or token gifts and benefits may include but are not limited to:

- gifts of single bottles of reasonably priced alcohol to individual LGP Officers at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
- free or subsidised meals, of a modest nature and/or beverages provided infrequently (and/or reciprocally), that have been arranged primarily for, or in connection with, the discussion of official business;
- free meals, of a modest nature, and/or beverages provided to LGP Officers who formally represent the LGP at work related events such as training, education sessions, workshops;
- refreshments, of a modest nature, provided at conferences where you are a speaker;
- ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages;
- invitations to appropriate out of hours "cocktail parties" or social functions organised by groups, such as councils, community organisations or professional associations.

Gifts of Value

LGP Officers must:

- never accept an offer of money, regardless of the amount;
- not accept gifts and benefits that have more than a nominal or token value. These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions;
- in the event that an LGP Officer receives a gift of more than a nominal or token value in circumstances where it cannot reasonably be refused or returned, the LGP Officer should accept the gift and disclose this promptly to their supervisor, the Chair of the LGP Board or the CEO. LGP Officers must ensure that any gifts received are recorded in a Gift Register;
- avoid a situation in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from the LGP Officer in question or LGP; and
- take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and Undue Influence

LGP Officers must not:

- take advantage of their position to improperly influence other LGP Officers in the performance of their professional duties to secure a private benefit for themselves or for somebody else;
- take advantage (or seek to take advantage) of their status or position with, or function performed for LGP, in order to obtain an unauthorised or unfair benefit for themselves or for any other person or body.

Relationships between LGP Officers

The LGP Board have the responsibility of directing and controlling the affairs of LGP.

- Board members must:
 - refrain from directing other LGP Officers, other than by giving appropriate direction to the CEO in the performance of LGP's functions by way of

resolution, or by the Chair of the LGP Board exercising any power conferred under the LGP's Constitution;

- refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other LGP Officers in the exercise of the function of their role as LGP Officer;
- refrain from contacting an LGP Officer unless in accordance with procedures governing the interaction of LGP Officers that have been authorised by the CEO;
- not contact or issue instructions to any of the LGP's consultants or agents, including LGP's legal advisors.

Obligations of staff

The LGP CEO is responsible for the efficient and effective operation of LGP's organisation and for ensuring the implementation of the decisions of the LGP Board without delay.

LGP staff have an obligation to:

- give their attention to the business of LGP while on duty;
- ensure that their work is carried out efficiently, economically and effectively;
- carry out lawful directions given by any person having authority to give such directions;
- give effect to the lawful policies, decisions and practices of LGP, whether or not the staff member agrees with or approves of them.

Inappropriate interactions

- The following interactions are inappropriate:
 - LGP Board members approaching staff other than the CEO for information on sensitive or controversial matters;
 - LGP staff approaching LGP Board members directly on individual staffing matters;
 - LGP Board members approaching LGP staff, consultants and agents outside the LGP's building or outside hours of work to discuss LGP business;
 - LGP staff refusing to give information which is available to other LGP Board members to a particular Board member because of the staff member or LGP Board member's political views;
 - LGP Board members being overbearing or threatening to staff;

- LGP Board members directing or pressuring staff in the performance of their work, or recommendations they should make;
- LGP staff providing ad hoc advice to Board members without recording or documenting the interaction;
- LGP Board members approaching staff organisations, for example unions and associations, in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues;
- LGP staff meeting with prospective tenderers alone and outside office hours to discuss tenders;
- LGP Board members attending meetings with other LGP Officers, including legal counsel engaged by LGP and associated with current or proposed legal proceedings, unless permitted to do so by the CEO.

Access to Information and LGP Resources

The following rules apply in respect to LGP Board Members access to information:

- any information that is given to a particular Board member in the performing of their duties must also be available to any other LGP Board member who requests it;
- LGP staff have an obligation to provide full and timely information to Board members about matters that they are dealing with in accordance with LGP procedures;
- LGP Board members have an obligation to properly examine and understand all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter.

Use of LGP information

LGP Officers must:

- protect confidential information;
- only access information needed for LGP business;
- not use confidential information for any non-official purpose;
- only release confidential information if they have authority to do so;
- only use confidential information for the purpose it is intended to be used;
- only release other information in accordance with established LGP policies and procedures and in compliance with relevant legislation;
- not use LGP information for personal purposes; and

- act in accordance with any applicable probity plan.

Confidential information includes any proprietary or commercial-in-confidence information or any information required to be treated as confidential under any applicable probity plan, or any other LGP policy, code, guideline or procedure.

LGP Officers must not:

- use confidential information gained through their office or position for the purpose of securing a private benefit for themselves or for any other person.
- seek or obtain, whether directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from any information to which you had access in the exercise of their official functions or duties by virtue of their office or position.
- use confidential information with the intention to improperly cause harm or detriment to LGP or any other person or body.

Security of information

LGP Officers must:

- must take care to maintain the integrity and security of confidential documents or information in their possession, or for which they are responsible;
- comply with the *Privacy Act 1988* (Cth) and the *Australian Privacy Principles* (Schedule 1 under the *Privacy Act 1988* (Cth)) when dealing with Personal Information;

(Personal Information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.)

Use of LGP resources

LGP Officers must:

- use LGP resources ethically, effectively, efficiently and carefully in the course of their professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate;

- be scrupulous in their use of LGP property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body;
- avoid any action or situation which could create the impression that LGP property, services or facilities are being improperly used for their own or any other person or body's private benefit or gain;
- not convert any property of LGP for their own use unless properly authorised;
- not use LGP's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Board members' access to LGP buildings

Board members must not enter staff-only areas of LGP buildings without the approval of the CEO or as provided in any procedures governing the interaction of Board members and staff.

Board members must ensure that when they are within a staff area they are cognisant of potential conflict or pecuniary interest matters, and/or a perception that they may bring influence to bear on staff decisions and should conduct themselves accordingly.

Reporting Breaches, Complaints Handling Procedures and Sanctions

LGP Officers should report suspected breaches of the Code of Conduct to the Internal Ombudsman in accordance with the Complaints Policy;

- where appropriate, the Internal Ombudsman will make enquiries, or cause enquiries to be made, into breaches of the Code of Conduct by LGP Officers in accordance with the Complaints Policy;
- the Internal Ombudsman will report his or her findings to the CEO, Chair of the LGP Board or LGP Board in accordance with the Complaints Policy. The Internal Ombudsman may recommend that the CEO or LGP Board apply any sanctions reasonable in the circumstances;
- where the CEO or the LGP Board finds that an LGP Officer has breached the Code of Conduct, it may decide to apply any of the sanctions provided for in the Complaints Policy;
- if an LGP Officer believes that the Internal Ombudsman has failed to comply with this Code of Conduct, they should report the matter to the CEO, preferably in writing, who will then assess whether the alleged breach is serious enough to report

to the LGP Board. The LGP Board may resolve that an independent person of appropriate standing assess and/or investigate an alleged breach of the Code by the Internal Ombudsman.

PROBITY ADVICE TO LOCAL GOVERNMENT PTY LTD OFFICERS

Annual Declaration

1. All procurement processes administered by Local Government Procurement (LGP) are subject to the need for Probity.

For the purposes of this document, procurement processes include any LGP tender processes, commencing from the date in which an EOI, RFQ or RFT is advertised to the date an outcome to an evaluation process is communicated to tenderers.

LGP Officers are required to adhere to LGP's Code of Conduct and Conflict of Interest Policy regarding acceptable behavior, state any conflict(s) of interest and confirm their position on confidentiality. A Probity Adviser may be made available for each process and is appointed by the LGP CEO or Head of Tendering and Contracts.

2. The purpose of this Probity Advice process documentation is to:

- (a) provide LGP Officers with a clear procedure to follow regarding probity in the tendering or evaluation process, particularly where LGP Officers are approached or contacted by parties seeking details of a specific tender or evaluation process; and

- (b) assist LGP Officers having contact with this process to acquit their responsibilities in a way which is, and is seen to be, fair and unbiased.

3. The objective of this Probity Advice process documentation is to ensure:

- (a) the probity of LGP tenders and projects are maintained at the highest standard at all times; and

- (b) interested parties and the public at large are able to have complete confidence that LGP led or assisted tender and evaluation processes are conducted in a manner which has due regard to probity (e.g. integrity, transparency, uprightness and honesty).

4. All individuals or organisations that approach or contact LGP Officers seeking details of a current tender or evaluation should be advised that the appropriate point for the provision of information or discussion of any issues involved is the Tender Contact Officer.

The Tender Contact Officer for LGP Tenders is generally:

Procurement Manager, Tendering & Special Projects; or
Tenders Administrator

Telephone: 02 8270 8720

Email: tenderteam@lgp.org.au

5. No public statements should be made by LGP Officers unless specifically authorised by the Tender Contact Officer. By having a nominated point of contact, LGP will ensure that all parties are given equal access to the same information.
6. Outside parties with whom LGP has an existing business relationship, may contact LGP Officers as part of the normal day-to-day business requirements.
7. LGP Officers should be mindful of the following guidelines throughout the entire tender and evaluation process:
 - a) LGP Officers should comply with the LGP Code of Conduct and Conflict of Interest Policy at all times.
 - b) No discussion should be held with any tenderer or potential tenderer about the evaluation process in relation to any aspect of any current tender or evaluation process, without the prior approval or at the direction of the Tender Contact Officer or the LGP Head of Tendering and Contracts.
 - c) No tenderer or potential tenderer should receive, or be perceived to have received, additional information to that which is publicly available in respect of the selection process.
 - d) Tenderers and potential tenderers should be advised to deal directly with the Tender Contact Officer in all matters in relation to their tender and the selection process or status of a current tender. LGP Officers should not enter discussions of this nature.
 - e) Should any potential tenderer request a copy of any document, they should be referred to the Tender Contact Officer.
 - f) Unusual or exceptional invitations from any party with a declared interest in the procurement process should not be accepted.
 - g) Where any party in an unrelated business meeting or social situation seeks to raise issues in respect of the evaluation, or contents of any EOI, RFQ or RFT, the LGP Officer should indicate that it is not appropriate to discuss such matters.

8. Questions from LGP Officers regarding these instructions are to be directed to the Tender Contact Officer.
9. LGP Officers should contact the Head of Tendering and Contracts or the Probity Advisor (if appointed) regarding any concerns about a tendering and evaluation process.

Declaration

I, _____ the undersigned, represent and warrant that:

- (a) I have read and reviewed this document, Probity Advice to LGP Officers;
- (b) in making this declaration and any disclosure(s), I have made all reasonable and proper enquiry and taken such steps as might reasonably be expected to determine whether any actual, potential or reasonably perceived conflicts of interest exist; and
- (c) I am aware that the obligation to declare and disclose any actual, potential or reasonably perceived conflict of interest is a continuing obligation and that I shall, if at any time I become aware of any actual, potential or reasonably perceived conflict of interest, immediately make a further declaration and disclosure of the same to LGP.

I declare and undertake that I **am/am not** aware of any actual or potential conflict.

I wish to declare the following actual, potential or reasonably perceived Conflict of Interest:

FULL NAME: _____

JOB TITLE: _____

SIGNED: _____

DATED: _____

DECLARATION OF CONFIDENTIALITY AND INTEREST FORM

LGP Tenders – please **print** off this form and complete

A separate declaration should be completed for each specific tender process by Tender Evaluation Panel members or other non-LGP staff, as may be required.

TENDER NO. «RFT_Number»

«Description»

I..... hereby declare that:

(Please print name)

1. Subject to paragraph 4, I agree to keep all information relating to Tender No. «RFT_Number» (the "Request for Tender") including, without limitation, the Request for Tender, information sent with the Request for Tender, information made available to tenderers in connection with the Request for Tender, any submission received in response to the Request for Tender and any material created or received, or matter discussed during the evaluation period (the "Information") confidential.
2. I shall not use any Information for any purpose other than for the purpose of evaluating a tender submitted in response to the Expression of Interest (EOI) or Request for Tender (a "Tender").
3. Subject to paragraph 4, I shall not release or make public any Information without the prior written approval/consent of LGP.
4. I acknowledge that I may disclose Information if it is already in the public domain other than as a result of my own act or omission, if the disclosure is required by law, order of court, tribunal, the Australian Securities & Investment Commission or any other regulatory body, provided notice of the need for disclosure is first provided to LGP.
5. Unless expressly authorised by the Tender Evaluation Panel Chair or Head of Tendering and Contracts, I shall not remove or photocopy any documents that I

have been provided the right to access in accordance with the parameters for the evaluation of Tenders.

6. I represent and warrant that:

I have read and reviewed the guidance in Schedule 1;

in making this Declaration and disclosure I have made all reasonable and proper enquiry and taken such steps as might reasonably be expected to determine whether any actual, potential or reasonably perceived conflicts of interest exist; and

I am aware that the obligation to declare and disclose an actual, potential or reasonably perceived conflict of interest is a continuing obligation and that I shall, if at any time I become aware of any actual, potential or reasonably perceived conflict of interest, immediately make a further declaration and disclosure of the same to the LGP Head of Tendering and Contracting or the Chair of the Tender Evaluation Panel.

7. I declare and undertake that I am not aware of any actual or potential conflicts of interest save as is set out and disclosed in Schedule 2.

FULL NAME: _____

JOB TITLE: _____

SIGNED: _____

DATED: _____

You must read Schedule 1 Conflicts of Interest ICAC Guidelines (below), and confirm whether you have any conflicts of interests here:

Yes, I have conflicts of interests and have documented them on page 6

No, I do not have any conflicts of interests

Schedule 1

CONFLICTS OF INTEREST: ICAC GUIDANCE

To assist with determining when a conflict of interest arises, and the definition of a conflict of interest, the following guidance material has been prepared by the Independent Commission Against Corruption (ICAC).

A conflict of interest arises when individuals, in performing their responsibilities, are influenced or seen to be influenced by interests other than those relating to the project.

There will be occasions where the proper performance of an individual's project duties will affect a personal or other interest that he or she may also have. Such interests may be able to be valued in money terms. Other interests which are less direct and do not involve money may also be affected.

Everyone has interests which are personal to them or someone close to them and it is not just the possession of these interests which gives rise to a problem. Similarly, from time to time individuals will deal with a matter as part of their work which affects a personal interest that they have. Again, that in itself may not cause any difficulties if the conflict is resolved in favour of the public duty. It is inevitable that conflicts of interest will arise. It is important to emphasise that the mere fact that someone has a personal interest in a matter is not necessarily wrong. It is how the conflict is dealt with which can give rise to problems.

The first step is to recognise what situations could give rise to conflicts. Then the conflict must be resolved in favour of the public duty.

Pecuniary Interests

Pecuniary or financial interests may result from owning property, holding shares or positions in companies or trusts, debts owed to other people, receiving gifts, income from working elsewhere as well as for the council, hospitality and sponsored travel. This list is not exhaustive.

It is not necessary for individuals to hold these interests themselves. A member of their family or close associate may hold them. This is seen to be the same as being an interest of the official because of the closeness of the relationship.

Suppose an official owned property adjacent to a block of land which was the subject of an application to council for development as an industrial site. It is clear that the value of the official's property will be affected by the application. It would be reasonable to think that the official would be likely to be influenced by that when doing his or her job, and accordingly a conflict would arise.

Even though colleagues may accept that the official would put to one side the personal interest in the matter and determine the application on its merits, the appearance of a conflict is there. An outsider, or "reasonable person", could not have that same confidence. It is not necessary that an official would or will act in favour of their personal

interest. If they are in a position of conflict, there is that temptation. The aim is to prevent situations arising.

Non-pecuniary Interests

These are the more straightforward and easily understandable cases where conflict may arise. There may also be interests which do not have a financial component, that is non-pecuniary interests. These might include a personal interest arising out of relationships based on common interest such as sporting, social or cultural activities as well as family, sexual and other relationships.

Suppose that an individual is active in the local hockey club. An agency is considering offering a parcel of land to the club to expand the number of grounds and the employee is assigned the task of preparing a report on the matter. While the outcome may not be of any financial interest to her, it is of considerable personal interest. If it is reasonable to think that the officer could be influenced by an involvement with the club when writing the report, and thus a conflict would arise.

Similarly, the old school of an individual is going to be affected by a nearby development. The council member is active with the school affairs although not a member of its Board or any committees. Is that interest one that could give rise to a conflict with the council member's public duty? Again the same test should apply. If he thinks, or a reasonable person would think, that he will be influenced by the fact that it affects his old school, there would be a conflict.

How Should Conflicts be Resolved?

The aim of resolving these conflicts is to prevent personal considerations from influencing the performance of public duty. Once conflicts have emerged they may be capable of resolution or avoidance by removing the source of the conflict or by making the interest public and thereby limiting the risk of personal interest prevailing over public duty.

The source of the conflict could be removed by requiring the individual to dispose of the interest which has caused the conflict.

Alternatively, it could be removed by an official being precluded from performing any project duties regarding the matter in which he or she has the interest.

If a conflict is very serious, then disqualification from the project could be appropriate. Each of these three responses would have the effect of removing the source of the conflict.

Another way of avoiding conflicts may be to require disclosure or registration of all relevant interests. That information would then be public and others would be alerted to the interests. Consideration could then be given to whether there was a need to remove the source of that conflict as discussed in the previous paragraph.

Schedule 2

I disclose below any actual, potential or reasonably perceived conflicts of interest: