## Purpose

### This document defines conflict of interest and outlines how you can recognise, disclose and manage conflicts of interest.

### The aim is to help you to:

### uphold public sector values

### act transparently and be accountable

### undertake your role in Regional Council impartially and with integrity

### comply with the legislation that covers conflict of interest in the public sector.

### The processes for dealing with conflict of interest apply to:

### all members of the Regional Council

### all members of any committee or working group established by the Regional Council

### any person or business acting in the Regional Council’s name and with its authority.

## Conflicts of interest

#### In the public sector, most conflicts of interest are conflicts between public duties and private interests. They can be actual, potential or perceived.

#### An actual conflict of interest is one where there is a real conflict between your public duties and responsibilities and your private interests.

#### A potential conflict of interest exists where you have private interests that could conflict with your public duties.

#### A perceived conflict of interest can exist where a third party could form the view that your private interests could improperly influence your actions, now or in the future.

#### Remember, a conflict of interest can arise from avoiding personal losses, not only from gaining advantage.

In addition to conflicts of interest, if you are associated with more than one public sector body, you may have an actual, potential or perceived conflict between your duties to the various bodies. See the ‘Conflict of duties’ section below for further information.

## Private interests

The term ‘private interests’ includes not only your own personal, professional or business interests, but also the interests of individuals or groups closely associated with you, including relatives, friends or even rivals and enemies.

There are two types of private interests.

* Pecuniary interests involve financial gain or loss (actual, potential or perceived). Money does not need to change hands for a pecuniary interest to exist. If you (or a relative or close associate) own property, shares, have a position in a company or receive benefits or concessions, discounts, gifts or hospitality from it, you have a pecuniary interest.
* Non-pecuniary interests do not have a financial component. They may arise from personal or family relationships, or sporting, social or cultural activities. They include any tendency to favour or be prejudiced because of friendship, animosity or other personal interests.

## Your responsibilities

As a Regional Council member, you must:

* be aware of your obligations to avoid conflicts of interest where possible, and to manage those you cannot avoid
* assess whether your private and personal interests conflict, have the potential to conflict, or can be perceived to conflict with your Regional Council duties
* take reasonable steps to restrict how much a private interest could compromise, or be seen to compromise, your impartiality
* disclose conflicts of interest in line with the specified procedures
* abstain from involvement in decisions and actions that could reasonably be seen to conflict with your private interests
* avoid private action when you could be seen to have an improper advantage from inside information gained as a member of a Regional Council
* not use your membership or government resources for private gain
* ensure that there is no perception that you have received a benefit that may influence how you do your job as a Regional Council member.

## Declaring interests

When you join a Regional Council, you must complete a ‘Declaration of private interest’. You need to make a new declaration each year. You should also make a new declaration when something happens that changes your interests.

The Department holds the declarations securely and personal information is handled in accordance with relevant privacy legislation.

## Disclosing conflicts of interest

You must disclose conflicts of interest or suspected conflicts of interest as soon as they arise.

Some examples of duties where conflicts could occur include:

* accepting membership of a funding assessment panel
* accepting membership of an awards judging panel
* accepting membership of a working group or committee
* recommending or commenting to the ACFE Board on a funding allocation.

## Managing conflicts of interest

A written management strategy will be prepared for each declared conflict of interest. It will record what actions are being taken, signed by the relevant parties and retained securely for the period prescribed by the *Public Records Act 1973*.

Sometimes it can be difficult to determine if you have a conflict of interest. Department staff can provide a copy of ‘Is there a conflict of interest?’ to assist you to decide.

If you believe there is a conflict, you should discuss it with the Chairperson of the Regional Council. Department staff can provide you with the ‘Conflict of interest declaration and action’ form to provide the details.

If there is found to be a conflict, it will be managed using the model outlined in ‘Conflict of interest management flowchart’.

These documents are also available from the Resources Hub.

## Conflict of duties: a particular form of conflict of interest

You may have a conflict of duties if you have connections with other public sector bodies in the region. For example, being a local government Regional Council member brings with it the duty to ensure that all possible resources flow to the communities in your municipality. This may conflict with your duty as a Regional Council member to ensure that the advice the Regional Council gives the ACFE Board about needs in the region is comprehensive, balanced and accurate.

If you are concerned about a conflict of duties you should discuss it with the Chairperson and devise and document an appropriate response.