Draft

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Target group
All Staff

Policy statement
As a public sector employee, you have an obligation to exclude yourself from any activity that has the potential to generate an actual, perceived or potential conflict of interest that may influence your ability to conduct your official duties. This is in keeping with your obligation to act ethically and responsibly.

Conflicts of interest can occur for any public sector employee and are defined as a situation where a conflict arises between the performance of public duty and private or personal interests.

All Departmental employees with an actual, perceived or potential conflict of interest must, in conjunction with their line manager, develop an action plan for the management of the conflict of interest. In addition, the conflict of interest and associated action plan must be documented using the Conflict of Interest eForm.

Policy principles
The key message relating to Conflicts of Interest is that they are not necessarily wrong, but it is vitally important they are properly and transparently identified, managed and monitored.

It is every employee’s responsibility to recognise and promptly register, using the Departmental eForm, any conflict of interest. A conflict of interest can arise from your own personal interests as well as extend to interests held by friends and family members and include, but is not limited to:

- Holding shares or interests, for example:
  - Any holdings held by an alternate person or in trust for your benefit.
  - Where you have effective ownership (including beneficial ownership) or control over shares, securities or a partnership or some other business entity through family trusts
  - Self-managed superannuation fund (where a separate fund manager manages your superannuation, declaration is not required)

- Family or private business interests
• Gifts and hospitality
• Recruitment, selection and appointment
• Affiliations with for-profit and non-profit organisations and associations
• Administration of government grants

Openly declaring the nature of any private interests (both pecuniary and non-pecuniary), which may give rise to a conflict of interest, ensures actions are impartial in deed and appearance.

Where External Gifts & Other Rewards are concerned;

The acceptance of any external gift, other reward or benefit is a conflict of interest as the gift/reward/benefit may be perceived to be for the purpose of influencing a departmental officer in the course of their duties. As a general rule, offers of gifts should be declined. It is possible to promote other means of expressing appreciation to a potential gift-recipient, such as a letter of thanks. This message can be promoted to all stakeholders in advance, so there is no expectation that a gift is an appropriate course of action.

The following applies to all external gifts and other rewards offered to departmental employees.

• The acceptance of monetary gifts such as cash, cheques, money orders, travellers’ cheques, direct deposits and the like, in connection with official duties is strictly forbidden.
• Where a gift and/or benefit has been accepted or declined the gift and/or benefit offered and reasons for the decision it was accepted or declined must be recorded using the Departmental eForm.
• Any gift(s) and/or benefit(s) offered to employees who exercise discretionary authority or influence or are likely to influence discretionary authority in relation to the gift-offerer/gift-giver are to be declined (for example, purchasing or recommendation/approval discretion). This includes gift(s) and/or benefit(s) of token value ($25 or less).
• Any gift(s) and/or benefit(s) offered to employees who “do not” exercise discretionary authority or influence or are likely to influence discretionary authority in relation to the gift-offerer/gift-giver should be declined unless it has been declared and approved through the Departmental eForm. Where it is not possible to decline the offer of such gifts without affording offence the Department considers it reasonable for employees to accept one-off offerings of such gifts where the gift is of token value ($25 or less) and the acceptance does not breach any section of this policy.
• Staff may accept a one-off gift of token value, as appreciation for attendance at a conference or seminar as an invited speaker, provided the acceptance does not breach any section of this policy.
• Gifts that are declined should be returned to the gift-offerer/gift-giver or declined prior to receipt.
• Any gift(s) and/or benefit(s) received, with the exception of token gifts, become the property of the Department unless declared otherwise by the Director General or delegated officer.
• Invitations to attend business social events or business presentations that will include
a large number of other attendees or where there is reasonable expectation the Department will fund attendance, for example a business lunch to launch a product, may be permitted with your line manager’s approval and provided the acceptance does not breach any section of this policy.

- While one gift or benefit of token value may be considered insufficient to cause an employee to deviate from a proper course of duty, the sum total of multiple gifts or benefits may be considered sufficient to do so. Accordingly, where a party or a representative of that party presents a subsequent gift or benefit employees should politely refuse the offer, explaining that it is against Department policy for them to accept.

- Invitations to attend cultural and/or sporting events must be politely declined unless it has been declared and approved through the Departmental eForm.

- Employees may, from time to time, be involved in business, social, cultural or community events where official gifts are presented or exchanged. In such circumstances, where it would not be polite or appropriate to decline the offer, the Department deems it reasonable for official representatives of the Department to accept official gifts on behalf of the Department, where doing so does not breach any part of this policy. This transaction must be recorded using the Departmental eForm, with the gifts becoming the property of the Department unless declared otherwise by the Director General or delegated officer.

- Employees may, from time to time, receive an invitation to a meal. In such circumstances:
  - If the employee does not have discretionary authority and it is deemed inappropriate or offensive to decline the invitation, the employee may accept the invitation and declare attendance using the Departmental eForm.
  - If the employee does have discretionary authority the invitation should be declined, unless it is deemed inappropriate or offensive to do so and/or there are other employees included in the invitation. Attendance must be declared using the Departmental eForm.

- Frequent flyer points accumulated on official air travel, must not be utilised for personal use.

- If officers are the subject of an attempt at bribery, they are to immediately report the matter to their line manager.

**Supporting Information**

This policy has associated supporting information, as shown in the following links:-

- Procedure - Conflict of Interest
- eForm - Conflict of Interest Action Plan
- Information Brochure - Conflict of Interest
- Other Policy - Code of Conduct
- Other Policy - External Paid Employment
- Declaration - External Gifts & Other Rewards

**Reference Links**

This document is aligned with the following legislation, standards, or other reference...
sources:-

- Corruption and Crime Commission Investigation of alleged Public sector misconduct in relation to the Purchase of toner cartridges (Chapter Four Gifts)
- Administrative Instruction 712 (Fees, Rewards and Gratuities)
- Integrity Coordinating Group – Conflict of Interest
- Legislation - Criminal Code (Chapter XIII – Corruption and Abuse of Office)
- Legislation - Public Sector Management Act 1994 (Section 102)
- Legislation - Public Service Regulations 1988
- Public Sector Code of Ethics
- Public Sector Commission – Module 6 Conflict of Interest
- Public Sector Commissioner’s Circular 2009-13 (Contact with Lobbyist and Register of Lobbyists)
- Treasurer’s Instruction 805

Authority

Authorised By: DIRECTOR GENERAL
Signed:

Date issued: 23 August 2012
Primary Contact: Manager Office of Director General - Office of the Director General
Policy Owner: Executive Director