
Policy Owner: Corporate Strategy and Performance
Distribution: All Staff
Date approved: 6 June 2013

1. Objectives

The objectives of this policy are to:-

- ~~a) ensure that in situations of real, apparent or potential conflict of interest or interest affecting impartiality, decisions are made in a manner which upholds the public interest and facilitates ethical decision-making;~~
- ~~b) establish measures to help manage and resolve conflict of interest or interests affecting impartiality situations that could impair either the integrity of the City of Wanneroo or the public's perception of its integrity;~~
[New separate Conflict of Interest Management Procedure approved 23/01/17]
- c) Establishes a common understanding of appropriate conduct expected of all City of Wanneroo employees in relation to gifts, benefits and hospitality.

2. Policy Statement

Public sector employees have an obligation to exclude themselves from any activity that has the potential to generate an actual, perceived or potential conflict of interest.

~~Different types of interest require different actions depending upon the type of interest involved:~~

- ~~(a) Financial Interest (Direct and Indirect)~~
- ~~(b) Proximity interest~~
- ~~(c) Impartiality interest~~

~~*Financial Interest:* A person has a "financial interest" in a matter if it is reasonable to expect that the matter will ... result in a financial gain, loss, benefit or detriment for the person.~~

~~*Proximity Interests:* A proximity interests applies where an officer (or a close associate of those mentioned) has an interest in a matter concerning a proposed change to a planning scheme affecting adjoining land or the zoning or use of adjoining land or a proposed development of adjoining land.~~

~~*Impartiality Interest:* The definition of "interest" under legislation is quite broad and includes "an interest that could reasonably be perceived to adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association".~~

~~*[New separate Conflict of Interest Management Procedure approved 23/01/17]*~~

Interests can also arise out of the acceptance of a gift or benefit that could, or could reasonably be perceived to adversely affect the impartiality of the person involved.

~~Interests can include but are not limited to:-~~

- ~~● Holding shares or interests:-
 - ~~—— 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, benefits and hospitality.~~
- ~~● Recruitment, selection and appointment.~~
- ~~● Affiliations with for-profit and non-profit organisations and associations.~~
- ~~● Administration of government grants.~~

~~[New separate Conflict of Interest Management Procedure approved 23/01/17]~~

3. Guidelines/Procedures

This policy is supported by the Conflict of Interest and Gifts and Benefits Management Procedure and the City's Code of Conduct.

All employees are required to be familiar with the City's Code of Conduct and the associated Management Procedure to this policy.

4. Application

Interests

~~Employees are required to promptly identify and declare any interests that conflict, or may conflict, or may appear to others to conflict with their official responsibilities. The key message relating to Interests is that they are not necessarily wrong, but it is vitally important they are properly and transparently identified, managed and monitored according to the City's adopted policy and procedure.~~

~~[New separate Conflict of Interest Management Procedure approved 23/01/17]~~

Gifts and Benefits

The Local Government Act 1995 refers to an "Acceptable Gift" being a gift under the value of \$50.00 and a "Notifiable Gift" being a gift of between \$50.00 and under \$300.00, with a "Prohibited Gift" being anything that is \$300.00 and over.

Despite the provisions of Section 5.82 of the Local Government Act 1995 and Regulation 34B Local Government (Administration) Regulations 1996, the giving and receiving of gifts and benefits may be perceived by others to create a conflict of interest in certain circumstances. This depends on timing, the people or organisation involved and the perceived potential benefit in return.

Employees should not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than those described in the Conflict of Interest and Gifts and Benefits Management Procedure and the City's Code of Conduct), for themselves or for any other person or body, relating to their status with the City of

Wanneroo or the performance of any duty or work which touches or concerns the City of Wanneroo. It is however the City's preferred position that gifts and benefits, regardless of value, are not accepted.

5. Roles and Responsibilities

All Leaders have responsibilities to ensure that City employees are aware of their obligations under the City's Code of Conduct and Conflict of Interest and Gifts and Benefits Policy and Management Procedure and to manage any breaches accordingly.

6. Responsibility for Implementation

All Leaders

REVISION HISTORY

Version	Next Review	Record No:
June 2013	June 2015	12/146601
January 2017 - Repeal of Conflict of Interest sections due to adoption of new separate Conflict of Interest Policy and Management Procedure		

UNDER REVIEW - CONTACT GOVERNANCE