

# Conflict of Interest Policy

## 1 Purpose

To ensure a Conflict of Interest is resolved in the public interest by:

- assisting to identify a Conflict of Interest
- establishing a system for Declaration of a Conflict of Interest
- providing direction to those responsible for managing a Conflict of Interest

## 2 Scope

This policy applies to University Members.

## 3 Policy Statement

The University adopts this policy to ensure its functions, activities, and the actions of University Members are conducted and can be shown to be conducted to the highest standard of ethics and integrity.

University Members can have diverse interests. Relationships are beneficial to the University as well as individuals. The University recognises however, that it is possible that such connections can give rise to a Conflict of Interest.

Serious misconduct could occur when a Conflict of Interest is concealed, understated, mismanaged or abused.

University Members should recognise a Conflict of Interest to ensure there can be no perception of them or the University receiving improper advantage.

The University trusts University Members will take reasonable steps to:

- refrain from making decisions in matters involving an actual conflict
- not use their University position, resources, or information obtained in the context of their employment, for private gain or for the private gain of others with whom they have a personal relationship

- follow the Gifts and Benefits Procedure
- follow the Outside Employment Undertaken by University Employees Procedure, which includes both Private and University Sponsored Outside Employment and Consultancies as well as Committee, Board or Tribunal Memberships.
- determine if their private or personal interests conflict, or could reasonably be perceived, or have the potential to conflict with their official duties
- follow the Council Conflict of Interest Policy and Procedure (for Council Members)
- Declare an interest that could compromise the performance of their duties or conflict with the University's interest
- deal with a Conflict of Interest in the public interest in accordance with a management strategy approved with their Supervisor
- Disclose a Conflict of Interest when necessary
- when acting as a Supervisor, proactively work with staff to identify perceived, actual or potential Conflicts of Interest, including identifying, approving, documenting and implementing a management strategy.

Executive Leaders may designate positions where it is necessary for a University Member to complete a Statement of Private Interests and/or Internal Control Certification, to properly and impartially discharge their official duties.

Authority to approve the management response for Conflict of Interest ultimately rests with the relevant Executive Leader.

## 4 Principles

The University expects the following principles to be upheld:

- University Members will strive to place the public interest above their Personal Interest(s).
- Conflicts of Interest are managed transparently.
- University Members are accountable for recognising, avoiding, declaring and managing a Conflict of Interest applicable to them.
- Supervisors are accountable for ensuring a Conflict of Interest declared by their direct report is properly managed.

- Managers are aware of, and manage, conflict of interest risk within their section.
- Executive Leaders identify circumstances where Declaration and management of a Conflict of Interest is advocated.
- Supervisors and Managers proactively review processes to identify discrete processes that require the nil Disclosure of Conflicts of Interest.
- For discrete processes that confer direct benefits or disadvantages, relevant participants could be expected to Disclose in writing when they have no Conflict of Interest to Disclose in addition to the responsibility to Declare any Conflict of Interest.
- Information about a Conflict of Interest will be treated as personal information and handled confidentially.
- A register(s) is/are kept of Conflict of Interest Declarations and management plans and is reviewed by the relevant Executive Leader.
- When a Conflict of Interest is Disclosed, a record should be made.
- The People Portfolio holds a confidential Conflict of Interests Register for conflicts of material or ongoing nature.
- Concerns about the meaning or application of the policy should be discussed with the Director (Integrity and Professional Conduct).

## 5 References

Nil

## 6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

## 7 Policy Information

<b>Accountable Officer</b>	Vice-Chancellor
<b>Responsible Officer</b>	Chief People Officer
<b>Policy Type</b>	Governance Policy
<b>Policy Suite</b>	<a href="#">Employee Conflict of Interest Procedure</a>
<b>Subordinate</b>	

<b>Schedules</b>	
<b>Approved Date</b>	14/5/2024
<b>Effective Date</b>	14/5/2024
<b>Review Date</b>	9/9/2022
<b>Relevant Legislation</b>	<a href="#">Acts Interpretation Act 1952 (Qld)</a> <a href="#">Corporations Act 2001 (Cth)</a> <a href="#">Integrity Act 2009 (Qld)</a> <a href="#">Public Sector Ethics Act 1994 (Qld)</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Code of Conduct Policy</a> <a href="#">Council Conflict of Interest Policy and Procedure</a> <a href="#">Research Code of Conduct Policy</a>
<b>Related Procedures</b>	<a href="#">Outside Employment Undertaken by University Employees Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">Declaration of Conflict of Interest Form</a>
<b>Definitions</b>	<p><b>Terms defined in the Definitions Dictionary</b></p> <p><a href="#">Conflict of Interest</a></p> <p>If a University Member has an interest that conflicts or may conflict with the discharge of the University Member's duties the University Member should Declare the nature of the interest and the conflict to the University Member's Supervisor as soon as practicable after the relevant facts come to the University Member's knowledge and must not take action or further action relating to a matter that is or may be affected by the conflict until authorised. An Executive Leader may direct a University Member to resolve a conflict or possible conflict between an interest of the University Member and the University Member's duties. A reference to an interest or to a Conflict of Interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the Acts Interpretation Act 1954, Schedule 1, does not apply. A Conflict of Interest will arise when a University Member's Private Interests conflict with their duty to the University or to serve the public interest as a University Member. The risk of having a conflict of interest increases where a University Member's responsibilities include the authority to</p>

make decisions. A conflict of interest may be potential, perceived or actual - when a University Member is in a role where future decision making may be influenced by their Private Interests if a certain condition is fulfilled, they have a potential conflict of interest; a perceived conflict of interest arises where it appears that decisions a University Member make in the course of their University employment may be influenced by their Private Interests, whether or not this is in fact the case; an actual conflict of interest exists where a University Member's actions could be unduly, improperly or excessively influenced by their Private Interests. Serious misconduct can occur when a conflict of interest is concealed, understated, mismanaged or abused.

#### [Gift and/or Benefit](#)

A Gift and/or Benefit is: the transfer of property or other benefit without recompense or for a consideration substantially less than full consideration; or a loan of property made on a permanent, or an indefinite, basis; anything of value offered in the course of employment other than normal employment entitlements that is received or given by a University Member when they are acting in their official capacity. Gifts and/or benefits include tangible items of lasting value and intangible items of no lasting value (including hospitality).

#### [Non-Pecuniary Interest](#)

Does not involve a financial component but may arise from personal or family relationship or involvement in sporting, social or cultural activities. It can include but is not limited to any favour or prejudice from friendship, animosity or other personal involvement that could lead to actual or potential bias in the exercise of judgement or discretion or the making of a Decision.

#### [Pecuniary Interest](#)

Involves an actual or potential financial gain or loss. For example: Existing proprietary, contractual and employment rights Existing liabilities / obligations Interests created by, in, or under a decision or transaction effected by the University Indirect economic relationships (share price value) Expectancies (future economic interests, employment opportunities etc.)

#### [Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

## University Members

Persons who include: Employees of the University whose conditions of employment are covered by the UniSQ Enterprise Agreement whether full time or fractional, continuing, fixed-term or casual, including senior Employees whose conditions of employment are covered by a written agreement or contract with the University; members of the University Council and University Committees; visiting, honorary and adjunct appointees; volunteers who contribute to University activities or who act on behalf of the University; and individuals who are granted access to University facilities or who are engaged in providing services to the University, such as contractors or consultants, where applicable.

### **Definitions that relate to this policy only**

#### **Conflict of Interest Register**

A register is held by the People Portfolio of Conflict of Interest Declarations where a conflict is of a material or ongoing nature.

#### **Executive Leader**

Category 2 delegates.

#### **Declare or Declaration**

A written statement by a University Member of the relevant personal interests, and possibly those interests of individuals closely related to the person, where these interests may cause a Conflict of Interest. A Declaration involves registering details of the Conflict of Interest, reporting the Conflict of Interest to their supervisor, and developing an agreed approach to manage the conflict.

#### **Disclose or Disclosure**

A transparent act to make known to others that an interest exists that may affect the carrying out of official duties in a situation where a University Member is expected to participate in a discussion or decision about a matter. A record of the Disclosure may need to be created or retained.

#### **Internal Control Certification**

The annual certification completed by the Head of a Department and Financial Delegates of organisational and business units to develop broad understanding and accountability of the University's financial results and internal control for the annual financial audit. These people can request their direct reports to also complete the certification.

## **Private Interest**

Anything that can influence, or be reasonably perceived to influence an individual. Can include direct interests, such as an individual's own personal, family, professional or business interests, as well as indirect interests, such as the personal, family, professional or business interests of a Related Person. Private Interests may be Non-Pecuniary Interest as well as Pecuniary Interest.

## **Related Person**

Generally includes anyone who is part of a University Member's close circle of family and friends. Close members are those persons whose interests may be expected to influence, or be influenced by, the University Member's duties, and include but are not limited to:

- children and spouse or domestic partner
- children of their spouse or domestic partner; and
- dependents of the University Member or the University Member's spouse or domestic partner.

Though a Related person is not always restricted to family relationships, and should be considered more broadly as anyone whose affairs are closely linked to those of the University Member, where there are some type of direct or indirect beneficial relationship.

## **Statement of Private Interests**

A confidential listing of relevant personal interests, and possibly those interests of individuals closely related, where the interests may cause a Conflict of Interest. An affected individual is encouraged to provide information regarding private or personal interests confidentially to the University Secretary, Director (Integrity and Professional Conduct) or the Chief People Officer. This information will be treated as strictly confidential.

## **Supervisor**

Any person responsible for leading the activities of others. In the context of this policy, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising, a business process, work teams and/or individual Employees. e.g. The chair of a Recruitment Panel is a Supervisor of a recruitment selection process.

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