

1. PURPOSE

The purpose of this policy is to provide guidance on how to identify, disclose, and manage conflicts of interest. Conflicts of interest can arise when a person's personal, professional, or financial interests or obligations conflict or appear to conflict with their duties and responsibilities to Geelong Cemeteries Trust (GCT).

Conflicts of interest can undermine public trust and confidence in the integrity, impartiality, and accountability of GCT and its services. Therefore, it is essential that all staff associated with GCT act in the public interest and avoid or manage any actual, potential, or perceived conflicts of interest.

This Policy should be read in conjunction with other GCT policies and procedures that outline our commitment to expected behaviours and conduct, implemented through relevant codes, policies, and procedures outlined in *Section 8 – Legislation and Supporting Documents*.

2. SCOPE

To whom this policy applies:

- to all persons who perform work for or on behalf of GCT, including Board members, employees, contingent labour hire, contract workers, consultants, external Audit & Risk Committee members and community advisory members. For this Policy, a reference to staff is a reference to each of these persons.
- the workplace is not limited to GCT's premises, nor to normal working hours. It includes any place where work is carried out for GCT or any place where staff go while at work, including work functions and events, during work-related travel, and via electronic communications and social media, including out-of-hours communications.

3. POLICY

3.1. Policy Statement

GCT is committed to fostering a culture of ethical conduct and good governance that supports the management of conflicts of interest. GCT expects all staff to:

- act honestly, fairly, and in good faith in the performance of their duties and responsibilities.
- declare any actual, potential, or perceived conflict of interest as soon as they become aware of them.
- comply with GCT's procedures and the VPSC guidelines on managing conflicts of interest.
- seek advice from their manager, the Director Corporate Services/CFO, or CEO if they are unsure whether they have a conflict of interest or how to manage a conflict of interest; and
- cooperate with any review or audit of GCT's conflict of interest management practices.

3.2. Policy Principles

GCT's policy on managing conflicts of interest is based on the following principles:

- **public interest:** all staff have a duty to place the public interest above their private interests when carrying out their official functions.
- **accountability:** all staff are accountable for avoiding, wherever possible, or *identifying, declaring* and *managing* any actual, potential or perceived conflicts of interest.
- **risk based approach:** GCT will take a proactive approach to assessing and managing conflict of interest risks; and
- **consistency:** conflicts of interest should be managed in a consistent and fair manner.

3.3. Declaration & Management of Private Interests

The following employees must complete the Declaration of Private Interests Form upon appointment, annually after appointment and within five working days after any circumstances change (i.e. circumstances as they relate to the topics covered in the declaration form):

- Board members.
- external Audit & Risk Committee members.
- all Executive Officers.
- staff holding a financial delegation of \$20,000 or more; and
- any workplace participant (e.g. employees, contractors/consultants) assessed as warranting a declaration based on potential, perceived or actual conflict of interest risk (this will be decided on a risk based approach).

3.4. Consensual Personal Relationships

GCT's has a responsibility to ensure a safe and fair workplace for all staff. Lawful sexual activity, gender identity, marital status and sexual orientation are protected attributes under the *Equal Opportunity Act 2010*.

Discrimination on these grounds is prohibited in the context of employment.

Consensual personal relationships between staff may occur. Consensual relationships are not prohibited and are private in nature, but they may give rise to an actual, potential or perceived conflict of interest. Any consensual personal relationship will be managed in accordance with the supporting *Conflict of Interest Procedure & Guidelines*.

Any parties who are in a consensual personal relationship, regardless of whether it is known or unknown to the organisation, must ensure their relationship does not create a perceived or actual conflict of interest in the decision making process of this organisation.

4. SPEAK UP

Staff who consider that conflict of interest within GCT may not have been declared or is not being appropriately managed are encouraged to speak up and notify their manager, the Director Corporate Services/CFO, or CEO.

GCT will take decisive action, including possible disciplinary action, against staff who discriminate against or victimise those who speak up in good faith.

5. COMPLIANCE

All staff, as defined in the scope of this policy, are required to comply with this policy and related procedures and business processes. Failure to do so may result in disciplinary action and/or the withdrawal of privileges, services and facilities.

6. ACCOUNTABILITY

Role	Accountability
Board	Responsible for establishing policy and procedural principles for the operations of GCT consistent with legal requirements and community expectations.
Audit & Risk Committee	Is to provide advice and guidance to the Board to assist in carrying out its responsibilities, as well as its statutory requirements as stipulated in the <i>Cemeteries and Crematoria Act 2003</i> (the Act).
Chief Executive Officer (CEO)	Role model appropriate standards of behaviour and promote a work culture where conflicts of interest are managed.
Director Corporate Services/CFO	Is the Accountable Officer for the development, review, and implementation of this policy. Duly appointed as GCT's Conflict of Interest Control Officer. Undertakes investigations and determines, in consultation with the CEO and relevant Manager, how conflict of interest is to be handled.
Executive Leadership Team	Executive Leadership Team with direct reports are accountable for overseeing management of their direct reports' conflict of interest, modelling good practice and promoting awareness of conflict of interest policies and processes.
Managers/Supervisors	Managers/Supervisors with direct reports are accountable for overseeing management of their direct reports' conflict of interest, modelling good practice and promoting awareness of conflict of interest policies and processes.
Staff	Are encouraged to report known or suspected incidences of conflicts of interest in accordance with this policy and related procedures Are responsible for complying with the policy and the relevant legislation, policies, and procedures.

7. DEFINITIONS

Term	Definition
Conflict of Interest	<p>A conflict of interest is where a staff member has private interests that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties.</p> <p>Conflicts may be actual, potential, or perceived.</p> <p>Actual conflict of interest: there is a real conflict between staff public duties and private interests.</p> <p>Potential conflict of interest: staff have a private interest that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.</p> <p>Perceived conflict of interest: the public or a third party could form the view that staff's private interests could improperly influence their decisions or actions, now or in the future.</p>
Consensual Personal Relationship	Includes consensual sexual, intimate and/or romantic relationships between adults of any sex or gender identity. Relationships of this kind may be on a casual, periodic or regular basis and may or may not constitute a primary relationship.
External Work	Includes any employment or other form of paid or unpaid work that is not undertaken for GCT, or as part of the normal duties, and includes: proprietorship, directorship, trusteeship, independent contracting, consultancy in a private capacity, a governance or advisory role, and honorary, visiting or adjunct appointments to other organisations.
Financial Interest	<p>A financial interest is any direct or indirect benefit or advantage a staff member may receive or expect to receive as a result of their involvement in a work related matter.</p> <p>A financial interest may be actual, potential or perceived and may include, but is not limited to, shares, property, dividends, income, gifts, loans, discounts, sponsorships, or commissions.</p>
Non-financial Interest	A non-financial interest is any direct or indirect, formal or informal, paid or unpaid membership, participation, activity or involvement of people covered by this policy in any community, professional, sporting, religious or political party, company or other formal or informal association or group, including directorships and board or committee memberships for which the person receives no monetary benefit.

8. LEGISLATION AND SUPPORTING DOCUMENTS

Legislation:	<ul style="list-style-type: none"> • <i>Cemeteries and Crematoria Act 2003</i> • Cemeteries and Crematoria Regulations 2015 • <i>Public Administration Act 2004</i> • <i>Equal Opportunity Act 2010</i> • <i>Charter of Human Rights and responsibilities Act 2006</i> • <i>Privacy and Data Protection Act 2014</i> • <i>Fair Work Act 2009</i>
Policy:	<ul style="list-style-type: none"> • Code of Conduct – Governance Policy • Gifts, Benefits & Hospitality – Governance Policy • Discrimination, Harassment and Bullying Prevention – Governance Policy
Procedure/Guidelines:	<ul style="list-style-type: none"> • Conflict of Interest Procedure & Guidelines
Other:	<ul style="list-style-type: none"> • Declaration of Private Interests Form

9. VERSION CONTROL

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