

# Chief of Staff Office Fact Sheet

*Supporting ethical and equitable outcomes*

## Conflicts of Interest

### What are they?

A conflict of interest (COI) involves a conflict between a staff member's duties and responsibilities as an employee of JCU, and the member's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise – for the member or an associate (eg a family member).

COIs may be actual (as a JCU employee I am in a position to be influenced by my private interests when doing my job); perceived (as a JCU employee I am in a position to appear to be influenced by my interests when doing my job); or potential (as a JCU employee I am in a position where I may be influenced in the future, by my private interests when doing my job).

Staff should avoid conflicts of interest wherever possible, but JCU understands this can be difficult particularly in regional centres. Where encountered they must be declared to your supervisor and managed appropriately.

If a person continues with whatever activity it is that they are engaged in and fails to declare a COI because of self-interest, apathy, and/or lack of understanding or because of a misguided belief that they are not required to declare it, then they place themselves, their colleagues/students and the University at risk. The risks are not just reputational risks, as in some cases serious misconduct and corrupt conduct may be involved.

### Myths about Conflicts of Interest

There are common myths and misunderstandings around conflicts of interests, including:

- declaration of a COI means you cannot be involved in the activity;
- having a COI could result in disciplinary action;
- as supervisors/managers all we need to do when a COI declaration is made is to sign the form;
- wait long enough and the COI will go away.

### Managing a Conflict of Interest

As employees we are each obligated to declare any COI. When we declare a COI, we have an opportunity to explain what the conflict is and also to suggest strategies to manage the COI. The COI declaration form provides an opportunity to do this and is available here: <https://www.jcu.edu.au/strategic-procurement/templates-and-forms>.

As a supervisor/manager, you have the responsibility to carefully consider the COI that your staff member declares to you. Further, you are obligated to carefully consider the risks and whether or not you believe that they can be managed.

It is important that you determine that the declaration is accurate and hasn't overlooked any aspects of the COI, or the associated risks. The Crime and Corruption Commission has produced the [Managing Conflicts of Interest in the Public Sector Toolkit](#) and is an excellent resource.

The COI declaration provides managers an opportunity to explain the expectations regarding the management of the COI, including any alternatives or where the COI risks are not manageable, to instruct the staff member to remove themselves from the activity or decision in question.

It may be that alternate procurement, management or reporting arrangements have to be made or that a staff member with an actual COI is excluded from that activity. Only serious undeclared or unmanaged COI matters would result in disciplinary action.

Discovery of an undeclared conflict, even after it has passed, will be treated by the University as if it were still active for the purposes of investigation/misconduct considerations.

### Examples of Conflict (not exhaustive)

**Supervision:** staff must not directly supervise a spouse, partner, or relative.

**Approvals:** staff must not approve anything for a spouse, partner, or relative. This applies even if the approving person is acting in a more senior role – it is no less a COI.

**Recruitment:** staff must not be involved in any recruitment process that involves a spouse, partner, or relative. Friendship should be declared.

**Procurement:** staff must never be involved in a procurement process where their spouse, partner, relative or friend has an interest, or where they might receive a material or financial benefit.

### Conflict of Interest Registers

COI registers are kept and maintained. These are held in HR, Procurement and the Chief of Staff Office (for senior management and Council).

### Advice

If you have any doubts or would like to discuss any COI issues please contact the Chief of Staff, Human Resources, or Procurement via the contact points below:

- Chief of Staff, Vanessa Cannon – 4781 4078
- University Secretary, Michael Kern – 4781 4115
- Director HR, Nick Rogers – 4781 5332
- Manager Strategic Procure-to-pay, Richie Woods – 4781 6401

Click here for access to the [Conflicts of Interest Guideline](#)