



# **CONFLICT OF INTEREST POLICY & PROCEDURES**

**September 2019**

## Conflict of Interest Policy

### Overview

Screen Queensland (SQ) is committed to ensuring that all employees, Contractors and Directors perform their duties in a fair and unbiased way, and that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However, failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

### Purpose

To detail the minimum requirements for the identification, declaration, management and monitoring of conflicts of interest that may arise.

### Scope

This policy applies to all SQ employees, Contractors and Directors of the SQ Board.

### Definitions

**Contractor** means a person who is self-employed or who is employed by an external company, who is providing services for Screen Queensland under a contract for services.

**Conflict of interest** includes actual, perceived or apparent or potential conflict of interest.

**Actual conflict of interest** involves a direct conflict between an employee's, Contractor's or Director's current duties and responsibilities and existing private interests.

**Perceived or apparent conflict of interest** can exist where it could be perceived, or it appears, that an employee's, Contractor's or Director's private interests could improperly influence the performance of their duties or responsibilities – whether or not this is in fact the case.

**Potential conflict of interest** arises when an employee, Contractor or Director has a private interest that could conflict with their duties or responsibilities in the future.

**Interest** is anything that can have an impact on an individual or group. Anything that can bring a benefit or disadvantage to us as individuals, or to others whom we may wish to benefit or disadvantage. Interests may be pecuniary or non-pecuniary.

- **Non-pecuniary interest** – do not have a financial component but may arise from personal or family relationships or involvement in sporting, social, community or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could bias your judgement or decisions.
- **Pecuniary interest** – involves an actual or potential financial gain or loss. It may result from the person or related party owning property, holding shares or a position in a company bidding for government work, accepting gifts or hospitality, or receiving an income from a second job. Money does not actually have to change hands for an interest to be pecuniary.

### Private or personal interests

Are those private, professional or business interests that can benefit or disadvantage us as individuals, or others we may wish to benefit or disadvantage. They also include the personal, professional or business interests of individuals or groups we associate with. Private interests include a wide range of external activities including financial and economic interests, family or private businesses and interest groups and involvement in other employment.

## Role and responsibilities

The Financial and Corporate Services Controller is responsible for the overall management of conflict of interest processes within SQ, including the maintenance of a central Register of Interests.

Employees, Contractors and Directors are responsible for

- understanding and complying with this policy and procedure
- disclosing all interests in accordance with this policy and procedure
- managing any conflicts of interest in accordance with this policy and procedure

Managers are responsible for all of the above plus:

- ensuring employees and Contractors under their management are aware of this policy and procedure
- being aware of conflicts of interest within their area of responsibility
- assisting employees and Contractors under their management who have queries about declaration of interest and conflicts of interest

## The Test

The key test for identifying a conflict of interest is whether an individual is or could be influenced, or appear to be influenced, by a private or personal interest when carrying out their duties and responsibilities as an employee, Contractor or Director of SQ.

## Areas of high risk

There are a number of areas of SQ activity that are deemed high risk. These include but are not limited to:

- interests in projects that may seek funding from SQ
- relationships with practitioners that may seek funding from SQ
- interests in businesses that may seek funding from SQ
- interests or relationships with businesses that provide services to SQ

***Employees and Contractors are not eligible to apply (either personally or through an entity with which they are associated) to SQ for funding while engaged as an employee or whilst providing contracted services for SQ.***

***Employees are also not able to be attached to a project in any role eg Producer, Director etc that seeks funding from SQ.***

***Directors will only be eligible to apply (either personally or through an entity with which they are associated) to SQ for funding while engaged as a Director of SQ, if appropriate conflict of interest measures are put in place as set out in this policy.***

## Process

The process for managing conflicts of interest consists of three stages:

STAGE 1: Identify

STAGE 2: Manage

STAGE 3: Monitor

## **Stage 1: Identify**

### **Establish that a conflict exists**

Assess the situation and the circumstances of the situation to determine if a conflict of interest exists.

### **Disclose the conflict of interest**

As soon as you recognise that a conflict of interest may exist, you must declare the conflict in writing to your manager. Your disclosure is to be made using the Declaration of Interests Form. Your manager will assess the situation and seek advice if necessary to determine the appropriate action.

To maintain openness and transparency in disclosing conflicts of interest you should observe the following steps:

#### **Step 1**

- Complete the Declaration of Interests Form

#### **Step 2**

- Declare the conflict to your manager and provide them with a copy of your completed Declaration of Interests Form
- Make a record that you have made this disclosure to your manager.

### **When a written declaration is not immediately practicable**

There may be times when you are in a position that does not allow you to disclose a conflict of interest in writing. For example, you may be in a meeting where, without prior warning, a matter is introduced in which you recognise you may have a conflict of interest. In such circumstances you should observe the following steps:

#### **Step 1**

- Verbally disclose your interest
- Ensure that this disclosure is recorded in the minutes of the meeting
- Record this disclosure in your own meeting notes
- Remove yourself from the meeting while this item is being discussed, or even have the meeting stopped or postponed

#### **Step 2**

- As soon as possible following the meeting, complete the Declaration of Interests Form
- Declare the conflict to your manager and provide them with a copy of your completed Declaration of Interests Form and the minutes of the meeting (where applicable)
- Make a record that you have made this disclosure to your manager.

## **Stage 2: Manage**

Once conflict of interest is reported, the manager must determine the most appropriate management strategy. The recommended responses are:

### **Avoid the conflict of interest**

Avoiding a conflict of interest which poses an unacceptable risk to, or impact on, SQ's interests is the preferred strategy. To avoid a conflict of interest, the employee, Contractor or Director concerned may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the private interest which is creating the conflict or in the case of a Contractor, SQ may terminate the services.

### **Accept and reduce the conflict of interest**

A conflict of interest may be reduced by ensuring that the employee, Contractor or Director concerned has restrictions placed on their involvement in the relevant matter, or that another person or organisational area takes responsibility for the matter.

### **Share the conflict of interest**

A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

### **Retain the conflict of interest**

A conflict of interest may be retained and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation. This response is only suitable for low risk conflicts of interest.

Records are to be kept on what management strategy or strategies are required to resolve and/or manage the situation and decisions made.

## **Stage 3: Monitor**

All disclosed interests must be reviewed by employees and Directors on an annual basis to ensure the information remains correct and the management strategy continues to be appropriate and effective. Contractors must disclose any conflict on a project-specific basis and all disclosed interests must be reviewed on an annual basis (where applicable) to ensure the information remains correct and the management strategy continues to be appropriate and effective.

## **Procedure**

The Financial & Corporate Services Controller is to provide a copy of this policy to all employees and Directors upon commencement with SQ. Contractors must familiarise themselves with this policy as available on SQ's website and must undertake to comply with it all times while providing services for SQ.

### **Identifying Conflicts of Interest**

#### **Declaration of Interest**

*A Declaration of Interest Form* must be completed by employees and Directors:

- within one week of commencing employment with SQ
- by 31 July each year as part of the annual Declaration of Interest audit

*A Declaration of Interest Form* must be completed by Contractors:

- immediately upon becoming aware of any conflict when providing services for SQ;
- where applicable, by 31 July each year as part of the annual Declaration of Interest audit.

*Declaration of Interest Forms* must be revised by employees, Contractors and Directors:

- whenever there is a change in personal circumstances and/or change in work responsibilities that could involve a new conflict of interest.

Managers are to review and assess all declared interests and direct a *Management Plan* be completed where a high risk conflict exists. If managers are unsure whether a conflict exists or whether it is high risk they are to seek advice from the Chief Executive Officer.

In the case of Directors, the review and assessment will be undertaken by the Chief Executive Officer/Financial and Corporate Services Controller.

All completed *Declaration of Interest Forms* and *Management Plans* must be provided to the Financial & Corporate Services Controller for recording on the SQ Register of Interests and on the relevant personnel file.

### **Managing Conflicts of Interest**

SQ's preferred management strategy is to avoid conflicts of interest by removing the employee, Contractor or Director concerned from all involvement in relation to the matter concerned. The following procedures are to be implemented where relevant to the conflict situation:

- All assessments on funding applications are to be undertaken by external assessors
- Employees, Contractors and Directors are not to be involved in any communication or discussion regarding the matter
- Employees, Contractors and Directors are not to receive any meeting papers relating to the matter
- Employees, Contractors and Directors are to excuse themselves from any meetings where the matter is discussed or considered for a decision
- Recommendations (or otherwise) for funding are to be taken to the Board for decision regardless of the level of funding request.

### **Board Meetings**

The following procedures are to be implemented specifically in relation to Board meetings:

- Two weeks prior to each board meeting, Directors are to be notified of matters on the agenda for the upcoming meeting.
- Directors are to advise within five business days of any matter in respect of which they have a conflict by completing and lodging a Declaration of Interest Update Form.
- Directors are not to receive any meeting papers relating to any conflict declared.
- Directors are to be asked at the commencement of each meeting if they have any conflicts to declare.
- Directors will excuse themselves from the meeting before conflicted matters are discussed or immediately upon becoming aware of the conflict.
- All conflicts will be recorded in the minutes of the Board meeting.
- As soon as possible following the Board meeting, Directors must complete and lodge a Declaration of Interest Update Form with respect to any conflicts arising during the meeting which have not previously been disclosed.

### **Monitoring Conflicts of Interest**

#### **Annual Declaration of Interest Audit**

In June each year the Financial & Corporate Services Controller will undertake an audit requiring all employees, Contractors (where relevant) and Directors lodge a new Declaration of Interest Form. These forms are due by 31 July.

Managers are to review and assess all declared interests and direct a *Management Plan* be completed where a high risk conflict exists. If Managers are unsure whether a conflict exists or whether it is high risk they are to seek advice from the Chief Executive Officer.

In the case of Directors, the review and assessment will be undertaken by the Financial & Corporate Services Controller.

All completed *Declaration of Interest Forms* and *Management Plans* must be provided to the Financial & Corporate Services Controller for recording on the SQ Register of Interests and on the relevant personnel file.

### **Failure to Declare Conflicts of Interest**

Failure to declare a conflict of interest may result in disciplinary action including termination of employment/appointment or termination of a contract for services, amongst other disciplinary action pursuant to law.

## DECLARATION OF INTERESTS FORM

Completed Declaration of Interest Forms must be forwarded to the Financial & Corporate Services Controller. Where any interest has been identified as a conflict of interest a management plan must be attached.

<b>Name</b>	
<b>Position</b>	
<b>Date of declaration</b>	

### Projects (including screen, games & festivals)

Employee, Director, partner dependant name	Name of project	Project role (if applicable) eg director, producer

### Directorships or employment

Employee, Director, partner dependant name	Name of Company	Position Held

### Personal relationships

Employee, Director, partner dependant name	Description



**Other interests**

Employee, Director, partner dependant name	Description of interest

**Employee/Director Declaration**

I hereby declare that the information provided in this declaration, properly reflects, to the best of my knowledge, my interest and/or the interest of my partner and/or dependants that may have a bearing, or perceived to have a bearing, on my ability to properly and impartially discharge the duties of my office.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Manager (for employees)**

I hereby declare that I have received and appropriately noted this declaration.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**CONFLICT OF INTEREST MANAGEMENT PLAN**

*This form is to be used to formally record the identification, management and monitoring process of conflicts of interest and is to be attached to the Declaration of Interests Form submitted by the employee.*

**Conflict of Interest Declaration**

Employee Name: \_\_\_\_\_

Position: \_\_\_\_\_

Situation which gives rise to a potential conflict of interest:

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Date of disclosure: \_\_\_\_\_

**Resolution and Management Strategy**

Proposed action to be taken to resolve or manage the conflict of interest:

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**Employee/Director Declaration**

I acknowledge, and agree to comply with, the above approach to remove or manage the conflict of interest.

**Manager**

The actions described above have been put in place to effectively manage any actual, perceived or potential conflict of interest.

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**Signature**

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**Signature**

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**Date**

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**Date**

**Monitor and Review Actions and Decisions**

The following adjustment to action taken to resolve and/or manage the conflict of interest has occurred

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