Procedures for Managing Conflicts of Interest

Professional Standards Command
Procedures for managing conflicts of interest

Essential Summary

A conflict of interest occurs when the private interests of a NSW Police Force employee interferes with or influences, or appears to interfere with or influence their official duties and responsibilities or where an employee uses their official status to influence private interests.

The NSW Police Force is committed to resolving conflicts of interests in the public interest. This commitment requires that all individuals engaged in activity on behalf of the NSW Police Force:

- identify actual, potential and perceived conflicts of interests
- take all reasonable steps to avoid conflicts of interest where possible
- seek advice if uncertain whether a conflict of interest exists
- report any conflicts of interest if they can not be avoided
- put the public interest before your private interest
- cooperate in the management and resolution of conflicts of interest
- report any noticeable change in circumstances relating to conflicts of interest that are being managed.
### Professional Standards Command

**Procedures for Managing Conflicts of Interest**

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Appendix 1 – Declaration of Interests - Senior Executive

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1. Commissioners Foreword

Conflicts of interest arise when NSW Police Force employees are influenced or appear to be influenced by personal and professional interests when doing their job. They are a problem because the community has a right to expect that NSW Police Force employees will perform their duties fairly and impartially and that decisions are not affected by self-interest and/or personal gain.

NSW Police Force employees have responsibilities, rights and privileges not available to members of the community and in return are entitled to trust your integrity. Policing is only truly effective when police personnel are respected and trusted by the community. Allegations that conflicts of interest have impaired fair decision making erode that trust and diminish the authority, reputation and effectiveness of the NSW Police Force.

Conflicts of interest are a major risk to the NSW Police Force. You are expected to report all conflicts of interests that you cannot avoid and participate in their resolution or management. The NSW Police Force expects all employees to take personal responsibility for their actions. Having read this document, no employee should ever expect to succeed in a claim that they did not know what a conflict of interest was, and/or did not know they had to disclose it.

Having a conflict of interest is sometimes unavoidable. You will not come to notice adversely just for having a conflict of interest, unless your conduct in dealing with it is corrupt, criminal or otherwise demonstrates that you lack integrity.

The community should never be disadvantaged because you have resolved a conflict in favour of yourself. As a result you must never hide or ignore a conflict of interest or gain personally from an opportunity encountered as a NSW Police Force employee in a manner that is inconsistent with your duties or your oath of office. Such conduct will raise into question your suitability to be employed by the NSW Police Force, regardless of your employment status.

By establishing and communicating a policy on the topic the NSW Police Force makes its expectations clear and this document will help you to appropriately resolve conflicts between your personal interests and public duty.

Paul A. Carey APM
Assistant Commissioner
Professional Standards
2. **Purpose**

This document provides all NSW Police Force employees with direction and guidance to identify, report manage and resolve conflicts of interest.

Conflicts of interest must be managed according to the *Conflict of Interest Policy* and this document.

This enables the NSW Police Force to:

- provide fair and impartial services to the community
- maintain public confidence in policing
- implement corruption resistance strategies
- effectively deal with allegations of bias / misconduct.

3. **Scope**

This document applies to any individual engaged in activity on behalf of the NSW Police Force, whether on or off duty and all commanders, managers and supervisors who manage individuals that engage in activity on behalf of the NSW Police Force.

The term ‘individual’ includes: employees (sworn and unsworn), ministerial employees (eg special constables), volunteers in policing (VIP) and temporary employees.

This document is based on the *Conflicts of Interest Policy* and the *Declarable Associations Policy*. This document also applies to individuals who are suspended or on any type of leave.

Failure to comply with this policy and related procedures will be considered a breach of the NSW Police Force *Code of Conduct and Ethics* and may result in management action.

This policy is to be read in conjunction with the Procedures for Managing Conflicts of Interest.

4. **Introduction**

There is a shared responsibility between individuals and commanders / managers and supervisors to manage all reported conflicts of interest. Conflicts of interest require open and honest consultation by all parties involved so they can be managed adequately and effectively.

The risks associated with conflicts of interest cannot always be eliminated. Management strategies are intended to minimise the risks to an acceptable level.
Conflicts of interest can be unavoidable and their existence may not necessarily be misconduct on the part of the individual involved.

Management action should only be considered where an individual:
- fails to identify a conflict (where they are reasonably expected to identify)
- fails to avoid a conflict that could have been avoided
- fails to report an unavoidable conflict
- took action on a conflict to benefit their personal or private interests
- fails to cooperate in the management of a conflict
- fails to comply with policy.

5. Definitions

5.1 What is a conflict of interest?

Conflicts of interest occur when the private interests of a NSW Police Force employee interferes with or influences, or appears to interfere with or influence their official duties and responsibilities.

A conflict of interest can involve gaining a personal advantage as well as avoiding or minimising personal disadvantage. That is, a conflict of interest may allow you to avoid a loss, expense, or something else that has a negative impact on your personal or private interests.

Where a conflict of interest arises you are required to put the public interest before your private interests, whether on or off duty.

5.2 Public interest

As a NSW Police Force employee you have a public duty to always put the public interest above your own personal or private interests when carrying out your official duties and responsibilities, or when a conflict that is related to your employment arises when you are on or off duty.

Acting in the public interest means you must carry out official duties and responsibilities for the benefit of the public, in a fair and unbiased way, and make decisions that are not affected by self interest, personal values, private opinions, private affiliations or the likelihood of personal gain or loss.

Acting in the public interest means carrying out official duties and responsibilities for the benefit of the public, in a fair and unbiased way, and making decisions that are not affected by self interest, personal values, private opinions, affiliations or the likelihood of personal gain or loss.

To ensure your actions are always in the public interest you are required to maintain an awareness and knowledge of legislation, values, policies and procedures.
5.3 Private interest

Private interest is broadly defined as anything personal in your private life that impacts on you. It is only relevant to this policy where there is a connection to your official duties.

Private interests can include your social, community, professional and business interests and those of the people and groups with which you associate (including friends, relatives, associations / businesses, community groups, rivals and enemies).

It is only those private interests that conflict (or can be perceived, or have the potential to conflict) with your official duties and responsibilities that need to be declared and managed.

Private interests that may give rise to a conflict of interest are often broken into two groups, pecuniary and non pecuniary.

5.4 Pecuniary (financial) interests

Pecuniary interests involve any situation where there is the potential for you or your associates to benefit financially. Pecuniary interests do not necessarily involve an exchange of money. Pecuniary interests also exist where a person (relative or associate) owns property, holds shares or has a position in a company which interacts or may interact with the NSW Police Force (and where your decisions may benefit them).

5.5 Non pecuniary (non financial) interests

A non pecuniary interest does not have a financial component. A non pecuniary interest can involve personal or family relationships, or involvement in social, political, religious, sporting or cultural activities that could influence, or be perceived to influence, your judgment or decisions as a NSW Police Force employee.

Personal opinions, prejudices and attitudes can also represent a non pecuniary interest. If you are unable to set these aside in the conduct of your public duty, then these can lead to a conflict of interest. Even when you can set them aside, such personal viewpoints might be seen to be a conflict of interest by others.

5.6 Official duties and responsibilities

These include what you are required to do in your job, as well what is required by the NSW Police Force as outlined in the Statement of Values, the Code of Conduct and Ethics and other policies and guidelines. Remember, the Statement of Values and the Code of Conduct and Ethics apply to you while you are on and off duty.
5.7 Types of conflicts of interest

There are three main types of conflicts of interest: actual, perceived and potential. Each of these presents the same personal and organisational risks and therefore need to be managed appropriately. If you are unsure if a conflict exists, you should discuss the matter with your commander / manager.

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<th>Perceived conflict of interest</th>
<th>Potential conflict of interest</th>
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<td>Where a conflict exists between your official duties or responsibilities and your private interests.</td>
<td>Where it could be seen by others that your private interests could improperly interfere with or influence you in the performance of your official duties or responsibilities, whether or not this is in fact the case.</td>
<td>Where your private interests could interfere with or influence your official duties or responsibilities in the future.</td>
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You must not only behave ethically but be seen to behave ethically

6. Specific types of conflicts of interest

6.1 Political affiliations

Political interests must always be undertaken in a strictly private capacity and must not conflict with the primary duty of a NSW Police Force employee to serve the community and the Government in an impartial and politically neutral manner.

Each NSW Police Force employee has the same right to freedom of political expression and association as other members of the community. However, you must not exercise your right to political expression and association in such a way that you knowingly place yourself in a position that creates, or is likely to create, a conflict of interest with your position as an employee of the NSW Police Force, or where such comment may be interpreted as that of the NSW Police Force.

Conflicts of interest that lead to biased decision making may constitute corrupt conduct
6.2 Declareable Associations

A declarable association exists when an individual is associated (to varying degrees) with a person, group or organisation that is involved in (or perceived to be involved in) activity that is incompatible with the NSW Police Force. These associations create a conflict of interest between the individual’s responsibility to the NSW Police Force and their personal relationships/private interests.

Declarable associations must be reported according to the requirements of the Declarable Associations Policy and the Procedures to Manage Declarable Associations – Individual Responsibilities and must be managed according to the requirements of the Procedures to Manage Declarable Associations – Commanders, Managers and Supervisors Responsibilities.

7. Examples of conflicts of interest

The range and extent of NSW Police Force activity, individual roles of its employees and the significant diversity among the personal interests of NSW Police Force employees makes it impossible to list every potential conflict of interest. Some well known situations which are subject to policies and guidelines include:

- receipt of gifts and benefits
- secondary employment
- Relationship between Commander/Manager and junior officer (managed in accordance with the Conflicts of interest Policy and Procedures)
- media comment
- public comment
- endorsements
- sponsorships
- release of information
- source management
- character references
- use of resources
- procurement
- recruitment
- investigation
- declarable associations
8. **High risk situations which may result in conflicts of interest**

- Exercising police discretionary powers (eg. when attending incidents involving family members, friends or off duty police employees)
- Performing regulatory roles (eg. licensing police)
- Collecting, retaining, accessing and using confidential information on COPS, c@ts.i and other police systems (eg. using police information for personal reasons such as finding out personal details of a victim to pursue a relationship or use information inappropriately without authority)
- Maintaining contact or relationships with the media which could result in inappropriate release of information (eg. release of confidential methods of police operations)
- Operating in isolated and small communities (eg. having or developing personal relationships with community members)
- Managing staff (eg. developing a relationship with another staff member)
- Investigating employees known to you (eg. investigating a friend)
- Reviewing decisions made previously by you
- Domestic relationships in the workplace in particular spousal supervision (*Refer to page 24, Section 4. Managing the conflict*).

9. **Individual Responsibilities**

To deal with conflicts of interest effectively you must be able to:

1. **identify** the conflict
2. **avoid** the conflict (where practical)
3. **report** the conflict
4. cooperate in the **management** of the conflict
5. **monitor** the conflict until it is resolved with your supervisor.

In each of these stages there is a responsibility on you (as the person with the conflict of interest) to take appropriate action to deal with the conflict in the public interest.

A failure by you to act appropriately on a conflict of interest is a breach of the NSW Police Force *Code of Conduct and Ethics* and may result in management action, including possible removal / dismissal from the NSW Police Force.

A flowchart illustrating the process for NSW Police Force employees to deal with a conflict of interest is provided on the following page.
Flowchart for individual responsibilities

1. Identify

Consider your private interests and the relationship between your official duties and responsibilities to identify conflicts of interest.

Is there a conflict of interest (actual, perceived or potential)?

- No further action

- Yes

2. Avoid

Is the conflict available?

- Yes

- Record in notebook or other accountable book

- No

3. Report

Informally report to supervisor for advice

- Does your supervisor agree?

- Yes

4. Manage

Cooperate in management, strategy (or strategies): record, restrict, recuse, remove, relinquish.

- No

5. Monitor

Significant change?

- No

- Maintain personal record

- Yes

Monitor
9.1 Identify the conflict

You and other employees are best placed to recognise the potential for conflicts of interest in your workplace.

9.2 Consider the perceptions of others

The hardest conflict of interest to recognise is often your own and therefore you might not always find it easy to identify. You might make the mistake of assuming that you do not have a conflict of interest unless you have an actual conflict of interest. This could mean that the conflict of interest will not be managed until it has become a problem.

Perceived and potential conflicts of interest are often characterised by other people’s opinions or perceptions. If a conflict of interest has not been identified and managed, the perceptions of others can cast doubt on the integrity of individuals and the NSW Police Force even if there has not been misconduct. Such situations are more difficult to manage in crisis (for example, where there is high media interest). It is therefore necessary for the NSW Police Force to implement strategies for dealing with the conflict of interest in advance.

To identify conflicts of interest ask yourself the following questions.

- Could a member of the public reasonably consider / perceive a conflict in the circumstances?
- Given my personal interests, could my involvement cast doubt on my integrity / duties / decision making or impact in any way on the reputation of the NSW Police Force?
- Could my decision appear to have been biased in favour of another person?
- If I participate, would I be happy if other NSW Police Force employees and the public became aware of my involvement and any associations / connections I have?
- Could I justify my actions if they were criticised in the media?
- Do I benefit, or appear to benefit, personally or on behalf of others from my decisions or actions?

9.3 Assessing your situation

In assessing whether you have a private interest the conflicts with your work obligation, there are a number of factors about your private interests you need to consider.

These aspects include whether you have:

- financial and economic interests, such as debts or assets
- an interest in a family or private business
• a secondary employment commitment
• associations with, or obligations to, for profit and non profit organisations, sporting bodies, clubs and associations in a personal or professional capacity or through relationships with people living in the same household
• associations with, or obligations to, political, trade union or professional organisations or other groups and individuals in a personal or professional capacity or through relationships with people living in the same household
• associations with, or obligations to, professional, community, ethnic, family or religious groups in a personal or professional capacity or through relationships with people living in the same household eg: being part of an extremist group that regularly clashes with police
• dislike of or competition with another individual or group
• significant family or other relationships with clients, contractors or other employees working in the same (or related) organisation or high risk industries
• highly specialised skills which are in demand by external organisations
• future employment prospects or plans (i.e. post separation employment)
• to review or investigate the correctness of a previous decision / action in which you have been involved
• a relationship with a person whom you have to investigate.

9.4 Avoiding the conflict

It is your responsibility to avoid conflicts of interest where possible.

If a conflict of interest has been identified and you have avoided it, you must record the details of the conflict in your notebook or diary (or other appropriate place). You must then informally advise your supervisor at the next possible opportunity.

You are required to protect the public interest by taking reasonable steps to identify and avoid any conflicts of interest (actual, potential or perceived) in connection with your NSW Police Force employment. You are also required to manage them appropriately in cooperation with the NSW Police Force.

This includes:
• abstaining from involvement in official decisions and actions that could be compromised by your personal interests, affiliations and associations
• avoiding activities where you could be seen to accrue an advantage from inside information because of your official duties
• not using your official position or diverting government resources for your own personal gain or the gain of others close to you
• ensuring that there can be no real or perceived benefit that may influence the performance of your official duties
• not taking advantage of your official position or access to privileged information gained in that position when seeking employment outside the NSW Police Force.

9.5 Report the conflict

Where a conflict of interest cannot be avoided you must report the conflict:
• in writing – if it is an emergency and it is not practical to report in writing, report it to your supervisor verbally and consult on appropriate management
• promptly
• in detail
• to your commander or manager.

It is highly recommended that you keep a copy of the report.

9.6 Manage the conflict

Once you have reported a conflict of interest the risk is shared with the NSW Police Force. Your commander or manager should work with you to identify and implement an appropriate management strategy (or strategies) for dealing with the conflict and you are required to cooperate in the strategy. A failure to comply will be considered as misconduct.

9.7 Alternative resolution

Resign

Resignation is an extreme option that employees might request / seek to use to resolve a high risk conflict of interest.

The NSW Police Force does not encourage this method of managing a conflict of interest. All other methods of managing or resolving a conflict of interest should be exhausted before considering resignation.

9.8 Monitor the conflict

Monitoring the conflict is essential to ensure that any changes are accounted for and dealt with. Even if you have already reported a conflict of interest and think it has been resolved you might find circumstances where the conflict arises again or affects you in another way. If there are any changes or the conflict arises again you must report the conflict again to ensure that it is resolved appropriately.

9.9 Additional requirements for senior executives

The NSW Public Service Commission has issued a Direction\(^1\) to all NSW government sector agencies that senior executives must make a written direction to their agency

\(^1\) Direction No 1 of 2015
heads about any private financial, business, personal and other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

A "senior executive" means a person to whom Part 5 of the Police Act 1990 applies. As such any declaration made under the NSWPF Conflicts of Interest Policy by a senior executive must be provided to the Commissioner as the agency head for information and perusal. Once the declarations have been noted by the Commissioner they should be filed as per requirements of paragraph 10.4 of this policy.

The management and recording of the conflict will be the responsibility of the relevant Deputy Commissioner /supervisor of the relevant senior executive.

As per Public Service Commissioner's direction a declaration must be made:

- as soon as practicable, following any relevant change in the senior executive's private interests;
- as soon as practicable, following the senior executive's assignment to a new role or responsibility; or
- at least annually, when reviewing their performance agreement

Where the senior executive determines they have no such interests he or she must complete the declaration but may declare a 'nil return'.

- The Commissioner and all senior executive employees, including those acting in senior executive roles for more than three months, are required to make a declaration of interests under these guidelines.

- Senior executives are expected to consider and declare any private financial, personal, business and other interests or relationships that could, or could be perceived to, impact upon the roles they occupy, the decisions they are making, or the advice they are giving.

Important considerations for senior executives making a declaration include:

- the role and responsibilities of the senior executive; and
- the work of the NSW Police Force and whether any of the senior executive’s personal interests may cause public concern if a conflict arose.

These requirements have been imposed on senior executives as they:

- exercise police powers;
- are responsible for commands and for employees undertaking an investigatory, enforcement or regulatory role;

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2 The Commissioner of Police is required to make a declaration to the Secretary, Department of Premier and Cabinet in accordance with these Guidelines. References to "senior executives" in the Guidelines apply to the Commissioner unless the requirement is irrelevant to the office of Commissioner.
• administer procurement of infrastructure, goods and services;
• manage sensitive policy, commercial or personal information, or
• who have a significant public profile e.g., through spokesperson roles or media appearances,

Senior officers are expected to closely consider whether they have personal interests that have a connection or perceived connection with their duties such that they should be declared. If in doubt, it is recommended that the interest or relationship should be disclosed on the declaration form (See Appendix 1 and Appendix 2).

The following list is a guide to senior executives which will assist in identifying the types of interests that could, or could be perceived to, impact upon their work roles. This is not an exhaustive list, and is only designed to provide guidance to senior executives on the types of interests that should be considered.

• real estate investments (other than the person’s private residence);
• shareholdings;
• trusts or nominee companies;
• company directorships or partnerships;
• other significant sources of income;
• self-managed superannuation funds and investments made by those funds;
• significant liabilities;
• gifts;
• details of paid, unpaid or voluntary outside employment,
• Senior executives may have relationships with people who could have a personal or professional interest in their work. Examples could include personal relationships with registered lobbyists, representatives of media outlets, individuals working at oversight agencies or other people who have business or operational dealings with the NSW Police Force.

Senior executives are required to identify these relationships as per Declarable Associations Policy when completing the declaration.
10. **Commander and Manager Responsibilities**

Managing conflicts of interest is a shared responsibility that requires the NSW Police Force and affected employees to work together to identify and implement strategies to resolve the conflict. A failure of either party to appropriately contribute to the management of a conflict of interest is a potential misconduct issue that may result in management action, including removal / dismissal from the NSW Police Force.

To manage conflicts of interest effectively commanders / managers and supervisors must:

- provide advice and guidance when a conflict of interest is identified
- on receiving a report of a conflict of interest, record the conflict of interest and make appropriate enquiries to allow a thorough risk assessment to occur
- assess the risks associated with the conflict of interest
- consult with the individual involved and identify strategies appropriate to the risk level
- manage the conflict of interest with the cooperation of the individual involved
- monitor the conflict of interest while they have management responsibility for the individual, or until it is resolved.

A flowchart illustrating the process for NSW Police Force commanders / managers and supervisors to deal with conflicts of interest is provided on the following page.

**Commanders, managers and supervisors must ensure all necessary steps in the management process are properly recorded, implemented and monitored.**
Flowchart for commander and manager responsibilities

Management Procedures

1. Record

Ensure conflict of interest is recorded in a locally managed database and the individual’s P file

2. Assess

Undertake a risk assessment

3. Identify

Identify management strategies and consult with individual

Record and retain the management strategies in the individual’s P file

4. Manage

Implement management strategy

5. Monitor

Regularly review the conflict of interest

Have circumstances of the conflict of interest changed?

Does the conflict of interest still exist?

Yes

No further action

No

Yes

No

Yes

No

Unclassified
10.1 Command strategies

Local command strategies should promote proactive awareness of conflicts of interest. Ongoing educational awareness, induction information and inclusion into CMF and corruption resistance processes are ways to acknowledge the importance of conflicts of interests. Specific work locations, such as rural locations often require more specific and detailed strategies to manage conflicts of interest.

10.2 Identifying conflicts of interest

While it remains the responsibility of the individual to identify conflicts of interest, other circumstances may lead to the identification of a conflict of interest including:

- complaint investigations
- information from colleagues
- other intelligence holdings and investigations
- corruption prevention strategies.

If a conflict of interest is not self reported by an individual and comes to the attention of the commander / manager or supervisor by other means, consideration should be given as to why they did not self report and whether it is reasonable to expect that they should have.

10.3 Avoiding conflicts of interest

Where a conflict of interest has been identified and avoided by the employee, the employee must record the details of the conflict in their notebook or diary (or other appropriate place) and report the conflict to their supervisor. The supervisor must record the details of the conflict in their notebook or diary (or other appropriate place) and confirm that the conflict is one which can be avoided.

10.4 Record conflicts of interest that cannot be avoided

On receiving a report of a conflict of interest, the commander / manager or supervisor should make appropriate enquires to be fully aware of the circumstances.

Commanders / managers or supervisors must record the details of the conflict of interest and any additional information they find. They should also record

- any subsequent declaration
- an assessment of the conflict
- decisions and agreements of action taken or to be taken
- reviews of ongoing conflicts and status changes.

Any relevant documents should be recorded on a locally managed database and retained in the individual’s personnel file.
10.5 Maintaining confidentiality

Information relating to conflicts of interest must be managed so that confidentiality is maintained at all times. All documents must be secured within the relevant individual’s personnel file.

Anyone that an individual reports a conflict of interest to, or seeks advice from, in an official capacity must treat the information as strictly confidential. This is supported by Clause 76 of the Police Regulation 2015 which requires all officers to treat all information that comes to his or her knowledge in an official capacity as strictly confidential and not divulge it to anyone without proper authority.

If conflicts of interest cannot be managed and kept confidential at the same time then the appropriate management of the conflict must take priority.

The inability to maintain confidentiality should be discussed with the employee prior to the conflict of interest being made public. All alternative management options should be considered prior to making the conflict public.

10.6 Assess the risks

Commanders / managers or supervisors must complete the risk assessment section on the Declarable Association Management Strategy Form P1098. In doing so, they should consider in terms of likelihood and consequence the:

- reliability of the source and validity of information
- recency of contact or involvement with the conflict of interest
- personal safety of the individual
- personal safety of people associated with the individual
- personal safety of other police and colleagues
- safety of the community
- location and nature of duties and investigations the individual undertakes
- previous issues regarding integrity and conduct of the individual
- expectations of the community and those of the NSW Police Force
- reputation of the NSW Police Force
- frequency, method and type of contact
- physical distances involved
- willingness of the individual to report and acknowledge the conflict of interest
- attitude of the individual in regard to undertaking proposed management strategies
- attitude and motives of the declared association
- ability to manage and supervise the individual adequately in the workplace
- effect on morale and motivation in local work environment.

10.7 Identify management strategies

While the responsibility is best placed with employees to identify conflicts of interest, you might consider whether local management arrangements (for example, the Command Management Framework or Corruption Resistance Plan) can assist
employees to be aware of potential areas for command or location specific conflicts of interest. These local arrangements could include strategies for avoiding conflicts and/or managing conflicts if they arise.

Commanders and managers are required to identify and implement strategies to resolve conflicts of interest for affected employees.

It is important to discuss the management option with the employee who has the conflict. The effective management of conflicts of interest requires the cooperation of the employee(s) involved. Where an employee refuses to cooperate in developing an appropriate management strategy or fails to comply with a developed strategy, commanders and managers should issue a management direction. Failure to comply with a management strategy will be considered misconduct.

There are a number of practical approaches available to manage conflicts of interest which aim to manage or resolve the conflict in favour of the public interest.

Depending on the nature of the conflict, and the risk to the organisation, the following management options can be used independently or in combination.

10.7.1 Record

**All conflicts of interest that cannot be avoided must be recorded regardless of the other management strategies implemented.**

Recording the reported conflict of interest is an appropriate strategy for dealing with very low risk and potential conflicts of interest. All reported conflicts of interest should be recorded in the Personnel (P) file of the affected employee(s). Commanders and managers are also responsible for recording conflicts of interest in a locally managed spreadsheet.

Recording does not resolve the conflict and other measures to manage or resolve the conflict should be considered. For example:

- continued monitoring
- ensuring appropriate supervision
- informing affected people of the disclosure and NSW Police Force action to manage it
- ensuring the affected member is aware of the requirement to provide further declarations if the circumstances surrounding the conflict change.
10.7.2 Restrict involvement

Restriction is most appropriately applied when the employee can be effectively separated from parts of an activity or process and the conflict is not likely to arise frequently. Strategies include restricting the employee’s:

- involvement in critical criteria setting or decision making
- involvement in debate on related issues
- involvement in discussion of affected proposals or operational plans
- involvement in operations
- access to information, including complete denial of access to sensitive documents and confidential information.

All affected parties and involved commanders, managers and supervisors should be aware of these arrangements.

This option is not workable if the restrictions result in the affected employee being unable to do their job. This makes this option less appropriate for ongoing management of the conflict.

10.7.3 Recruit others to assist

Through this management option an independent third party is allocated to oversee, audit and/or review the decision making, processes and/or duties affected by the conflict of interest.

This strategy works well when the effects (or perceived effects) of the conflict are significant but it is not appropriate to withdraw the affected person from the relevant duties or decision making process. For example, in cases where the workgroup is small and isolated and/or the expertise of the affected person is not readily replaced.

This option is not suited to a serious ongoing conflict where the continued recruitment and use of a third party is not practical and workable.

10.7.4 Remove the person from the situation

This management option involves the complete removal of the affected employee from the matter or duty affected by the conflict of interest. Removal is most suited to ongoing serious conflicts where other strategies are not feasible, practical or appropriate.

This option might involve:

- ensuring the employee removes themself from any involvement or influence
- re-arranging the duties and responsibilities of the employee
- transferring the employee to different duties, project or command
- ensuring the affected duties are removed from the influence of the employee (e.g. not transferred to a subordinate).
• This option is not suitable where the conflict of interest and its potential or perceived effects are of low risk or significance.

10.7.5 Relinquish the personal interest

This is a very effective management technique that involves the affected employee relinquishing the personal interest(s) that gives rise to the conflict. The affected employee should always be involved in the decision making process for this option and, in effect it will ultimately be that employee’s decision to adopt this option.

• Depending on the nature of the conflict, this option might involve:
  • ending a relationship with a person, organisation or group
  • terminating secondary employment
  • divestment of a personal interest.

Where the personal interest is irreconcilable with the public interest and the employee’s role within the NSW Police Force and the employee refuses to cooperate in resolving the conflict, the employee should be advised that their decision will be viewed as making the employee / employer relationship untenable. The employee should also be advised that disciplinary (unsworn) or management action (sworn) processes will commence.

The NSW Police Force expects its employees to relinquish any personal interest that leads to a conflict of interest if it cannot be managed cooperatively, effectively and appropriately through other means.

Failure to do so may lead to management action, including removal/dismissal from the NSW Police Force if a suitable compromise that serves the public interest cannot be reached.

10.8 Alternative resolution

Resign

Resignation is an extreme option that employees might request or seek to use to resolve a high risk conflict of interest.

The NSW Police Force does not encourage this method of managing a conflict of interest. Commanders and managers should exhaust all other methods of managing or resolving a conflict of interest with the employee. To avoid the possibility of “constructive dismissal”, a resignation in response to a conflict of interest should not be accepted without first seeking legal advice from the Office of General Counsel.

Commanders and managers should work with employees to identify and implement appropriate management options to minimise risk while keeping employees productively at work.
10.9 Managing conflict

A good understanding of the conflict of interest being managed is important to ensure the appropriate management option is selected.

It is also important to discuss the management option with the employee who has the conflict. The effective management of conflicts of interest requires the cooperation of the employee(s) involved.

Commanders and managers should work with employees to identify and implement appropriate management options to minimise risk while keeping employees productively at work.

If a domestic relationship exists between two people, in particular where there is a supervisory relationship between two spouses (eg; Commander and junior officer) a report must be made to the next in the chain of command to manage, assess and monitor. This is to ensure transparency in the management of the conflict of interest.

10.10 Monitor the conflict

Monitoring the conflict is essential to ensure that any changes are accounted for and dealt with. Even if a conflict of interest has been reported by an employee and you have implemented a strategy to deal with the conflict the employee may find circumstances where the conflict arises again or affects them in another way.

If there are any changes or the conflict arises again you must reassess the conflict to ensure that it is resolved appropriately. This includes making necessary amendments to any documentation.

**Commanders and managers must ensure all necessary steps in the selected management strategy/s are properly implemented, monitored and recorded.**
Appendix 1 – Declaration of Interests - Senior Executive

Instructions

This declaration of financial and other personal interests is to be completed by:

- All sworn and unsworn senior executive employees;
- All non executive employees acting in senior executive positions for longer than three months

Privacy Acknowledgement

In completing this form, the NSW Police Force will be collecting your personal information. Supplying this personal information to the NSW Police Force is required by law and a failure to do so may result in you being deemed ineligible to maintain your position as a senior executive. In collecting this information, the NSW Police Force must comply with the Privacy and Personal Information Protection Act 1998 and any subordinate legislation. By signing this declaration form, you acknowledge and agree:

- Your personal information is being collected as a consequence of Public Service Commissioner's Direction No. 1 of 2015 and will be used for the purposes of identifying and managing any actual or perceived conflicts of interest;
- Your personal information will be provided to the Commissioner of Police, who may supply it internally to Professional Standards Command or Human Resources Command, or externally disclose it to the Department of Premier and Cabinet, Department of Police and Emergency Services or the Public Service Commission, if required, and you consent to this disclosure;
- The declaration form will be securely and confidentially stored by the NSW Police Force on your personnel file;
- You are entitled to access the declaration form at any time and correct any inaccuracies.

Declaration of private interests – List of Interests

Instructions

Please list any private financial business personal or other interests or relationships which have the potential to influence or could be perceived to influence decisions made or advice you give as outlined in the guidelines.

The types of interests and relationships that may need to be disclosed include real estate investments (other than private residences), shareholdings, trusts or nominee companies, company directorships or partnerships, other significant sources of income, significant liabilities, gifts, private business, other employment, voluntary, social or personal relationships that could or could be seen to impact upon your responsibilities.

If you have no private interests or relationships to declare, please write "NIL RESPONSE" in response to both questions.
My private interests that may have the potential to influence, or could be perceived to influence, decisions made or advice given by me, include:

My private relationships that may have the potential to influence, or could be perceived to influence, decisions made or advice given by me, include:

Declarant's details

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Reg’d / employee no:</th>
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<tr>
<td>Position</td>
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<tr>
<td>Reporting to</td>
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Declaration

1. I have read and acknowledge the requirement to declare any private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by me.

2. I have read, acknowledged and agree to the "Privacy Acknowledgment" on this form.

3. I will take prompt action to identify and manage any actual and/or perceived conflicts of interest as required, including submitting a new declaration form as soon as practicable following any change to my private interests or relationships, or following my assignment to a new position.

4. The list of interests contains a reference to all of my private interests and relationships for the purposes of making this declaration, and that, in preparing that list, I have had regard to:
   - My private financial business personal and other interests or relationships
   - The functions and responsibilities of the NSW Police Force
   - My role and responsibilities in the NSW Police Force

Signed:  
Date:
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<tr>
<th>Name of Officer</th>
<th>Comment:</th>
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<tbody>
<tr>
<td>Deputy Commissioner Field Operations</td>
<td>(Please include comment if the private interest is in conflict with the senior officer’s duties and requires management of conflict)</td>
</tr>
<tr>
<td>Deputy Commissioner Specialist Operations</td>
<td>(Please include comment if the private interest is in conflict with the senior officer’s duties and requires management of conflict)</td>
</tr>
<tr>
<td>Deputy Commissioner Corporate Services</td>
<td>(Please include comment if the private interest is in conflict with the senior officer’s duties and requires management of conflict)</td>
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<td>Commissioner of Police</td>
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Please submit this form to your deputy commissioner in your chain of command.

Returned to payroll services for filing within the electronic ‘P’ file.
Appendix 2 – Declaration of Interests – Commissioner of Police

Instructions
This declaration of financial and other personal interests is to be completed by the Commissioner of Police.

Privacy Acknowledgement
In completing this form, the NSW Police Force will be collecting your personal information. Supplying this personal information to the NSW Police Force is required by law and a failure to do so may result in you being deemed ineligible to maintain your position as a senior executive. In collecting this information, the NSW Police Force must comply with the Privacy and Personal Information Protection Act 1998 and any subordinate legislation. By signing this declaration form, you acknowledge and agree:

• that your personal information is being collected as a consequence of Public Service Commissioner’s Direction No. 1 of 2015 and will be used for the purposes of identifying and managing any actual or perceived conflicts of interest;
• to your personal information will be provided to the Department of Premier and Cabinet, and acknowledge that it may be disclosed to the Department of Police and Emergency Services or the Public Service Commission, if required;
• the declaration form will be securely and confidentially stored by the NSW Police Force on your personnel file;
• you are entitled to access the declaration form at any time and correct any inaccuracies.

Declaration of private interests – List of Interests

Instructions
Please list any private financial business personal or other interests or relationships which have the potential to influence or could be perceived to influence decisions made or advice you give as outlined in the guidelines.

The types of interests and relationships that may need to be disclosed include real estate investments (other than private residences), shareholdings, trusts or nominee companies, company directorships or partnerships, other significant sources of income, significant liabilities, gifts, private business, other employment, voluntary, social or personal relationships that could or could be seen to impact upon your responsibilities.

If you have no private interests or relationships to declare, please write “NIL RESPONSE” in response to both questions.
My private interests that may have the potential to influence, or could be perceived to influence, decisions made or advice given by me, include:

My private relationships that may have the potential to influence, or could be perceived to influence, decisions made or advice given by me, include:

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**Declaration**

1. I have read and acknowledge the requirement to declare any private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by me.

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3. I will take prompt action to identify and manage any actual and/or perceived conflicts of interest as required, including submitting a new declaration form as soon as practicable following any change to my private interests or relationships, or following my assignment to a new position.

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   - My private financial business personal and other interests or relationships
   - The functions and responsibilities of the NSW Police Force
   - My role and responsibilities in the NSW Police Force

Signed:  
Date:

**Forwarded for consideration to:**  
The Secretary  
Department of Premier and Cabinet