



EXTERNAL ACTIVITIES & CONFLICT OF INTEREST POLICY

TITLE	EXTERNAL ACTIVITIES & CONFLICT OF INTEREST POLICY
RESPONSIBLE PERSON	CEO
APPROVED BY COUNCIL	21 JULY 2026
RESOLUTION NO	95/2026
AMENDED ON	
RESOLUTION NO	
REVIEW DATE	30 MARCH 2029

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1 AUTHORITY & APPLICATION

Date of approval	21/07/2026
Source of approval	Chief Executive Officer
Start Date	21/07/2026
Related Council Documents	This Policy should be considered in conjunction with the following policies and procedures: • <i>Code of Conduct Policy</i> • <i>Code of Tenders and Contracts</i> • <i>Customer Service Charter</i> • <i>Disciplinary Policy</i> • <i>Fitness for Work Policy</i> • <i>Issue Resolution</i> • <i>Managing Performance</i> • <i>Risk Management</i> • <i>Workplace Behaviour</i>
Date of Review	01/03/2029
Previous policies replaced by this Policy	N/A
Publication of Policy	Sorell Council Intranet, MagiqDocs

2 PURPOSE

The aims of this policy are as far as is reasonably practicable to:

- (a) ensure that employees, contractors and elected members understand their obligations and do not engage in behaviour in breach of this policy;
- (b) recognise Sorell Council's commitment to:
 - i. protect the high ethical standards, fairness, professionalism and integrity of Sorell Council's decision-making processes; and
 - ii. deliver services in an impartial manner where decisions are not affected by self-interest or potential for personal gain;
- (c) recognise the ability of employees, contractors and elected members to have private interests but to balance those with their duty to act in the best interests of Sorell Council;
- (d) ensure the wellbeing of employees, contractors and elected members;
- (e) provide a framework for employees, contractors and the Council to identify, report, manage and monitor conflicts of interest.
- (f) operate with the law, industrial instruments and other Sorell Council policies and procedures.

3 COVERAGE

This policy covers and applies to employees, contractors and the elected members in relation to:

- (a) behaviour at workplace;
- (b) the performance of work for or in connection with Sorell Council; and
- (c) conduct outside workplace or working hours if the acts or omissions:
 - i. are likely to cause serious damage to the relationship between Sorell Council and an employee, contractor, elected member or visitor to workplace; or

- ii. are incompatible with employees', contractors' or the elected member's duty to Sorell Council; or
- iii. damage or are likely to damage Sorell Council's interests or reputation

4 REQUIREMENTS

(a) Persons covered by this policy are required to:

- i. comply with this policy as lawful and reasonable directions;
- ii. comply with any applicable law;
- iii. not directly or indirectly engage in or aid, abet or encourage behaviour in breach of this policy/ law; and
- iv. meet their duty of care obligations and be accountable for their own safety and the safety of others at the workplace.

(b) Managers/supervisors are required to:

- i. promote this policy within their area of responsibility; and
- ii. take reasonable steps to ensure that any potential breaches of this policy are identified, taken seriously and acted upon appropriately;
- iii. provide reasonable directions to manage declared conflicts of interest are implemented, effective, monitored for ongoing effectiveness and amended as required; and
- iv. ensure obligations relating to the confidentiality of information declared under this policy, are maintained in accordance with Sorell Council's Privacy Policy.

(c) Persons covered by this policy:

- i. are responsible for:
 - A. declaring,
 - B. seeking approval for, and

- C. participating in discussions to resolve or manage the risk of any situations which may reasonably give rise to actual, perceived or potential conflicts of interest.
 - ii. must avoid, as far as possible, conflicts of interest.
- (d) The CEO and GM - Operations are responsible for the final decision in how any declared actual, perceived or potential conflict of interest will be managed.

5 WHAT IS A CONFLICT OF INTEREST?

- (a) Conflict of interests are actual, potential or perceived conflict between duties or work or services provided to Sorell Council and private interests of an employee, contractor or elected member, in which the employee, contractor or elected member's private interests could improperly influence the performance of work, duties or services provided to Sorell Council by that employee, contractor or elected member.
- (b) A conflict of interest can create a threat to objectivity.
- (c) Conflicts of interests can be:
 - i. **actual**, where a real conflict exists between the employee's, contractor's or elected member's private or other interests and their work or duties;
 - ii. **perceived**, where a reasonable bystander would perceive that an employee's, contractor's or elected member's private or other interests may have the potential to create a conflict of interest; or
 - iii. **potential**, where events arise that may develop into an actual or perceived conflict of interest.
- (d) Private interests include the personal, professional or business interests of the employee, contractor or elected member, or of the individuals or groups with whom the employee, contractor or elected member has a close association such as family, friends, business/close associates and even adversaries.
- (e) Conflicts of interest can arise where the employee, contractor or elected member has a Close Personal Relationship with another employee, contractor or elected member or their family.

(f) A **Close Personal Relationship** means relationships which may lead to a conflict of interest, specifically:

- i. family relationships (husband/wife, defacto partner, siblings, parent/child, relationships by marriage such as brother or sister-in-law, etc.);
- ii. emotional relationships which might include sexual relationships or close friendships.

(g) Private interests may be pecuniary or non-pecuniary.

- i. **Pecuniary:** refers to an actual or potential monetary gain or loss for the employee, their family, friends, or close associates. It may occur because of the employee (or related party) owning property, holding an ownership interest or a position in a company bidding for work with Sorell Council, accepting gifts or hospitality, receiving income from a second job etc. Money does not need to physically change hands for an interest to be pecuniary.
- ii. **Non-pecuniary:** refers to an interest that is not monetary but arises from things such as personal or family relationships or involvement in social, cultural, religious or sporting activities. They include any factor which could predispose the employee towards favour or prejudice, resulting from personal relationships/involvement that could bias the employee's judgement or decisions.

6 EXAMPLES OF WHERE CONFLICTS OF INTEREST MAY ARISE

The following list is not exhaustive but is intended to provide a guide. Conflicts of interest may arise if:

(a) you are in a Close Personal Relationship with:

- i. an employee, contractor or elected member;
- ii. someone who has applied for a job with Sorell Council;
- iii. someone who already works for Sorell Council;
- iv. someone who directly or through a business provides goods or services to Sorell Council;

- (b) you are on the selection panel for a position someone you are in a Close Personal Relationship has applied for;
- (c) you wish to publish a piece of work related to your role at Sorell Council;
- (d) you study and wish to use Sorell Council as a topic of your research, or access employees as part of your studies;
- (e) you are affiliated with a club or interest group that regularly makes public comment;
- (f) you have a personal blog which connects you to Sorell Council;
- (g) you have a part-time business where employees of Sorell Council are potential clients;
- (h) you have been offered the opportunity to do some private consultancy work that has links to the work you do at Sorell Council;
- (i) Sorell Council wishes to purchase something or use the service of a company owned by you, a family member or close associate/friend;
- (j) you have been invited to be a guest speaker/give a lecture that has links to work you do in your Sorell Council role;
- (k) you oversee a contractor/employee who works for Sorell Council, and you want them to do some work for you in a private capacity;
- (l) you wish to access Sorell Council's purchasing power by purchasing items under Sorell Council's name;
- (m) you hold an official capacity (e.g. board member) with an external organisation that has a relationship with Sorell Council;
- (n) you have confidential information about a decision Sorell Council has made that could place you in an advantageous position should you act on it before it becomes public knowledge;
- (o) you are employed by Sorell Council but want to take on or already have a secondary employment outside but related in any way to Sorell Council (the hours of work and commitment to the other position may conflict with your ability to perform your position at the Council to the standard required or safely).

7 DECLARING A CONFLICT OF INTEREST

- (a) Conflicts of interest are sometimes inevitable and are not unethical or wrong by default. The key factor is that the employee declares the interest so that an appropriate assessment can be conducted and mitigating actions implemented.
- (b) Failure to identify or appropriately manage any actual, perceived, or potential conflict of interest may be determined as misconduct or serious misconduct, resulting in possible disciplinary action including termination of employment.
- (c) To demonstrate declaration and avoidance employees and contractors must:
 - i. inform the CEO as soon as they become aware of possible conflicts of interest involving themselves or others and provide all reasonable information about the possible conflict of interest and comply with any directions;
 - ii. reasonably seek approval from the CEO before taking up other employment or engagements outside of their position with Sorell Council;
 - iii. not use or take advantage of any Sorell Council property or information belonging to Sorell Council for personal benefit or for the benefit of any other person.
- (d) Where a matter arises at a Council meeting or a Council committee meeting the individual should declare either in writing or verbally to the chair or other person presiding over the meeting that they have a conflict of interest before the matter is discussed. The declaration must be recorded in the minutes of the meeting.
- (e) When disclosing a real or potential conflict of interest the following information should be provided:
 - i. the names of the parties involved;
 - ii. a brief outline of the nature of the conflict;
 - iii. where possible a brief outline of the proposed solution to manage or resolve the conflict; and
 - iv. if for some reason there has been a delay in the disclosure, an explanation for the delay.

8 MANAGEMENT OF CONFLICTS

(a) Once a conflict has been disclosed those people who need to be involved in managing the conflict will be identified. Those people will then carefully consider what, if anything is required to avoid or mitigate the effects of the conflict and develop a management plan in consultation with the individual taking in to account the seriousness of the conflict and options to reduce risks to Sorell Council.

(b) Options to manage the conflict might, depending on the circumstances, include:

- i. taking no action;
- ii. enquiring as to whether all affected parties will consent to the employee, contractor or elected member's involvement;
- iii. imposing additional oversight or review over the employee, contractor or elected member;
- iv. withdrawing from discussions or voting on a particular item of business at a meeting;
- v. exclusion from a working group or committee while dealing with a particular issue;
- vi. reassigning certain tasks or duties to another person;
- vii. arranging for an independent third party to decide or to audit or oversee the decision-making process;
- viii. increase the number of people on the decision-making committee;
- ix. seek the opinion of others who are likely to be concerned about the conflict of interest;
- x. agreement, undertaking or direction not to do, or to do, something;
- xi. withholding certain confidential information or placing restrictions on access to information;
- xii. transferring the individual either temporarily or permanently to another position or project;
- xiii. relinquishing the private interest;

xiv. resignation or termination of employment, contract or office.

(c) In relation to proposed secondary employment, business activity or other activity involving sharing of knowledge or information, whether it:

- i. will be performed outside of the normal hours of duty;
- ii. is likely to adversely affect the ability, capacity or credibility to perform the duties required under the contract of employment;
- iii. would give rise to an actual, perceived or potential conflict of interest;
- iv. is likely to result in unreasonable fatigue creating a work health and safety issue or detracting from the ability to perform the role for Sorell Council effectively or to the required standard;
- v. would bring Sorell Council into disrepute;
- vi. could benefit from access to Sorell Council's confidential information or intellectual property;
- vii. is or might use Sorell Council premises, services, equipment, facilities, electronic resources or supplies;
- viii. whether it is performed in such a way as to appear to be an official act or to represent Sorell Council's positions or policies;
- ix. whether it involves the provision of goods and services that could be reasonably expected to be provided as part of the contract of employment.

9 BREACHES

Refusal or failure to:

- (a) reasonably declare;
- (b) reasonably participate in discussions to resolve; or
- (c) take reasonable action as directed to resolve,

an actual, potential or perceived conflict of interest may result in termination of employment, contract or enrolment.

10 ADVICE

Employees, contractors or elected members who are uncertain as to whether they are in a situation where an actual, perceived or potential conflict of interest exists should seek advice from their manager, CEO or GM - Operations.

11 VARIATION

This policy may be reasonably varied, terminated or replaced by Sorell Council in its sole discretion from time to time.

12 DOCUMENT CONTROL

Version	Date	Description	Author	Approved
1.0	30.03.2026	First Draft	Development Officer Risk & Strategy	CEO
2.0	23.07.2026	FINAL	Corporate Administration Officer	COUNCIL



Robert Higgins
Chief Executive Officer

Definitions	
Term	Meaning
Amendment	Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Applicable Laws	All laws in connection with the carrying out of work or the Workplace, including: • <i>Age Discrimination Act 2004 (Cth)</i> • <i>Anti-Discrimination Act 1998 (TAS)</i> • <i>Australian Human Rights Commission Act 1986 (Cth)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Fair Work Act 2009 (Cth)</i> • <i>Local Government Act 1993 (TAS)</i> • <i>Racial Discrimination Act 1975 (Cth)</i> • <i>Sex Discrimination Act 1984 (Cth)</i> • <i>Work Health & Safety Act 2012 (TAS)</i> • <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i>
Breach of Policy	Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws: (a) exposing individuals to legal proceedings; and (b) making Council vicariously liable for the conduct of others.
Confidential Information	Any information, except for information in the public domain other than because of a breach by the Employee disclosed, or communicated to the Employee by, or on behalf of, Council

	that: (a) is marked or designated as ‘Confidential’; (b) would at law be considered secret or ‘confidential’ information of Council; (c) that the Employee might reasonably expect Council to regard as confidential: or (d) which comes into the Worker’s possession, or is learnt, accessed, or generated by the Worker, during the Worker’s employment or engagement, whether the information was originally supplied by the Council; and (i) relates to Council dealings, customer or client lists, financial position and arrangements, funding, transaction, general affairs, contracts entered into, program planning and consultant’s advice, promotional information, planning information, equipment and techniques used or any of the above matters for Council’s business; (ii) without limiting the generality of the above relates to internal Council management, the structure of Council, information about Workers, Policies, marketing programs, strategies, plans, investments, or aspects of its future operations; or (iii) relates to internal Council management, the structure of the business of Council, Council personnel, marketing programs, strategies, plans, investments, or aspects of its future operations.
Conflict of Interest	An actual, potential or perceived conflict between duties or work or services provided to Council and private interests of a Worker, in which the Employee has private ‘interests’ which could improperly influence the performance of work, duties

	or services provided to Council by that Worker. Without limiting the generality of the above, includes any ‘interests’ identified in the <i>Local Government Act 1993</i> (TAS).
Council	Sorell Council
Council Property	Any real or tangible property (e.g., cash, motor vehicles, plant, and equipment); and any intangible property (e.g., intellectual property and goodwill) owned by Council or in Council’s possession or control.
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a ‘councillor’ as defined under section 3 of the <i>Local Government Act 1993</i> (TAS).
Employee	A person who conducts work for Council as an employee of Council.
Chief Executive Officer	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Interpretation of Policy	(a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements, or re-enactments of any of them. (c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) ‘Including’ and similar expressions are not words of limitation.

	(e) A reference to a document (including this document) is to that document as amended, novated, or replaced unless otherwise stated. (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning. (g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive. (h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency. (i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction, or responsibility imposed by this Policy must be conducted in a manner that an objective third party would consider to be fair and reasonable considering and in the context of all the relevant Applicable Laws, operational and personal circumstances. Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

Nominated Council Delegate	Human Resource Officer and Corporate Administration Officer
Other Persons at the Workplace	Any person at the Workplace who is not an Employee including visitors and ratepayers.
Policy	This Code of Conduct Policy including the 'Authority and Application'.
Pecuniary Interest	A Pecuniary Interest exists where an employee has a direct or indirect financial interest from which there is a reasonable likelihood of a financial gain or loss.
Privileged Information	Any information which is subject to legal professional privilege.
Reporting of Breaches	Persons covered under paragraph 3 (Coverage) must report breaches of Infringing Workplace Behaviour as follows: For breaches by (a) an Employee (other than the General Manager) the report must go to the reporting person's applicable Manager/Supervisor; and/or (b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and as otherwise required or permitted by Applicable Laws.
Sensitive Information	Personal information or an opinion relating to personal information about individuals': (a) racial or ethnic origin; or (b) political opinions; or (c) membership of a political association; or (d) religious beliefs or affiliations; or

	(e) philosophical beliefs; or (f) membership of a professional or trade association; or (g) membership of a trade union; or (h) sexual preferences or practices; or (i) criminal record; and (j) health information about an individual.
Training	Council will provide all persons covered by this Policy with appropriate training, so they are made aware of their responsibilities and obligations under the Policy.
Worker	A person who conducts work in any capacity for Council, including work as: (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work at Council; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer; or (i) Councillor.
Workplace	A place where work is conducted for Council.