CONFLICTS OF INTEREST POLICY

Policy type	*Administration*
Authorised by	*The Executive*
First adopted	*12 October 2011*
Revisions/amendments	*20 March 2023*
Review date	*As required*

1. PURPOSE

1.1 As Tauranga City Council (council) ~~employee~~worker~~s~~, we are responsible for managing community assets and finances. Therefore, we must act with integrity and transparency. We must ensure that all decisions we make deliver~~s~~ the best public value and builds trust with the community.

1.2 The public needs to have confidence that any decisions council ~~employee~~worker~~s~~ make:

- are impartial and for justifiable reasons
- are not influenced by personal interests or ulterior motives.

1.3 This policy helps by setting out our approach to identifying, disclosing, and managing conflicts of interest at the council. It should be read alongside the Conflicts of Interest Procedure and the Senior ~~Employee~~ Leader Interests Register Procedure.

2. SCOPE

2.1 This policy applies to all council activities and all council ~~employees~~workers. ~~This includes:~~

~~2.1~~ 2.2 The declaration of interests of elected members is not covered by this policy. This is addressed in the Code of Conduct for Elected Members.

~~• volunteers~~

~~• persons seconded to the council~~

~~• contractors.~~

~~2.2 Where the term 'council employee/s' or 'employee/s' is used in this policy it refers to those listed at 2.1.~~

~~**Application to Building Services**~~

~~2.3 The building consent function is governed by the *Building (Accreditation of Building Consent Authorities) Regulations 2006* (**Regulations**). There is a specific policy and procedure that applies to the Building Consent team in addition to this policy.~~

~~2.4 See appendix 1 for a copy of this policy and procedure.~~

3. DEFINITIONS

Term	Definition
Close friend	A person with whom the worker has a strong personal relationship that could reasonably be perceived to influence their impartiality. This may include long-term friendships, flatmates, or individuals with whom the employee has shared significant personal experiences.
Conflicts of interest	A situation where your work for the council is affected, or could be perceived to be affected, by an interest or relationship you have in your private life or secondary employment.
Worker	Any individual performing work for or on behalf of the council. This includes all current employees (full time, part time, fixed term or casual), contractors, sub-contractors, consultants, secondees, agents, and volunteers.
Family member	Includes immediate and extended family or relatives—such as a spouse, partner, parent, sibling, child, or any person with whom the worker has a close familial relationship, whether by blood, marriage, or long-term association.
Legal entity	A registered company, a partnership, a trust, an incorporated society or any other entity which has rights and responsibilities and is capable of conducting business with the council.
Material interest	A financial, governance, or decision-making interest that could reasonably be seen to influence the worker's actions or decisions.
Minor or routine transaction	A low-value, publicly available transaction unlikely to influence council decision-making (e.g. purchasing consumer goods or services).
Pecuniary advantage	A financial benefit or gain—either direct (to the worker) or indirect (to someone closely connected to them)—that could arise from a council decision or activity.

4. PRINCIPLES

4.1 The following ~~principles guide the council's management of conflicts of interest:~~ values outlined in the council's Code of Conduct / Ngā Kawa Arataki underpin the principles by which conflicts of interest are managed:

- Whanaungatanga and Collaboration: Build trustworthiness and respect through early, open disclosure to emphasise impartial decision making and collective responsibility
- Manaakitanga and Respect: Treat all parties fairly, with care and respect, supporting inclusive, fair and ethical behaviour
- Whāia te tika and Service: Act ethically and prioritise public interest to consider broader implications and transparency of separating personal interests from public duties
- Pono and Integrity: Uphold the mana of the decision-making process by declaring, documenting, and managing conflicts with honesty and accountability
- ~~integrity~~
- ~~trustworthiness~~
- ~~accountability~~
- ~~impartiality~~
- ~~respect~~
- ~~responsiveness.~~

5. POLICY STATEMENT

5.1 THE NATURE OF CONFLICTS OF INTEREST

5.1.1 Conflicts of interest are situations where your work for the council is affected, or could be perceived to be affected, by an interest or relationship you have in your private life, secondary employment, or volunteer roles.

5.1.2 It is very likely that as a~~n employee~~worker, you may find yourself in a situation where you have a personal connection to the work you are doing for the council. Having a conflict of interest does not mean you have done anything wrong. What is important is how you manage it.

5.1.3 At times, your personal relationships, community ties, or past experiences may be an asset to the work you do for the council. These connections can bring valuable insight, cultural understanding, or local knowledge. However, it is important to recognise when these connections could also give rise to a conflict of interest. The key is not to avoid these situations entirely, but to manage them openly and appropriately, ensuring transparency, fairness, and trust in our decision-making processes.

5.1.4 Conflicts of interest can arise in a variety of ways, such as:

- financial conflicts
- non-financial conflicts
- conflicts of roles or secondary employment
- predetermination in decision making
- engagement in public consultation in a personal capacity.

5.1.5 Where a conflict arises, the following guiding principles will help council ~~employee~~workers determine the appropriate actions:

- we declare all real/actual, potential or perceived conflicts of interest
- we are mindful when making a decision or giving advice of any bias or perception of bias that may exist
- we declare any political pressure, threats or inducements that could improperly influence our decisions

- if we are unsure whether a conflict of interest could impact the fairness or perception of fairness of a decision, we withdraw or exclude ourselves
- we have an open mind and maintain neutrality when making decisions or providing advice
- we are open to the views and aspirations of our community and are willing to change our position.

5.2 DISCLOSING A CONFLICT OF INTEREST

Disclosure at application

5.2.1 Applicants for employment or contract roles at the council ~~may~~ will be asked to provide information regarding any potential conflicts of interest as part of the recruitment and selection process.

5.2.2 In most situations conflicts of interest can be managed, however, there may be some roles where a conflict of interest means an applicant would be unsuitable to perform the duties required of the role. For example, if the interest caused a conflict (or perceived conflict) with a core aspect of the role, and it would be difficult to manage on an ongoing basis.

5.2.3 Where the relevant hiring manager determines the conflict cannot be adequately managed, the applicant will be notified. The applicant will be offered the option to consider relinquishing the conflicting interest in order to be offered a position at the council.

Disclosure in course of duties

5.2.4 If an existing council ~~employee~~worker, during the course of their duties, considers a conflict of interest exists or has the potential to exist, the ~~employee~~worker must discuss this with their people leader or ~~HR~~ people business partner at the earliest opportunity. This includes both real and perceived conflicts of interest.

5.2.5 In accordance with the Conflicts of Interest Procedure, the ~~employee~~worker should notify their people leader and ~~complete the conflicts of interest declaration form~~ declare the conflict of interest via the conflicts of interest Online portal.

5.2.6 If people leaders, managers or general managers become aware of a conflict of interest or potential conflict of interest for a~~n~~ ~~employee~~worker, they must ask the ~~employee~~worker to disclose this at the earliest opportunity.

5.2.7 Failure to disclose an actual or perceived conflict of interest may result in disciplinary action in accordance with clause 5.4 of this policy.

Routine disclosure

5.2.8 Routine disclosures are required for certain senior ~~employees'~~leaders' positions in accordance with the Senior ~~Employee~~Leader Interests Register Procedure. This includes the chief executive, Executive ~~Leadership~~ team, Senior Leadership group, ~~employee~~workers acting in these roles for three months or more, and any other ~~employee~~worker specifically identified as being covered by this procedure.

5.2.9 Workers who manage or are involved in a council procurement process must declare any potential or perceived conflicts of interests according to this policy. In addition, they must declare any interests they hold at the planning stage as outlined in the

Procurement Policy and procurement manual. They must complete the Procurement Conflicts of Interest and Confidentiality Declaration where:

- the estimated total value of the contract is more than $100,000; or
- it ~~is~~has been classified as high risk regardless of the value of the contract, and regardless of whether an actual conflict exists or not; or
- it has been classified as low/medium risk or under $100,000 and an actual conflict exists; or
- a conflict of interest arises, at any stage~~, as outlined in the procurement manual~~.

Building Services division

5.2.10 Members of the Building Services division must report any actual, perceived or potential conflicts of interest in accordance with this policy which will be managed in accordance with obligations under the Building (Accreditation of Building Consent Authorities) Regulations 2006. This may include, but is not limited to:

- Self-certification
- Council owned property
- Pecuniary interest, or family interest in property
- Commercial, financial, political or other pressures that might affect their independence.

When the council is the applicant

5.2.11 When Tauranga City Council is the applicant for a regulatory approval (e.g. building consent, resource consent, liquor licence), this presents a significant conflict of interest risk.

5.2.12 In these situations:

- The conflict of interest must be clearly identified.
- The conflict must be rigorously assessed.
- The conflict must be transparently managed to ensure regulatory integrity and public trust.
- All conflicts must be managed strictly in accordance with the 'when the council is the applicant' section of the Conflicts of Interest Procedure.

Engagement in a public consultation

~~5.2.10~~ ~~Employee~~Workers are entitled to participate (in a personal capacity) in consultation processes run by the council (such as formal written submissions, workshops, anonymous surveys, informal surveys and interactive maps). Where a council ~~employee~~worker participates~~:~~

~~•~~5.2.13 the ~~employee~~worker's participation must not be seen to unfairly influence the council's decision.

~~5.2.11~~5.2.14 The ~~employee~~worker should let their people leader know if they are considering putting in a personal formal written submission or participating in a workshop as part of a public consultation.

5.2.15 ~~Employee~~Workers do not need to let their people leader know if they participate in anonymous surveys, informal surveys and interactive maps.

5.2.16 Senior workers and those who work in policy roles need to take extra care to maintain their political neutrality. In some cases, they may be prohibited from making public submissions in a privacy capacity.

Expressing Personal Views

5.2.17 Workers may hold and express personal views in their private capacity, provided these are clearly separated from their professional role and do not appear to represent the council.

5.2.18 Workers must familiarise themselves with the Social Media Policy and Election Protocols for further guidance.

Worker Conduct during council meetings and public forums

5.2.19 Staff are to remain impartial in council meetings and public forums. Their role is to support proceedings, not engage in public debate. Personal views or interests must not influence or appear to influence their advice or behaviour.

5.2.20 Staff must avoid actions that could reasonably be perceived as supporting or opposing a particular viewpoint, especially on matters under council consideration. This does not apply to professional recommendations or advice in reports, which are based on evidence and organisational context.

5.2.21 When working in advocacy or advisory roles, staff must use their judgment to balance support responsibilities with an awareness of potential or perceived conflicts of interest, managing these respectfully and transparently.

5.2.22 Where sensitive, contentious or high-profile issues are on the agenda, staff briefings must be planned in advance where possible to ensure consistent and impartial advice is provided.

5.2.23 If unsure about a potential conflict, perceived bias, or appropriate conduct, staff should seek guidance from their people leader or relevant internal teams.

5.3 INTERNAL ~~EMPLOYEE~~WORKER RELATIONSHIPS

5.3.1 ~~Employee~~Workers cannot be discriminated against based on relationship status (Human Rights Act 1993). If a~~n~~ ~~employee~~worker is in a relationship with another ~~employee~~worker and there is a power imbalance, this may give rise to a conflict of interest or a perception of bias. This may need to be managed. Relationships may be of a personal nature (e.g. romantic or familial) or of a business nature (e.g. shared financial interests, joint ventures, or partnerships).

5.3.2 To protect the privacy of the individuals, a separate approach to disclosure and management of ~~employee~~worker relationships is necessary. ~~Employee~~Workers with internal relationships are required to disclose this to the People, Performance and Culture ~~Human Resources~~ team who will assess whether a conflict of interest exists and recommend any actions to manage any conflict of interest.

5.3.3 The People, Performance and Culture ~~Human Resources~~ team will, at all times, respect the privacy of the individuals in accordance with all relevant policies and legislation, including the Code of Conduct and the Privacy Act 2020.

5.4 FAILURE TO COMPLY OR FULLY DECLARE CONFLICTS OF INTEREST

5.4.1 In accordance with the Code of Conduct, failure to declare a conflict of interest or failure to comply with agreed actions to manage the conflict, may be considered serious misconduct. This may result in disciplinary action. Failing to declare includes intentionally concealing, understating, mismanaging, or abusing the conflict of interest.

5.5 MANAGING CONFLICTS OF INTEREST

5.5.1 The council will ensure appropriate systems are in place to manage a conflict of interest once it has been declared. This will include:

- Assessing the nature and significance of the conflict
- Identifying and evaluating appropriate actions
- Documenting the decision-making process, including rationale
- Formally approving and recording the agreed actions and outcomes
- Monitoring ongoing compliance with agreed actions.

~~5.4~~5.6 SPECIFIC PROHIBITIONS

5.6.1 In some situations, a worker's impartiality could reasonably be perceived to be compromised due to a personal, financial or professional connection, and where there is potential for pecuniary advantage.

5.6.2 Unless authorised in writing from the chief executive, ~~employee~~workers are specifically prohibited from the following:

- being involved in the decision to appoint, ~~or~~ employ or engage ~~a relative or~~a family member, close friend, or any person from a legal entity in which the worker or their family member has a material interest
- conducting business on behalf of the council either directly or indirectly with a ~~relative or~~ family member, ~~close friend~~ or legal entity in which they or someone close to them ~~a relative or family member~~ has a materi~~al~~ interest, unless the transaction is of a minor or routine nature
- purchasing new shares in or working for a legal entity that have dealings with or that are in competition with the council, except for dealings of a minor or routine nature
- influencing or participating in a decision to award contracts or grants where the ~~employee~~worker ~~is connected to a person or legal entity that submitted an application or tender.~~has a personal, financial or professional connection to the applicant.

5.6.3 These examples are not exhaustive. Workers are encouraged to seek guidance from their people leader or People business partner and declare the conflict of interest if required.

5.7 USE OF COUNCIL RESOURCES FOR PERSONAL USE

5.7.1 In alignment with the Digital Services Acceptable Use Policy and Guidelines:

- Workers may use council internet, phone or email for limited personal use
- Workers must not use council internet, phone or email to make personal gains or conduct a personal business.

5.7.2 The use of social media must align with the Social Media Policy.

5.7.3 The use of internal social media channels must avoid any real or perceived conflicts of interest:

- Workers must not promote personal business or commercial ventures, including those of close friends or family members, unless authorised.
- Fundraising for community causes may be shared in moderation, provided it does not imply council endorsement.

6. RELEVANT DELEGATIONS

6.1 The chief executive or ~~his/her~~their nominee has delegated authority for the implementation of this policy.

7. REFERENCES AND RELEVANT LEGISLATION

- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Office of the Auditor-General: Managing conflicts of interest: A guide for the public sector

- Privacy Act 2020

8. ASSOCIATED POLICIES/PROCEDURES

- Code of Conduct
- Conflicts Of Interest Procedure
- Delegations Manual
- Digital Services Acceptable Use Policy and ~~Policy~~ Guidelines
- Disciplinary and Performance Improvement Procedure
- Fraud Prevention and Management Policy
- Gift and Hospitality Procedure
- Integrity Framework
- Management of Suspected Fraud Procedure
- Privacy Policy
- Procurement Strategy and Procurement Procedures
- Risk Management Policy
- Senior ~~Worker~~ Leader Interests Register Procedure
- Sensitive Expenditure Policy
- Social Media Policy