



## **Policy Statement**

All staff and employees (hereafter known as “staff” unless specifically stated otherwise) should avoid situations in which a conflict of interest exists, or could be perceived to exist.

## **Objectives**

The objectives of the HVTC Conflict of Interest policy are to:

- provide a framework for resolving situations where conflicts of interest exist, or might be perceived to exist;
- support the right of staff to freedoms provided by common and statutory law, provided that they uphold standards of professional behaviour and conduct activities in an effective, efficient, fair, equitable and impartial manner so as to maintain the confidence and trust of clients; and
- communicate Hunter Valley Training Company’s position on conflict of interest to all stakeholders.

In this Policy a conflict of interest should be assessed in terms of whether the interests or personal circumstances of the staff member could influence, or could appear to influence, the performance of duties assigned to that staff member.

## **Related and Associated Legislation**

This Policy should not be read in isolation, and any consideration of a potential conflict of interest should take into account the relevant legislation mentioned at the end of this policy.

## **Types of Conflicts of Interests**

Conflicts of interest arise when staff members find themselves in situations where they are in a position to influence the performance of duties according to their own interests and personal circumstances. In many instances, only the staff member involved will be aware that a conflict of interest exists in a situation, or that the potential for a perceived conflict of interest exists in a situation. It is the responsibility of all staff to identify any conflicts of interest, and to take action to avoid situations in which a conflict of interest could arise. Circumstances which could result in a conflict of interest for HVTC staff are:

- financial interests;
- personal and family relationships between staff members;
- personal and family relationships between staff members and students;
- acceptance of gifts or benefits;
- use of official facilities and equipment;
- use of official information;
- personal beliefs;
- public comment;
- multiple roles;
- outside employment; and
- political participation.

Under “User Choice” arrangements in NSW there exists a possible conflict of interest in some trade related areas for apprenticeships. In addition to the apprenticeship based qualifications offered all RTO’s operate in the traineeship arena.

It is imperative that in all aspects of commencing apprentices/trainees all possible training options are discussed with the apprentice/trainee and Host Employer. Information on all available RTO’s relevant to the training to be undertaken, as well as the delivery pathways that are offered by those RTO’s, are to be provided to both the apprentice/trainee and the Host Employer. This is to ensure that an informed and reliable decision is made with respect to the selection of an appropriate RTO.



### **Declaration of Interest**

All staff, including contractors and casuals working on behalf of Hunter Valley Training Company Pty Limited, who believe these identified types of conflicts affect them must declare their interests in writing to:

**Manager Human Resources  
PO Box 559  
Maitland NSW 2320**

Employees of Hunter Valley Training Company should notify their Manager as soon as they become aware of the conflict.

### **Guidance for Staff**

A member of HVTC staff must:

- perform their duties impartially;
- avoid situations in which private interests conflict or might reasonably be thought to conflict with the performance of their duty;
- disclose any potential or actual conflict of interest to their manager;
- disclose any potential or actual conflict of interest of a member of the immediate family;
- in cases where a conflict of interest exists, or might reasonably appear to exist, obtain the written authorisation of their immediate manager to continue or cease duties until the manager has examined the matter and directed the staff member in writing about further action;
- not solicit or accept from any person any remuneration or benefit for the discharge of duties to gain directly or indirectly a financial advantage for himself or any other person over and above their normal remuneration; nor
- accept any gift, hospitality or concessional travel other than permitted by HVTC.

### **Disclosure**

In any matter where an actual or potential conflict of interest arises, the member of staff must immediately report such conflict to their immediate manager who will seek direction as to what if any future involvement there should be in the matter.

### **Implementation by Managers**

Where a disclosure is made to a Manager, the Manager may, following receipt of advice from the Manager Human Resources:

- authorise in writing continuation of the involvement of the member of staff in the matter;
- require the employee to cease acting in any or all aspects of the matter;
- direct the member of staff to cease supporting or involvement with a third party to the matter; or
- issue any other directive required to avoid the conflict of interest.

All managers should record in writing all reports of conflicts of interest and all directions given about handling each matter. These reports are to be forwarded to the Manager Human Resources, who will discuss them on a regular basis with the General Manager. If necessary the reports will be discussed with the appropriate Board Committee.

Where a Manager is or may be involved in the matter and where potential or actual conflict of interest involves or may involve the manager directly or indirectly, the manager shall take no action other than to immediately refer the matter to the Manager Human Resources.



### **Guidance for Directors**

Directors should make a statement of interest on appointment which will be provided to the Company Secretary and filed for future reference if required. Issues where a conflict of interest may occur will be dealt with on a case by case basis.

**Please Note:** Conflict of Interest is also referenced in the "Code of Conduct" (dot point 9 page 1) and in the Employee Handbook (section 5)

### **Legislation**

<b>State or Federal</b>	<b>Legislation</b>
Federal	Sex Discrimination Act 1984
Federal	Racial Discrimination Act 1975
Federal	Disability Discrimination Act 1992
Federal	Equal Opportunity for Women in the Workplace Act 1999
Federal	Privacy Act 1988
NSW	Anti Discrimination Act 1977
QLD	Anti Discrimination Act 1991

Due consideration has been given to access and equity principles as well as other legislation that may have been pertinent in the development of this policy. The relevant components have been incorporated and are again considered when conducting the policy review process.

Date of Original Introduction: -  
Approved by Board of Directors:-

20 February 2006  
15 June 2009