

CONFLICTS OF INTEREST POLICY

Level	Governance
Responsibility of	Governance and Risk Manager
Approver/Owner	Trust Board
Contact	Linda Noble
Approval Date	2022
Next Review	2024

1. Introduction

Purpose

The purpose of this policy is to ensure all workers of the Auckland War Memorial Museum (Museum) recognise, disclose, and manage any Conflict of Interest they may have, and act in a manner consistent with their responsibilities with the Museum.

Scope

This policy applies to all workers of the Auckland War Memorial Museum (Auckland Museum).

Workers are defined as being current employees (part and full time), those working from home, contractors, people seconded to the Museum, volunteers and those who hold an interest with the management and governance of the Museum.

Objectives

The objective of this policy is the identification and management of conflicts of interest in any situation.

2. Conflicts of Interest applies when

A worker is in a position to derive a personal or financial benefit from actions or decisions made in their official capacity.

A worker's responsibilities are, or could be, affected by some other personal, financial or scientific interest or duty. This can include workers or family members or close friends of workers benefiting from the official responsibilities undertaken by a person in their official capacity.

A worker's activities outside their employment with the Museum lead, or could lead, to material benefit for the person concerned, either directly or indirectly, to the detriment, or potential detriment, of the Museum.

A worker's activities interfere, or could interfere, with the fulfilment of their employment obligations and/or adherence to the Charter or Code of Ethical Conduct.

3. Conflicts of Interest Principles

At all times workers acting on behalf of the Museum must behave, and be seen to behave, in an impartial and transparent manner.

The existence of a perceived or potential Conflict of Interest does not necessarily imply wrongdoing on the part of any person. However, any interests which could give rise to a potential Conflict of Interest must be promptly disclosed and managed and documented, in accordance with this policy as though they were an actual Conflict of Interest.

Workers must consider how an impartial observer might reasonably perceive a potential Conflict of Interest situation or relationship, whether or not any wrongdoing is involved.

Managers and supervisors need to be alert to situations in which they, or the people that they manage or supervise, may have a Conflict of Interest and ensure that the situation is recognised and handled appropriately.

If a worker has any doubt as to whether a potential Conflict of Interest exists, they must disclose the matter to their Manager.

The Board and Committee Charters, Terms of Reference and Code of Ethical Behaviour applies to any Conflict of Interest arising from workers in a governance capacity.

Disclosure of potential Conflict of Interest may involve disclosing personal information. This information must be handled with due regard to the privacy of all individuals concerned and in accordance with the Privacy Statement.

If a person has a potential Conflict of Interest in a matter under consideration, they must not take part in any discussion or decision on the matter giving rise to the conflict, unless the chair/relevant manager or supervisor decides otherwise.

Where a person has a direct or indirect financial interest in a matter being considered, they must not take part in any decision about the matter unless authorised to do so.

Workers who do not comply with the Museum requirements regarding the management of potential Conflict of Interest, as described in this policy, or other Museum policies or procedures, may be subject to disciplinary action.

4. Disclosure of Conflicts of Interest

Conflict of Interest must be dealt with quickly and transparently.

A register of potential conflicts of interest of their members will be noted at every Trust Board, sub-committee and advisory group meetings.

The registers of potential conflicts for the members of the Trust Board, sub-committees and advisory groups are to be exposed to the Executive Committee at each Executive Committee meeting.

Any worker involved in a procurement process will be asked to disclose Conflict of Interest as part of the procurement process.

Other Conflicts of Interest:

- i. Where a worker considers a Conflict of Interest may exist, they must disclose this in writing to their manager.
- ii. Where the manager determines that a Conflict of Interest exists, or is perceived to exist, the manager will acknowledge the Conflict of Interest and either:

- Authorise the worker in writing to continue in their current duties, or
- Put in place additional processes to ensure the impartiality of the worker in performing their duties and advise the worker in writing of these processes, or
- Re-organise the duties of the worker to remove the Conflict of Interest and document the changes made, or
- Report the matter to the Chief Executive and/or the Chair of the Trust Board (whichever is appropriate) for determination of appropriate action.

5. Governance Conflicts of Interest

A disclosed Conflict of Interest under this policy must be lodged in the Conflicts of Interest Register which is maintained by Governance and Risk Manager. The Manager is responsible for ensuring that the Conflict of Interest is recorded in the Conflicts of Interest Register and that the relevant Committee Chair is advised.

6. Examples of Conflicts of Interest

The following is a list of the most common forms of Conflict of Interest.

- ethical conflict with worker's Charter, Terms of Reference and/or Code of Ethical Conduct
- Commercial Appointments, i.e. Company Directorships, Partnerships or Advisory relationship to commercial organisations which do or could conduct business with the Museum
- Company Shareholding i.e. an interest must be declared where a worker (or close family member) has an interest in a company. This includes if they:
 - are the owner or controller of the company or business, or
 - have shares or other ownership in the company or business, or
 - their family trust has such shares in the company.
- appointment to Public Boards, Professional Bodies or Professional Committees
- appointment to Advisory Boards, Councils and Committees of other cultural institutions
- provision of professional services for other cultural institutions
- paid Outside Employment (internal workers only)
- relationships with external organisations supplying goods and services to the Museum

7. Disputes Procedure

In the event of a dispute relating to this policy arising between workers and their Head of Department/Director/Chief Executive and/or Chairs of the Board, committee and advisory group, either party may refer the matter to the Executive and Governance Committee for review.

8. Ownership and Approval Process

The Trust Board is the owner of this Policy and is responsible for approving any amendments.

9. Review Process

This policy will be reviewed on a two-year cycle.

Approved by the Trust Board – 14 April 2022

ASSOCIATED DOCUMENTS

- [Auckland War Memorial Museum Act 1996](#)
- [Employment Relations Act 2000](#)
- [Human Rights Act 1993](#)
- [Protected Disclosures Act 2000](#)
- [Museums Aotearoa Code of Ethics](#)
- Relevant Collective or Individual Employment Agreement
- Discipline Policy
- Operating Policy and Procedure: Procurement Policy
- Operating Policy and Procedure: Delegation of Authority Policy
- Operating Policy and Procedure: Discipline Policy
- Operating Policy and Procedure: Employee responsibilities Policy
- Operating Policy and Procedure: Expense Claim Policy

APPENDICES

Appendix 1: Conflict of Interest Declaration

Conflict of Interest Declaration	Please provide details here or mark as Nil and sign the declaration below.
Actual conflict of interest is where you already have a conflict.	
Potential conflict of interest is where the conflict is about to happen or could happen.	
Perceived conflict of interest is where other people might reasonably think you are not being objective.	

Your Declaration

Declaration – I confirm that the above details are correct to the best of my knowledge and I make this declaration in good faith.		
Signature		Date:
Review by Staff/Volunteer – I confirm that I have received this declaration and noted the contents. Where a conflict of interest is declared, complete a Conflict of Interest Management Plan.		
Name		
Signature		Date:

Appendix 2 – Conflict of Interest Management Plan

Who and when?

Your Manager must complete this Plan when you declare a conflict of interest. Decide how to manage the conflict and give details below.

How the conflict of interest will be managed	
There are four options for managing or resolving your conflict of interest:	The following plan has been agreed to manage your declared conflict of interest. This takes into account the conflict’s likely effect on your role and responsibilities, as well as the risks to the process and the Museum’s reputation.
1. Restrict your involvement in the process	
2. Recruit an independent third party to oversee part or all of the process	
3. Remove yourself from the process	
4. Relinquish your private interest that causes the conflict	

Approval – I approve the above Conflict of Interest Management Plan

Signature:

Date:

Manager

Declaration – I agree to the above Conflict of Interest Management Plan

Signature:

Date:

Person making the declaration

Resolved – the conflict of interest has now been resolved and no further action is required

Signature:

Date:

Manager

Table

