

Corporate Policies & Procedures Manual Section 1: General Administration

Disclosure and Conflict Of Interest

First Produced:	16/7/03	Authorisation:	Council
Current Version:	16/7/03	Queries:	Council Secretary (R Knowles)
Past Revisions:	Nil		
Review Cycle:	5 year cycle		
Applies From:	Immediately		

Section 1: Policy Overview

1.1 Purpose

The purpose of this policy is to ensure compliance with the provisions of the *Local Authorities (Members' Interests) Act 1968*, *s175 of the Education Act 1989*, and the CPIT Council's *Standing Orders* and to ensure that any significant conflicts of interest arising at governance level from any CPIT activities are declared, recorded, and addressed.

1.2 Application

This policy applies to all CPIT Council members, Council officers, and all members of CPIT's Management Team and to all CPIT activities.

1.3 Policy Statement

Any Council member or officer or Management Team member who has a "concern or interest" as defined by the *Local Authorities (Members' Interests) Act 1968* or as defined in this policy must declare that interest in writing.

No Council member or officer or Management Team member may take part in deliberation or voting on a matter in which she or he (or a partner or dependent) has a "concern or interest" as defined.

A Council member is disqualified from office if CPIT does business exceeding \$25,000 inclusive of GST in any financial year with the company in which the member is concerned or interested; prior approval of the Auditor General to exceed this limit can be given.

1.4 Formal Delegations

Council Secretary: collection of declarations, maintenance of the register, and monitoring of payments to companies on the register.

1.5 Definitions

- a Concern or interest - an involvement in a matter which could give rise to an expectation of or an actual significant gain or loss of money on the part of the person concerned or a partner or dependent of the person concerned.

An individual has a concern or interest if she or he OR a partner or dependent, singly or together, owns 10% or more of the shares in a company or in another company which controls that company or is a shareholder in a company or a controlling company AND either the member or officer or a partner or dependent is the managing director or general manager of the company or the controlling company.

- b Conflict of interest: the conflict or potential for conflict arising when a Council member or officer or Management Team member has a concern or interest in a matter or with a party with which CPIT is negotiating or doing business; that is, where the Council member or officer or Management Team member or a partner or dependent has a direct or indirect pecuniary interest or may gain a significant personal benefit.
- c Council member: a member of the CPIT Council as constituted by the Christchurch Polytechnic Notice 1990.
- d Council officer: any employee of the Chief Executive of CPIT who provides advice or executive or secretarial services directly to the Council or any of its committees.
- e Management Team member: the Faculty Deans, Division Directors, and other senior managers as specified by the Chief Executive.
- f Disclosure of interest: the annual declaration by each Council member, officer, and Management Team member of any concern or interest as defined she or he may have.

1.6 Attachments

- Disclosure of Concern or Interest
- Disclosure and Conflict of Interest Register

1.7 Related Policies

- Legislative Compliance
- Staff Involvement in Outside Activities

1.8 Notes

- This policy was authorised by the CPIT Council at its meeting on 16 July 2003

Section 2: Associated Procedures

- 2.1 Every Council member is required to complete and sign annually a disclosure of interest form on which they declare any “concern or interest” as defined by the Local Authorities (Members’ Interests) Act 1968 or this policy
- 2.2 Every Council officer and member of the Management Team is required to complete and sign annually a disclosure of interest form on which they declare any “concern or interest” as defined in this policy.
- 2.3 The Council Secretary will keep a register of all such disclosures and will prepare a summary of the register. The summary of the register will be available to all members of the Council and staff of the Finance Division.
- 2.4 All companies identified in the register will be marked in the Institute’s financial systems in such a way that payments can not be made to those companies without the knowledge of the Council Secretary.
- 2.5 The Council Secretary will monitor payments to the companies on the register. As payments to any of those companies in which a Council member has a concern or interest approach \$25,000 including GST in any financial year, the Council Secretary will apply to the Office of the Auditor-General for prior approval to exceed the limit.
- 2.6 Any Council member or officer or Management Team member who becomes aware that she or he has a conflict of interest as defined in this policy must declare that conflict of interest immediately and must not take part in any subsequent deliberation or voting on the matter.
- 2.7 The declaration of conflict of interest must include a brief statement of the matter concerned and the nature and extent of the conflict. Every such disclosure of interest must be recorded in the minutes of the meeting at which it was made together with a record of the fact that the member or officer took no part in the deliberation of or decision on the matter. The Council Secretary must be advised of the declaration for the purposes of recording it in the register.

All policies on CPIT’s INFOWEB are the current version. Please check date of this hard copy before proceeding

Disclosure of Concern or Interest

In terms of the Local Authorities (Members' Interests) Act 1968, s175 of the Education Act 1989, and CPIT's policy on Disclosure and Conflict of Interest, every Council member, Council officer, and Management Team member must make an annual declaration of concerns or interests.

"Concern or interest" is defined as an involvement in a matter which could give rise to an expectation of or an actual significant gain or loss of money on the part of the person concerned or a partner or dependent of the person concerned.

An individual has a concern or interest if she or he OR a partner or dependent, singly or together, owns 10% or more of the shares in a company or in another company which controls that company or is a shareholder in a company or a controlling company AND either the Council member or officer or Management Tema member or a partner or dependent is the managing director or general manager of the company or the controlling company.

No Council member or officer or Management Team member may take part in deliberation or voting on a matter in which she or he (or a partner or dependent) has a "concern or interest" as defined.

A Council member is disqualified from office if CPIT does business exceeding \$25,000 inclusive of GST in any financial year with the company in which the member is concerned or interested; prior approval of the Auditor General to exceed this limit can be given.

So that the Institute can monitor compliance and take appropriate action when necessary, please provide the name of any company or companies in which you are "concerned or interested" in the way defined. Remember that the concerns or interests of a partner or dependent may constitute an indirect concern or interest.

Signed _____

Dated _____

Disclosure and Conflict of Interest Register

Register number	<i>YYYY/00</i>	Reference	<i>page number of minutes etc</i>
Name	<i>name of Council member or officer or Management Team member disclosing concern or interest or declaring conflict of interest</i>		
Date	<i>date on which disclosure/ declaration was made</i>		
Concern or interest	<i>name of company or companies or other detail of concern or interest</i>		
Conflict	<i>brief statement of conflict of interest declared</i>		
Notes	<i>brief record of any special aspects or relevant observations</i>		
Filed in	copied to	Canofile	
			<i>other copies</i>
Reported to Council	<i>date</i>		