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## RELATED PARTIES AND CONFLICTS OF INTEREST

<b>Section</b>	Finance		
<b>Approval Date</b>	15.02.2019	<b>Approved by</b>	Council
<b>Next Review</b>	11.02.2023	<b>Responsibility</b>	Executive Director - Finance, Compliance and Business Intelligence
<b>Last reviewed</b>	11.02.2019	<b>Key Evaluation Question</b>	6

### PURPOSE

NMIT is a publicly funded organization. The purpose of this policy is to ensure that:

- NMIT staff members do not engage in activities that may result in the actual or perceived use of public funds for the private benefit of NMIT staff.
- Staff members making decisions on behalf of the Institute disclose and manage any conflict of interest they may have, and act in a manner consistent with their responsibilities to the Institute and the public.

### SCOPE

This policy applies to transactions by any NMIT staff member or contractor in the course of their employment to any other NMIT staff member or related party as a private individual.

It does not apply to enrolment by NMIT staff members or related parties in educational courses offered to the public.

### DEFINITIONS

<b>Related Party</b>	Any member of the staff member's family, or their spouse or de facto partner and their family.
<b>Conflict of Interest</b>	Where someone is compromised when their personal interests or obligations conflict with the responsibilities of their job or position.

### POLICY

- An NMIT staff member may not, in the course of their employment, undertake work for, or supply goods or services to, another NMIT staff member (or any related party) for their private benefit, without the prior written approval of the Chief Executive.
- Any NMIT staff member who receives a request to undertake work for, or supply goods or services to, another NMIT staff member (or any related party) for their private benefit must advise the Chief Executive.

- The Chief Executive may, in exceptional circumstances and at their discretion, approve the request, provided that:
  - The work undertaken, or goods or service supplied, are provided on an arm's length basis, on terms and conditions that are no more favourable than would be offered to a member of the public; and
  - A written contract is entered into; and
  - All applicable legislative requirements are met, including health and safety requirements, and local authority regulations.
- No staff member, contractor or consultant working on behalf of NMIT is permitted to derive, directly or indirectly, any indirect or direct pecuniary interest or benefit from NMIT's purchases except for usual NMIT salary and/or payments by NMIT for services. The highest ethical standards must be observed at all times and staff should not put themselves in situations whereby it could be construed that their impartiality has been or may be compromised.
- Staff must act fairly and in the best interests of the Institute in conducting business with suppliers.
- No staff member, contractor or consultant working on behalf of NMIT is permitted to be biased or to appear to be biased because of some relationship with the entity submitting quotes, the Proposer or Tenderer.
- Staff involved in purchasing decisions that have outside interests which are in actual or apparent conflict with the interests of the Institute, or who have close family members with such interests, must withdraw from participation in purchasing decisions so affected and must declare their interests to the Chief Executive Officer.
- Business gifts, other than items of very small intrinsic value, such as business diaries or calendars, should not be accepted. Modest hospitality is an accepted part of business relationships; however, care should be taken to ensure that the acceptance of hospitality couldn't be deemed by others to have influenced a business decision. As a rule, the frequency and scale of hospitality accepted should not be significantly greater than the Institute would provide in return.
- Any attempt by a supplier to gain an unethical advantage, such as the offer of a bribe or inducement in any form should be reported to the Chief Executive.

## CONFLICTS OF INTEREST

- It is important to understand that the existence of a conflict of interest does not necessarily imply wrong-doing on the part of any person. However, any interests which could give rise to a conflict of interest must be disclosed.
- Staff members 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
- Conflicts of interest must be dealt with quickly and transparently, that is they must be:
  - acknowledged
  - disclosed

- put on record, where appropriate, and
- effectively managed or avoided
- If a staff member has any doubt as to whether a conflict of interest exists, they must disclose the matter to their manager
- Disclosure of conflicts of interest may involve disclosing personal information. This information must be handled with due regard to the privacy of the individual concerned
- If a person has a conflict of interest in the matter being considered, they must not take part in any discussion or decision on the matter giving rise to the conflict unless the chair / relevant manager decides otherwise
- However, a person who has a direct or indirect financial interest in the matter being considered must not take part in any decision about the matter

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## IDENTIFICATION AND EFFECTIVE MANAGEMENT OF CONFLICTS OF INTEREST

- Staff members must identify and disclose any actual or potential conflict of interest that may affect, or may be seen to affect, their impartiality when acting on behalf of NMIT
- Each conflict of interest situation must be dealt with as soon as reasonably practicable after it is identified
- Conflicts of interest must be disclosed to the appropriate person in the circumstances. The appropriate person in most circumstances will be the staff member's immediate manager or team leader
- The situation must then be reviewed, managed and recorded by the relevant manager in a manner that is appropriate to the circumstances
- Managers across NMIT must help to build awareness of conflict of interest situations, and support those who report to them to comply with their obligations under this policy

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## REGISTER OF INTERESTS

- All conflicts of interest and relevant manager responses are to be submitted for inclusion in the relevant conflicts of interest register maintained for the Institute.
- Transactions with Key Management Personnel will be disclosed in the Institute's Annual Report.

## REFERENCES

### INTERNAL

[Delegations to the Chief Executive](#)

Procurement and Purchasing Policy

Budgets and Forecasts Procedure

[Employee Involvement in Consulting and Outside Business Activities](#)

[Staff Misconduct Procedure](#)