



Biodiversity
Conservation
Trust

Biodiversity Conservation Trust

Policy on staff participation in BCT programs

NSW Biodiversity Conservation Trust

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1. Purpose

The purpose of this policy is to clearly set out the Biodiversity Conservation Trust's expectations and requirements for staff in relation to participation in our programs.

This policy must be read in conjunction with the Department of Planning and Environment's (DPE):

1. Code of Ethics and Conduct
2. Conflict of Interest Requirements Relating to the Biodiversity Offsets Scheme Protocol.

2. Principles

The BCT seeks to maintain the highest standards of ethical integrity. We are guided by the [NSW Public Service ethical framework](#) and the DPE [standards of conduct](#).

In relation to participation in BCT programs, the following principles apply:

- BCT Board members, staff and their close family members should not seek to gain private benefit from BCT programs.
- BCT Board members and staff should immediately disclose their personal (or a close family member's) participation in BCT programs to ensure potential conflicts are managed appropriately.

3. Definitions

This section defines terms applicable to this policy.

Close family members are defined as partners, children or those with a dependant relationship.

Participation is defined as active involvement in the BCT's funded programs, such as making a submission to a conservation tender, applying for a grant, or purchasing a property which has a funded agreement associated with it.

Private benefit is defined as being where the BCT's resources are used for the direct or indirect financial/material and/or non-financial benefit of BCT Board members, staff and their close family members (including businesses, trusts or other entities that a Board member, staff member or close family member(s) hold an interest in), rather than for the object and functions of the BCT.

4. Application

This policy applies to:

- BCT Board members

- Current BCT staff in ongoing roles or temporary roles with a continuous contract period of six months or longer
- Independent contractors, consultants or contingent labour working exclusively for the BCT for a period of six months or longer
- Past BCT staff (if within 12 months of termination of employment)
- Close family members of the above
- Cluster employees when participating in BCT programs.

Staff, including contractors, consultants and contingent labour, who work with the BCT non-exclusively or for a period of less than six months continuously, must declare their employment relationship and history when applying to participate in BCT programs. Any such application will be reviewed on a case by case basis. The BCT reserves the right to exclude an application if a significant conflict of interest is identified.

5. Policy

5.1 Existing staff

As per the Board's decision of 7 December 2018, BCT Board members, staff and their close family members are not permitted to participate in BCT funded programs. This includes (but may not be limited to):

- Conservation tenders
- Conservation fixed price offers
- Conservation Partners grants program
- Application for biodiversity stewardship agreement
- Sale or purchase of a property through the revolving fund.

This restriction also applies to businesses, trusts or other entities that a:

- Board member;
- staff member; or
- close family member(s)

hold an interest in.

BCT Board members, staff and their close family members may participate in unfunded BCT programs (holding conservation agreements) but are ineligible to apply for or receive any grants or other funding from the BCT.

Staff participating in unfunded BCT programs must disclose this personal interest in their annual conflict of interest disclosure. This declaration should include a management strategy that has been agreed to with their manager.

5.2 New staff

Where a new staff member or their close family member already has an existing funding agreement with the BCT prior to entering employment, this must be documented in their conflict of interest

disclosure upon commencement. This declaration should include a management strategy that has been agreed to with their manager.

No additional funding, beyond that already agreed to by the BCT, may be sought or approved during their time as a BCT employee or for a 12-month period following termination of employment.

In the case a of a biodiversity stewardship agreement, the BCT will not purchase credits from an existing staff member or within 12 months following termination of employment. Knowledge gained through employment with the BCT regarding credit values, which would not otherwise be publicly available, should not be used for private benefit.

Evidence of action to seek funding for an existing agreement during employment with the BCT, use knowledge gained through employment with the BCT regarding credit values for private benefit, or other attempts to participate in BCT funded programs, may be considered a breach of ethical standards and could be treated as a misconduct issue.

5.3 Purchase of property with existing agreement

BCT Board members and staff should consider potential or actual conflicts of interest that may arise if they purchase a property that includes an existing funded agreement with the BCT. Knowledge gained through employment with the BCT regarding the financial viability of a property, which would not otherwise be publicly available, should not be used to make investment decisions.

In circumstances where a Board or staff member does purchase a property that includes an existing funded agreement with the BCT, this should be immediately disclosed via a new conflict of interest disclosure. This declaration should include a management strategy that has been agreed to with their manager.

No additional funding, beyond that already agreed to by the BCT, may be sought or approved while employed by the BCT or for a 12-month period following termination of employment.

Evidence of action to seek funding for an existing agreement during employment with the BCT, use knowledge gained through employment with the BCT regarding financial viability of a property for private benefit, or other attempts to participate in BCT funded programs, may be considered a breach of ethical standards and could be treated as a misconduct issue.

5.4 Cluster staff

Staff within the DPE cluster must declare the nature of their employment and how it relates to BCT programs each time when applying for funded or unfunded BCT programs. This also applies to businesses, trusts or other entities a cluster staff member holds an interest in. Applications from cluster staff to participate in BCT programs will be assessed on a case-by-case basis. Where a conflict of interest is identified, the BCT may decide that a cluster staff member is ineligible to participate in a BCT program.

If a cluster staff member is unclear whether there is a potential or actual conflict of interest arising from their role and potential participation in BCT programs they should seek advice from the DPE Ethics Branch.

BCT and cluster staff members may also refer to the [DPE Ethics and Conduct](#) intranet page for more information about our Code of Ethics and Conduct, mandatory declarations and access to the DPE Ethics Portal.

The BCT may also seek advice from the DPE Ethics Branch where a potential conflict has been identified.

Where the BCT has discretion over allocation of funds (e.g. through its grants, tender and fixed price offers) we may prioritise funding members of the public over cluster employees.

6. Review

This policy will be reviewed by Strategy and Governance no later than two (2) years from the date of Board approval. The next scheduled review is due in December 2022.