



Ministry of Local Government

Level 3, FFA House
4 Gladstone Road
Box 2131, Government Buildings, Suva, Fiji

Phone No : 3309-917
: 3304-364
Fax No : 3303-515

CONFLICT OF INTEREST AND CONFIDENTIALITY DECLARATION

PURPOSE

A Special Administrator must act in the best interests of the relevant Municipal Council (**‘Council’**) at all times. All Special Administrators are required to sign the Conflict of Interest and Confidentiality Declaration (**‘Declaration’**) upon acceptance of the appointment as Special Administrator and pursuant to the Local Government Act 1971 (**‘Act’**), as a member of a Council. All completed forms shall be submitted to the Minister for Local Government (**‘Minister’**) who may then make further directions regarding the same.

The purpose of this Declaration is to:

1. ensure that confidential information exchanged through the course of carrying out activities as a Special Administrator is managed ethically; and
2. ensure that the Council avoids any conflicts of interests in its daily operations and ensure that any potential conflict of interest is dealt with appropriately.

CONFIDENTIALITY

The Declaration supports open and honest communication and reduces the risk of unethical disclosure of information and potential use of such information by Special Administrators or third parties in order to gain benefits for themselves. A Special Administrator must ensure that:

1. all documents received and acquired by the Special Administrators during the course of their appointment and as a member of the Council are strictly confidential and must not be disclosed to an individual or agency not specifically authorised by the Minister or the Council ;
2. the documents must only be used for the purpose for which it was originally requested; and
3. all documentation must be stored in a secure manner to prevent unauthorised access.

Confidential information shall not include any information or data that:

4. was already known to the Special Administrator prior to his/her appointment by the Minister and as evidenced by written documents;
5. becomes publicly available through no fault of the Special Administrator; and
6. was developed independently by the Special Administrator outside of any Council proceedings and does not contain or rely on information obtained by the Special Administrator in the course of his duties as a member of a Council.

CONFLICT OF INTEREST

A conflict of interest occurs whenever there is a conflict between personal and/or private interests and the professional responsibilities of a Special Administrator. A conflict of interest may compromise the integrity of the Special Administrator's role as member of a Council and bring disrepute to that Council. All members of a Council have a fiduciary duty to conduct themselves without conflict to protect the interests of the Council.

The Special Administrator must comply at all times with all applicable laws including but not limited to applicable anti-corruption laws, in which the Special Administrator conducts Council business with. Any act of the Special Administrator that breaches of conflict of interest, whether with or without the knowledge of the Minister or the Council or the commission of any offence by the Special Administrator or by anyone employed by the Council or acting on the Special Administrator's behalf shall be liable under the Crimes Act 2009 and shall entitle the Minister to immediately terminate the appointment of the Special Administrator and recover from the Special Administrator the amount of any loss resulting from such termination and to any such gift, consideration or commission.

A Special Administrator must not:

1. offer or give or agree to give any person employed by the Council any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any act in relation to the obtaining or execution of his/her duties as a Special Administrator or for showing or forbearing to show favor or disfavor to any person in relation to any Council proceedings;
2. enter into any agreement (verbal or written) with another Special Administrator or a third party in connection with which a commission has been paid or agreed to be paid by the Special Administrator or on the Special Administrator's behalf, or to the Special Administrator knowledge, unless before the commission is paid, any particulars of any such commission or payment have been disclosed in writing to the Minister and subsequent approval from the Minister is granted to accept the same;
3. receive any amount of cash or anything of significant value, including personal gifts and loans, from any individual or company in his capacity as Special Administrator without

ACKNOWLEDGMENT

As duly appointed Special Administrator, I will:

1. use confidential information exclusively for duties required to be performed as a Special Administrator and as a member of a Council;
2. not divulge confidential information except when specifically directed to by the Minister or the Council;
3. store and keep all confidential information in appropriately secure custody;
4. protect confidential information from unauthorised access;
5. not reproduce wholly and in part or in any manner, confidential information without the prior written approval of the Council or the Minister;
6. not use the confidential information to gain any personal advantage, or for the benefit of any person or organisation;
7. on discovery of any breach of confidentiality or conflict of interest, promptly notify the Minister and the Council of the breach and co-operate in every reasonable way to help regain possession of the confidential information and prevent its further unauthorised use;
8. inform the Minister and the Council immediately of any changes in the facts referred to in this Declaration; and
9. upon expiration of my appointment as Special Administrator, I will promptly return all confidential information received or acquired during my tenure.

I have read and fully understand the contents of this Declaration. I agree to take personal responsibility for complying with these requirements and understand that it is my obligation to notify the Minister and the Council of any changes in circumstances.

Special Administrator's Signature: _____

Special Administrator's Name: _____

Date: _____

WITNESSED BY

Witness signature: _____

Witness name (printed): _____

Occupation: _____

Date: _____