

Civil Service Branch Circular No. 19/92 sets out the common areas in which a conflict of interest may arise between an officer's duties and his private interest. The Circular also gives general guidance on how such conflicts can be avoided and the appropriate course of action to be taken when such a conflict, whether real or apparent, arises.

The Department of Justice circulates a copy of the Circular to all staff on a half-yearly basis. Paragraph 3 of the Circular sets out that: "all officers are strongly reminded that they should at all times make a conscious effort to avoid or declare, as appropriate, any conflict that may arise or has arisen. Failure to do so may render them liable to disciplinary action which may result in removal from the Service."

The following extracts from the Circular may be of interest to Members in respect of paragraph 15 of the minutes of Panel on Administration of Justice and Legal Services meeting held on 25 November 2002.

"Conflict of interest

4. A conflict of interest is likely to arise when an officer's loyalty to the Government conflicts with his loyalty to:

- (a) his family and other relations;
- (b) his personal friends;
- (c) the clubs and societies to which he belongs;
- (d) his professional colleagues in the private sector; or
- (e) any person to whom he owes a favour or is obligated in any way.

5. The Government has no wish to lessen the many legitimate loyalties that will be felt by an officer to his family, friends, etc. However, it is also essential that all civil servants should be honest and impartial in their dealings with members of the public and with their staff. A civil servant must not use his position in the Civil Service, nor any information made available to him in his capacity as a civil servant, to benefit himself or his family, financially or otherwise, or to favour his relations or friends or any other group of people with whom he has personal or social ties. He should also avoid putting himself in a position where he might arouse any suspicion of dishonesty, or of using

his official position to benefit himself or favour his family and friends.

6. An officer should therefore :-

- (a) refrain from acquiring any investment or any financial or other interest which may lead to a conflict of interest with his official duties;
- (b) avoid putting himself in a position of obligation to anyone who has or may have official dealings with his department, including his own subordinate staff;
- (c) decline to provide assistance, advice or information to relations, friends, etc. in connection with his work where this would give the recipient an unfair advantage over other people, and refer all legitimate requests to the proper subject officer to be dealt with in the normal way; and
- (d) report to his superior officer any private interest that might influence, or appear to influence, his judgement in the performance of his duties.”

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