

Conflict of interests

RDA's Code of Ethics No.5 states that: " Employees should declare their interest when dealing with issues in which they have a personal interest".

Conflict of interests is one of the corruption offences as stipulated in the " The Prevention of Corruption Act 2002" (POCA).

The Act defines Conflict of Interest as follows:

Section 13. Conflict of interests

(1) Where-

(a) a public body in which a public official is a member , director or employee proposes to deal with a company, partnership or other undertaking in which that public official or a relative or associate of his has a direct or indirect interest; and

(b) that public official and/or his relative or associate hold more than 10 per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking ,

that public official shall forthwith disclose , in writing, to that public body the nature of such interest .

(2) Where a public official or a relative or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.

(3) Any public official who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years

Public Procurement Regulation no. 72 - Further identifies activities of the Public Body subject to conflict of interest restrictions as follows:

(a) procurement planning, including preparation, review or approval of specifications, or a statement of work for a particular procurement;

(b) assessment of requirements to be fulfilled by a procurement action;

(c) preparation of procurement documents, including for solicitation of participation in procurement proceedings;

(d) evaluation and comparison of bids, proposals, offers or quotations, including membership in bid evaluation committees;

(e) conduct of technical discussions or negotiations;

(f) selection or approval of selection of bidder; and

(g) administration of the procurement contract, including payments, and settlement of claims and disputes.

- (a) promoting, executing, or procuring a contract with a public body for the performance of a work, the supply of a service, or the procurement of supplies;
- (b) the payment of the price provided for in a contract with a public body;
- (c) obtaining for that person or for any other person, an advantage under a contract for work or procurement,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

- (2) Any public official who solicits, accepts or obtains from any other person, for himself or for any other person, a gratification for giving assistance or using influence in -

- (a) promoting, executing, or procuring a contract with a public body for the performance of a work, the supply of a service, or the procurement of supplies;
- (b) the payment of the price provided for in a contract with a public body;
- (c) obtaining for that person or for any other person, an advantage under a contract for work or procurement,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

13. Conflict of interests

- (1) Where-

- (a) a public body in which a public official is a member, director or employee proposes to deal with a company, partnership or other undertaking in which that public official or a relative or associate of his has a direct or indirect interest; and
- (b) that public official and/or his relative or associate hold more than 10 per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking,

that public official shall forthwith disclose, in writing, to that public body the nature of such interest.

- (2) Where a public official or a relative or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.
- (3) (3) Any public official who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

Amended by [Act No. 1 of 2006]

Appendix I: Model Declaration of Conflict of Interests Form

CONFLICT OF INTERESTS DECLARATION FORM	
1.	PERSONAL DETAILS
Name:	
Position:	
Organisation/Section:	
2.	THE SITUATION
Matter under consideration:	
Expected roles/duties to be performed by the employee in dealing with this matter:	
Are you voting or taking part in any proceedings of that public body relating to such decision?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
3.	PRIVATE INTERESTS
(i). Do you or your relative*/associate*** have a personal interest in the decision which your public body is to take?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If "YES," please provide full information below.	
(ii). Do you or your relative*/associate*** have a direct or indirect interest and you or your relative/associate hold more than 10 per cent of the total issued share capital or of the total equity participation in the company, partnership, or other undertaking which your public body is proposing to deal with?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If "YES," please provide full information below.	

4. CERTIFICATION	
The above is an accurate and current statement of all my reportable interests to the best of my knowledge. I make this declaration in good faith and further state that I am aware of the consequences of any false or incorrect information given by me.	
Date: _____	Signature: _____
Please return this form to the next higher administrator in your supervisory line who is at least at the level of director.	
5. HEAD'S STATEMENT	
DECISION	
<hr/> <hr/>	
Date: _____	Signature: _____

Please Note

* "relative" in relation to a person, means –

- a spouse or conjugal partner of that person
- a brother or sister of that person
- a brother or sister of the spouse of that person; or
- any lineal ascendant or descendant of that person**

** Lineal ascendant or descendant of that person- example father, mother or son, daughter of that person

*** "associate", in relation to a person, means-

- (a) a person who is a nominee or an employee of that person;
- (b) a person who manages the affairs of that person;
- (c) a firm of which that person, or his nominee, is a partner or a person in charge or in control of its business or affairs;
- (d) a company in which that person, or his nominee, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with his nominee, holds a controlling interest, or shares amounting to more than 30 percent of the total issued share capital: or
- (e) the trustee of a trust, where-
 - (i) the trust has been created by that person; or
 - (ii) the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, amounts, at any time, to not less than 20 per cent of the total value of the assets of the trust.