

Managing Conflict of Interest

AWP Policy

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THE
AUSTRALIAN
WATER
PARTNERSHIP

Acknowledgements

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Table of Contents

1	Introduction	1
1.1	Purpose and Scope	1
1.2	Definitions.....	1
1.3	Roles and Responsibilities	1
2	AWP Conflict of Interest Approach	2
2.1	Employees.....	2
2.1.1	Information Access, Record and Storage.....	2
2.1.2	Country and Regional Coordinators	2
2.2	Suppliers	2
2.3	Australian, International and In-Country Partners.....	2
2.3.1	Activity Proposals	2
2.3.2	Activity Procurement	3
2.4	AWP Advisory Committee and eWater Ltd Board	3
2.5	Expert Review Panel and Consultants	3
2.6	Facility Coordination Group for the Australia-Mekong Water Facility	3

1 Introduction

In May 2015, the Department of Foreign Affairs and Trade (DFAT) established the Australian Water Partnership (AWP), and appointed eWater Limited (eWL) to manage the program.

The AWP strives for integrity, quality, transparency and accountability in its management of funds from the Australian Government's international development cooperation program. To ensure the transparency necessary for public and stakeholder confidence in the probity and competitive neutrality of AWP processes, eWL manages a structural separation between its business divisions.

eWL is a not-for-profit, scientific institution jointly established and owned by the Commonwealth Government and State Governments. The eWL Board maintains overall governance responsibilities on advice from the AWP Advisory Committee (AWPAC). More information on AWP governance and management is available on the [AWP website](#).

1.1 Purpose and Scope

The purpose of this Policy is to provide transparency and confidence in all AWP governance processes relating to the management of actual, potential and perceived Conflict of Interest in connection to its employees, suppliers, consultants, partners, and stakeholders across all AWP Grants.

1.2 Definitions

Conflict of Interest (Col) is a situation whereby a person or business (or their close affiliations) would gain a benefit, privilege, exemption or advantage from actions or decisions made in their official capacity. It could also occur when the concerns or aims of two different parties are incompatible.

Actual (or real) Col is a situation which occurs when a person's private interests directly conflict with their duties in their official capacity.

Potential Col is a situation in which a private interest could lead to an actual conflict of interest in time.

Perceived Col is a situation that is seen (or perceived) by a third party or parties to present a conflict of interest, even if the reality of the conflict has not, or cannot, be established.

Private interest is any interest, including but not limited to a financial interest, which pertains to a person or business.

1.3 Roles and Responsibilities

AWP Management is responsible for maintaining and applying this Policy, however all parties associated with AWP are expected to observe and comply with its principles for the duration of their tenure/contract. Relevant parties include Employees; Suppliers; Australian, International and In-country Partners; AWP Advisory Committee; eWL Board members; AWP Expert Review Panel; Consultants; and the Facility Coordination Group for the Australia-Mekong Water Facility.

2 AWP Conflict of Interest Approach

2.1 Employees

AWP and eWater staff are employed by eWL and are required to abide by this Policy and a separate Code of Conduct Policy. Employees are required to declare any potential Col issues on appointment, on a 12-monthly basis, and as soon as circumstances change. Staff employed by partners within 12 months before or after direct employment with AWP will also be prohibited from engaging in an AWP activity undertaken by that partner. It is not considered that any Col issue arises solely from the fact that the AWP CEO, AWP staff, the AWPAC Chair, and the Chair of the AWP Expert Review Panel are remunerated by eWL as part of its management of AWP.

2.1.1 Information Access, Record and Storage

As is the case for all AWP partners, eWater staff are restricted from accessing or receiving internal documentation related to the procurement and management of AWP activities unless they are implementing the activity.

2.1.2 Country and Regional Coordinators

AWP country and regional coordinators have a unique role in activity development and will engage directly with in-country partners. Country coordinators are required to fill out a 'Confidentiality, Media Management and Conflict of Interest Declaration' form and declare any potential Col issues on appointment, on a 12-monthly basis, and as soon as circumstances change.

2.2 Suppliers

As part of the quality assurance process, AWP conducts a Col due diligence check on all suppliers who are not directly engaged in AWP activities, nor are AWP partners. Such suppliers include those providing more general goods and services such as management consulting, communications, design, publication, venue hire, etc. Due diligence includes confirming they are capable of the provision of goods/services as advertised, provide value for money, and are sufficiently at arm's length to AWP and eWater operations.

2.3 Australian, International and In-Country Partners

AWP Management will perform due diligence checks to ensure no actual, potential or perceived Col exists between Australian, international, and in-country partners before and during a contractual engagement on the same activity.

2.3.1 Activity Proposals

Activity proposals involving eWater and the International Centre of Excellence in Water Resources Management (ICE WaRM, managed by eWL) undergo the same proposal approval processes as those involving other Australian partners with the exception that final proposal approval is not provided by the eWL Board. Instead, the AWP CEO and AWPAC Chair have delegation to jointly approve proposals involving eWater and/or ICE WaRM after AWPAC consideration to maintain governance separation and unbiased review (regardless of whether it is within CEO delegation of \$100k, and across all Grants including the Australia-Mekong Water Facility). eWater is expected to comply with standard AWP processes, procedures and value for money principles that all Australian partners are expected to follow.

2.3.2 Activity Procurement

AWP supports the principle of diversity when procuring partners for AWP activities, and encourages the formation of partner consortiums. Two methods of procurement are used: open and direct.

Open procurement refers to the competitive tendering method used for an AWP-supported activity. This means any Australian partner can respond to the advertised Call for Expressions of Interest or Proposals, request/download the procurement documents, and submit a tender. All partners are sent this information (including any FAQs) at the same time with the same submission deadline. For unsuccessful partner submissions, the partner is advised in writing and given the opportunity to discuss the decision in further detail.

Direct procurement refers to the process in which proposals are sought solely from a specific Australian partner/s. This group is usually pre-selected because they have been judged to satisfy certain specified preconditions or expertise. For example, an international or in-country partner may wish to nominate a specific Australian partner to implement an activity. In this case, the international or in-country partner must submit a Direct Procurement Justification request. The request must adequately provide a reason for the partner's unique experience, expertise or technical capability, as well as consider value for money.

More information on procurement is available on the [AWP website](#).

2.4 AWP Advisory Committee and eWater Ltd Board

AWPAC and eWL Board members are required to declare in writing any actual, potential or perceived Col on appointment, on a 12-monthly basis, and as soon as circumstances change. During the preparation of meeting papers where proposals are submitted for consideration, Col is identified for individual members and declared in writing. Col declarations are also called for at the start of each meeting by the respective Chair and recorded in the minutes, and the member does not partake in discussion or resolution on the matter for which the Col arises.

2.5 Expert Review Panel and Consultants

ERP members and consultants are required to fill out a 'Confidentiality, Media Management and Conflict of Interest Declaration' form on appointment. ERP members are also required to declare in writing any actual, potential or perceived Col on the evaluation of proposals, on a 12-monthly basis, or as soon as circumstances change. In the event of a Col, ERP members are excluded from panel processes related to the activity.

2.6 Facility Coordination Group for the Australia-Mekong Water Facility

A Facility Coordination Group (FCG) for the Australia-Mekong Water Facility enables joint management of the Facility between AWP and the DFAT Greater Mekong Water Resources Program (GMWRP). The FCG consists of four members: two representatives from GMWRP Management and two representatives from AWP Management. The FCG is chaired by the AWP CEO.

FCG members are required to declare in writing any actual, potential or perceived Col on the evaluation of proposals, on a 12-monthly basis, and as soon as circumstances change. In the event of a Col, members are excluded from meeting processes related to the activity. In the event that exclusions result in the loss of a quorum, alternate members of FCG may be appointed to represent the interests of either DFAT or AWP.