

Disclosure of Interests – Members

Council Policy 104



Policy Number	CP104
Area Responsible	Governance and Planning
Strategic Plan Reference	4 A Supportive Organisation
Approval date	28 October 2016
Minutes Reference	Res. 67 (October 2016)
Last Reviewed	28 October 2016
Next Review Date	Every four years

1. Purpose

This policy outlines the minimum standard of behaviour expected of members of Council, Local Authorities, and Council Committees in relation to declaring personal, family, or financial interests that may impact on the performance of their roles.

2. Scope

The policy applies to all members of Council, Local Authorities, and Council Committees (herein referred to as “members”).

3. Policy Objectives

To ensure that:

- the business of Council is conducted with efficiency, fairness, and integrity; and
- members act in the best interests of Council and do not seek personal or family gain when performing their duties or use their public office for personal gain.

4. Policy Statement

Conflicts of interest arise when members are influenced, or appear to be influenced, by personal interests when doing their jobs. The perception of a conflict of interest can be as damaging as an actual conflict, because it undermines public confidence in the integrity of MacDonnell Regional Council (MRC).

Under the *Local Government Act*, not declaring a conflict of interest or improperly disclosing information can lead to imprisonment.

Definitions

Agency	The Agency is the department or departmental unit which has been given responsibility for administering the <i>Local Government Act</i> .
Conflict of Interest	A member has a conflict of interest in a question arising for decision by the Council, Local Authority, or Council Committee, if the member or their associate (e.g. relative, partner, friend, or employer) has a personal or financial interest in the outcome of a decision.
Conflict of Interest - financial	This is an interest that a person has in a matter because they are likely to or expect to make money for themselves or their associate (e.g. relative, partner, friend, or employer), or cause a loss to another person.
Conflict of	This is any private interest that does not relate to money, such as the provision of

Disclosure of Interests – Members

Council Policy 104



Interest – non-financial	facilities or services which will benefit the member or their associate (e.g. relative, partner, friend, or employer)
Improper disclosure of information	Use of confidential Council information to gain an unfair advantage for yourself or others.
Use of Undue Influence	The use of a Council position to improperly influence others for personal benefit

Examples of conflicts of interest and improper disclosure of information:

Tendering and Purchasing – financial conflict of interest

- Example: Council has tendered for the provision of irrigation for a football oval. A member is employed by a company which has tendered for the provision of these services. This may affect, or it may reasonably be suspected that it could affect, their ability to make an unbiased decision when the tender is considered by Council.

Tendering and Purchasing – non-financial conflict of interest

- Example: a person seeking a decision by Council in their favour, where a tender for road works offers to seal the road to the member's house. The member would not be seen as impartial when dealing with the supplier if the offer was accepted.

Information and Opportunities

- Example: a member may know a lot of information about tenders coming up in the MRC area before the tenders are made public. Conflicts can arise if the member gives this information to a friend or relative so they can have a better chance of winning the tender.

Undue Influence

- Example: a member tries to pressure a hotel in Alice Springs into providing free accommodation, because they are a member of Council.

Declaring a Conflict of Interest

As soon as practical after a member becomes aware of a conflict of interest in a matter that has arisen or is about to arise before a meeting (council, local authority or council committee), the member must disclose the relevant interest to the meeting and to the Chief Executive Officer (CEO) of MRC.

Details of members' interests and the nature of those interests will be recorded in the relevant Register of Interests published on the Council's website and to be available for any member of the public to inspect at the Council's public office..

In addition, if a member enters into a personal or business relationship with another member or Council employee that could result in a conflict of interest, then this relationship must be reported to the President and CEO. A file note will be made and recorded on the relevant Register of Interests.

Uncertainty about whether a conflict of interest exists or not

If a member is unsure as to whether or not they have a conflict of interest, they should give full details to the CEO or seek independent legal advice.

The CEO does not have a responsibility to decide whether or not a member has a conflict of interest in a matter. The responsibility for determining whether a member has a conflict of interest rests with the individual member.

Disclosure of Interests – Members

Council Policy 104



If you do have a Conflict of Interest

After a member has disclosed the nature of the interest, the member must not, without approval from the Minister:

- be present during any deliberation of the meeting when the matter is being discussed
- take part in any decision related to the matter
- Influence another member in their decision.

Members will not become involved in the promotion or endorsement of products and/or services unless endorsement of product and/or services has been approved in line with Council's policies and Code of Conduct.

Complaints Regarding Failure to Disclose an Interest

Any person may make a complaint that a member has or may have failed to disclose a conflict of interest. All complaints should be directed to the Chief Executive Officer of the Agency.

5. Legislation and References

Related Legislation	Local Government Act Local Government (Administration) Regulations
Related Policies	CP102 Code of Conduct – Members; CP103 Acceptance of Gifts and Benefits - Members
Related Procedures	PR104: Disclosure of Interests – Members
Associated Documents	

6. Delegation and Implementation

Delegate	Director Corporate Services
Implementation Officer	Manager Governance and Planning

7. Administration

InfoXpert file number	150260
On Internet (Council Policy)	
On Intranet (Operational Policy)	