Guidelines

Community Grants Advisory Committee – Conflict of Interest Guidelines

If an assessor has **something to personally gain from an application being either successful or unsuccessful**, or if **members of the public could have grounds to perceive that the assessor could personally gain from a decision**, they must declare a conflict of interest.

A conflict of interest occurs when a public officer's duties conflict with their private or personal interests.

The *Local Government Act 2020* uses the term "relevant person" to identify those persons who are required to determine and disclose conflicts of interest in local government, this includes Councillors, members of Council staff and external members of delegated committees. It is the personal responsibility of each individual to decide if they have an interest.

This guideline provides Grants Advisory Committee members with definitions of conflict of interest as defined in the *Local Government Act 2020.*

Conflict of interest laws are prescribed under the Local Government Act 2020 (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision making.

The obligation to disclose a conflict of interest is a personal responsibility. Each relevant person must monitor their own circumstances and identify their conflicts of interests.

As a 'relevant person' under the Act, it must be clear that your private interests are not affecting your public duties and that you are not using your position for personal benefit. (A definitive statement on a relevant persons' obligations with regards to conflict of interest can be found in the Act and Regulations, and particularly sections 126 to 131 of the Act.)

A relevant person with a conflict of interest must:

- disclose the interest
- not participate in the decision-making process on the matter
- exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, assessing, discussing or recommending a grant application.

Please review the relevant section of the Local Government Act for your reference.

127 General conflict of interest

(1) Subject to section 129, a relevant person has a ***general conflict of interest*** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty
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(2) For the purposes of subsection (1)—
private interests means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

public duty means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

128 Material conflict of interest
(1) Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
(2) The benefit may arise or the loss incurred—
a) directly or indirectly; or
b) in a pecuniary or non-pecuniary form.
(3) For the purposes of this section, any of the following is an ***affected person***—
the relevant person;
a) a family member of the relevant person;
b) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
c) an employer of the relevant person, unless the employer is a public body;
d) a business partner of the relevant person;
e) a person for whom the relevant person is a consultant, contractor or agent;
f) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
g) a person from whom the relevant person has received a disclosable gift.

(4) For the purposes of subsection (3)(h), ***disclosable gift*** means one or more gifts with a total value of, or more than, $500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—
a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or
b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation— but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.