



## GOVERNANCE – POLICY – Councillors – Code of Conduct – *Conflict of Interest Form*

### Policy

In the event of a conflict of interest, a Councillor, officer and/or delegate will complete a “Conflict of Interest” form and present it to the Chairman of the meeting, Mayor or General Manager.

### Objective

To provide Councillors, officers and/or delegates with guidance and the opportunity to declare any and all conflicts of interest.

### Procedures/Practice

A “Conflict of Interest” form will be:

- included with the agenda papers for all Council meetings; and
- provided at committee meetings.

The “Conflict of Interest” form is attached.

### References

This policy was adopted by Council at its meeting on 31 October 2016 and replaces that of the same title adopted 24 June 2013.

**GOVERNANCE – COUNCILLORS – Code of Conduct.**

**GOVERNANCE – COUNCILLORS – Code of Meeting Practice, part 6.**

**GOVERNANCE – POLICY – COUNCILLORS – Declaration of Interest.**

Local Government Act 1993, chapter 14, and regulations.

INT-29161/16

### Review Date

November 2020, by the General Manager.

Authorised by:

  
.....  
Wald Crockett, General Manager

31/10/2016.....  
Date



## “Conflict of Interest” form

Please complete the form and give it to the General Manager

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Business Paper Item No: \_\_\_\_\_ Subject: \_\_\_\_\_

**Nature of interest:**     Pecuniary     Non pecuniary  
                                  Significant     Non significant

Describe the nature of the interest that you have:

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### Function affected:

Describe the function or decision you are required to undertake that is affected by the interest.

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### Action taken:

Describe the action you have decided to take. Appropriate action could include:

Take no action | Limit involvement | Remove the source of the conflict | Have no involvement

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### Reason(s):

Provide an explanation of why you consider this action to be appropriate

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**Signed:** \_\_\_\_\_

### Reviewed by:

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Please forward completed forms to Records for entry into TRIM



## **CONFLICTS OF INTEREST**

A conflict of interest arises if it is likely that a private interest could conflict, or be seen to conflict, with the performance of your public or professional duties.

It is essential that members of the public, when dealing with our Council, can be confident that when making decisions staff and Councillors are free of any conflicts of interest.

### **Conflicts of interest can be of two types:**

#### **1. Pecuniary Interest**

Is an interest that you have in a matter because of a possibility of a reasonable financial gain or loss to you, or to another person with whom you are associated. This would include your spouse, de facto partner or a relative. (Section 442(1) Local Government Act).

#### **2. Non-Pecuniary Interest**

Is a private or personal interest, which you have, and does not relate to money. For example, a friendship, family, membership of a club, sporting or community group and the like where a financial gain or loss is not involved.

### **A conflict of interest would arise where:**

- you have a personal interest that would lead you to be influenced in the way you carry out your Council work or public duties.
- you have a personal interest that could lead a fair person to think you could be influenced in the way that you carry out your Council work or public duties.
- you have knowledge that a family member, relative, friend, associate or anybody else close to you has an interest that could lead to you being influenced, or a fair person to think that you could be influenced, in a way that you carry out your Council work or public duties.

### **What should you do if you have a conflict of interest?**

If any conflict exists between your interests and those of the Council it must always be resolved to the satisfaction of Upper Hunter Shire Council.

If, as a staff member, you believe that you are faced with, or could be seen to be faced with, a conflict or pecuniary interest you must advise your Corporate Manager or the General Manager in writing by completing this form. In the case of the General Manager, advice must be given to the Council or if this is not practical then advice must be given to the Mayor and subsequently to Council.

At the commencement of any Council or Committee meeting, Councillors, if they have an interest in any matter listed on the agenda of that meeting, must make a disclosure of any interest and the nature of the interest whether it is pecuniary or not, in relation to the matter so that it can be recorded in the Minutes of that meeting.

As a Councillor or member of staff, if you have any doubt as to whether you have a conflict of interest in a particular matter, you should seek assistance from your Manager/Director Corporate Services/General Manager/Mayor or obtain legal advice and act accordingly.