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1 PURPOSE

This section provides information to members of Section 86 committees about their responsibility to disclose any conflicts of interest that arise between their public duty and private interests.

2 SCOPE

All conflicts of interest must be promptly and fully disclosed by a Section 86 committee member, and recorded and managed by the Section 86 committee.

3 CONFLICTS OF INTEREST

The Local Government Act 1989 (the Act) requires any member of a committee with delegated powers to comply with conflict of interest rules. Essentially, this involves procedures for:

- the disclosure of relevant interests and conflicts, and
- the person removing him or herself from the decision making process.

The Act describes seven classes of interests. This includes **direct interests** and six types of **indirect interests**, which are:

1. close association
2. indirect financial interest
3. conflicting duty
4. applicable gift
5. party to the matter
6. residential amenity.

Full details of conflicts of interests can be found in Local Government Victoria's "Conflict of Interest – A guide for members of Council committees" March 2018 (the guide) which is included as an attachment to this procedure and as related information in this section of Council's website.

4 MANAGING CONFLICTS OF INTEREST

4.1.1 Declaration at the beginning of a meeting

At the start of the committee meeting the chairperson/president must ask committee members present if they have an interest in relation to an item on the agenda.

Any member that believes a conflict exists needs to declare that interest including the class of interest and nature of the interest (refer to the guide).

4.1.2 Declaration during a meeting

Alternatively, the guide recommends that conflicts of interest should be declared immediately before the matter is considered. Should a member not declare a conflict at the start of the meeting, this option can and should be taken.

4.1.3 Advise chair/president of your departure from the meeting room

Prior to commencement of the relevant matter, the member must advise the chair/president that he/she is departing the meeting room due to a conflict.

4.1.4 Leave the meeting room

Any member who leaves the meeting room must place him/herself in an area where they cannot see or hear the meeting discussion.

At conclusion of the matter a member of the committee will advise the excluded member that they can return to the meeting room.

4.1.5 Recording declarations in the minutes

If a committee member declares an interest the following information must be recorded in the minutes:

- The name of the member declaring the conflict

- the class and nature of the conflict
- the time the member left the meeting room and the time that the member rejoined the meeting
- the resolution from the matter, as per every meeting resolution.

5 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Conflict of interest, as per NSW Ombudsman 2003, <i>Conflict of Interests</i> , Fact Sheet 3, www.ombo.nsw.gov.au/	"...situations where a conflict arises between public duty and private interest which could influence the performance of official duties and responsibilities."
Direct interest, as per Local Government Victoria's "Conflict of Interest – A guide for members of Council committees"	"a person has a "direct interest" if he or she is likely to be directly affected by a decision or action of the committee."
Indirect interest, as per Local Government Victoria's "Conflict of Interest – A guide for members of Council committees"	An interest that is created by virtue of: <ul style="list-style-type: none"> • a close association • indirect financial interest • conflicting duty • applicable gift • party to the matter, or • residential amenity.

6 REVIEW

The Director Corporate Services will review this procedure for any necessary amendments no later than 2 years after adoption of this current version.

7 ATTACHMENTS

Attachment 1: Local Government Victoria's "Conflict of Interest – A guide for members of Council committees" March 2012.