

Meeting Aid – Conflict of Interest

Step One: Identifying and Disclosing a Personal Interest that might give rise to a Conflict of Interest

Questions for the councillor to consider:

- Is there a matter before Council that is not an Ordinary Business Matter and does not fall within the exceptions in section 175D(2) of the Local Government Act 2009 (Qld)?
- Do you have a personal interest that may be associated with that matter - such as financial¹, personal association or other identifiable interest (for example a religious affiliation)?
- Is the interest not insignificant?

If so, declare a personal interest to Council.

Step Two: Deciding whether the Personal Interest gives rise to a Conflict of Interest

Questions to consider:

- What is the nature and/or value of the interest?
- How significant is the personal interest?
- If the personal interest is a personal association — what is the closeness of the connection, duration, nature and strength of the relationship or association?
- Is there a realistic possibility that the outcome of the decision could affect the councillor's interest, in a way that is not minor?
- Is there a realistic possibility that the outcome of the decision could either benefit or cause a detriment to the councillor or a related party, in a way that is not minor?
- Could the councillor influence the decision in a way that could benefit them or someone they have an association with?
- Would the councillor have no greater personal interest in the matter than other persons in the local government area?
- How does this compare to similar matters where Council have decided a conflict of interest exists — is Council deciding like matters consistently?
- Are there other factors relevant to the local government area?

Test to be applied: Taking the answers to these questions into account, consider: If there was a reasonable and fair-minded observer in the room — would they think that the councillor might make a decision contrary to the public interest?

Step Three: Appropriately managing the Conflict of Interest (where the conflicted councillor has not voluntarily left the room)

Questions for the non-conflicted councillors to consider:

- Would a councillor's unique skills, knowledge or expertise help the non-conflicted councillors to make the best decision in the public interest?

¹ Note a financial interest which is not a material personal interest may still be a conflict of interest.
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- Do the non-conflicted councillors require more information from the councillor?
- Are you excluding the councillor from the deliberation simply because they represent a particular division or point of view?
- How would inclusion of the councillor in the deliberation or the decision affect public trust?
- How does this compare to similar matters Council has decided — is Council deciding like matters consistently?
- Are there other local factors that may be relevant to the inclusion or exclusion?

Remember: It is best practice to document the reasons for your decisions about conflicts of interest as well as the particulars required under the LGA.