

1.22 ELECTED MEMBERS CONFLICT OF INTEREST

Policy Number	1.22	Date Commenced	16/07/2019
Date Adopted	16/07/2019	Resolution Number	16/07/2019/010
Review Timeframe	4 years		
Last Review Date		Next Scheduled Review Date	July 2023
Policy Responsibility	Chief Executive Officer		

Document History

Version	Date Amended	Details Comments e.g. Resolution Number

OBJECTIVE

This policy outlines procedures to be followed when Elected Members (including members of Local Authorities), have real or perceived conflicts of interest that could affect any Council or Local Authority decision, execution of a Council or community project, program or other activity.

POLICY STATEMENT

In accordance with the Local Government Act section 73 Conflict of Interest, Elected Members and Members of Local Authorities are required to advise on any potential conflict of interest in a matter that arises or are likely to arise. This can be done at a meeting at which the Elected Member or Member of a Local Authority attends. This advice should be declared at the meeting before any discussions on the matter commence, or by notification to the Chief Executive Officer prior to the actual meeting.

- (1) A member has a **conflict of interest** in a question arising for decision by the council, local board or council local authority, committee if the member or an associate of the member has a personal or financial interest in how the question is decided.
- (2) This section does not apply if the interest is:
 - (a) an interest in a question about the level of allowances or expenses to be set for members; or
 - (b) an interest that the member or associate shares in common with the general public or a substantial section of the public; or
 - (c) an interest as an elector or ratepayer that the member or associate shares in common with other electors or ratepayers; or
 - (d) an interest that the member or an associate has in a non-profit body or association; or
 - (e) an interest of the member or an associate:
 - (i) in appointment or nomination for appointment to a body with predominantly charitable objects; or
 - (ii) in payment or reimbursement of membership fees, or expenses related to membership, in such a body; or

(f) an interest so remote or insignificant that it could not reasonably be regarded as likely to influence a decision.

The Chief Executive Officer will maintain a Register of Interests. The register of Interests is to be continually updated and made available on the Council Website.

The Elected Member must not, without the Minister's written approval, be present at any meeting of the Council or Local Authority whilst a matter in which they have a conflict of interest is under consideration nor can they participate in a vote to determine the matter in question.

A "Conflict of Interest" occurs when an Elected Member, a Member of a Local Authority or their associate has a personal or financial interest in the outcome of a matter being considered by Council or Local Authority regardless of whether this conflict of interest may or may not influence any decision.

"Disclosure of Interest". The Local Government Act requires the Elected Member or Member of a Local Authority as soon as practicable when they become aware of a conflict of interest in a matter that has or will arise before the Council or Local Authority to disclose their interest at either that meeting as well as to the Chief Executive Officer. Where this occurs, the disclosure should be minuted along with any action taken

In accordance with section 74 of the local Government Act, a member must not, without the Minister's approval:

- (a) be present at a meeting of the council, local authority, local board or council committee while a question in which the member has a conflict of interest is under consideration; or
- (b) participate in any decision on the question.

The Minister may approve a member's participation in the consideration of, or a decision on, a question in which the member has a conflict of interest on conditions the Minister thinks appropriate.

A member is guilty of an offence if the member:

- (a) fails to disclose an interest as required under subsection (1); or
- (b) contravenes subsection (3) or a condition of an approval under subsection (4).

If the Civil and Administrative Tribunal finds that a member has participated in the decision of the council, a local authority, a local board or a council committee contrary to this section, the Tribunal may, on application by an elector or ratepayer, declare the decision void.