

Aid for Councillors: Material Personal Interest

The *Local Government Act 2009* (Qld) (LGA), provides that if a councillor has a material personal interest (MPI) at a meeting, the councillor must inform the meeting of that interest and leave the room. The councillor must stay out of the meeting while the matter is being discussed and voted on.

It is up to individual councillors to decide if they have an MPI. The following four step process will help you to identify if you have an MPI.

Step One: Consider the matter before Council

Questions to ask:

- Is the matter an Ordinary Business Matter?
- Is there a decision to be made either now or in the future?
- What individuals and groups in the community will be affected by the outcome of the matter?

Step Two: Consider if you, or a 'related party or entity', have a 'personal interest' in the matter

A 'related party' is:

- your spouse, parent, child or sibling
- your business partner, employer (other than a government entity), or another (non-government) entity of which you are a member.

Questions to ask:

- What is the nature of your interest?
- What is the value of the interest?
- Is the interest unique to you or your related parties or widely shared?

Step Three: Consider whether you, or any of your related parties, stand to gain a benefit or suffer a loss because of the outcome of the matter

Questions to ask:

- Is there a realistic possibility that the outcome of the decision could affect the value of your interest?
- Is there a realistic possibility that the outcome of the decision could either benefit or cause a detriment?

Step Four: If the answer to step three is yes – Consider whether the benefit gained, or loss suffered, by you or your related party would be any greater than a wide group or class of people in the community.

Questions to ask:

- Is the benefit or loss to you or your related parties unique?
 - If not, what is the size of the group that would potentially gain a benefit or suffer a detriment as a proportion of the broader community?
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Next steps: If after following these steps you consider that you have an MPI you must declare your MPI and leave the room

Under the LGA, if you have an MPI you must place the following information on record:

- The name of the person or related party who stands to gain a benefit or suffer a loss
- How you, or your related party, would stand to gain a benefit or suffer a loss from the outcome of the decision
- If that person is not you, details of how the other party or entity is related to you.

However, if you are still unsure if you have an MPI:

- Contact the Queensland Integrity Commissioner for advice at integrity.commissioner@integrity.qld.gov.au, or
- Disclose your personal interest so that Council can weigh up the facts as even if you do not have an MPI you may still have an interest which gives rise to a conflict of interest. However, remember, the burden of declaring an MPI rests with you.