

Conflict of interest

Analysis has identified that the following categories of conflict of interest are the most investigated by the OIA.

- **Voting when an electoral donor provided funds/gifts/benefits to the councillor**

The quality of agendas and agenda papers play a critical role in assisting councillors to properly identify and manage their conflicts of interest. Council meeting agendas and papers should clearly describe the matter requiring a council decision and the entities or individuals who are connected to the agenda item.

Work with your CEO to ensure this information is included in a standard way in the agenda or papers.

If this information raises a possible conflict of interest with persons or entities who have made donations to you, you are expected to undertake reasonable inquiries to determine whether you have a personal interest to declare and manage.

When considering conflict of interest matters the Councillor Conduct Tribunal routinely questions what systems and processes a councillor has in place to identify potential conflicts of interest.

It is recommended you consider:

- (a) what reasonable steps you have taken to know who your donors are, and what companies or businesses they are associated with, at the time that you received the donation, and
- (b) what processes or systems you can put in place so that every time you consider a council meeting agenda and papers, you will identify those individuals and entities.

- **Failing to report another councillor's conflict of interest or material personal interest**

Councillors have a statutory duty in council meetings to report another councillor who they reasonably believe, or suspect, has a conflict of interest or material personal interest, when that councillor does not declare it.

Raising another councillor's suspected conflict of interest does not have to be confrontational and it may help prevent another councillor making a mistake.

You are required to report a conflicted councillor to the presiding councillor. If that is the person you suspect, then you should read your concern into the record as soon as practicable after that person fails to declare.

- **Voting on matters related to legal proceedings to which the councillor is a party**

This is a category of conflict of interest that councillors are urged to be alert to. Voting on such matters may also be a material personal interest if the councillor is voting to make themselves eligible to seek reimbursement for their own legal expenses, or the expenses of persons who are related or closely associated with the councillor.





- **Voting on a matter related to a friend/relative or associate of a councillor**

Councillors should consider the nature, extent, significance, duration and or frequency of any association.

You should then consider; If there was a reasonable and fair-minded observer in the room, would they think that you might make a decision contrary to the public interest?

