



# Conflicts of Interest Policy

## Objective

The State Planning Commission (the Commission) is committed to high standards of ethical conduct. It places great importance on managing actual, potential or perceived conflicts of interest.

This policy details:

- examples of conflicts of interest;
- the process Commission members should use when declaring and managing conflicts of interest; and
- how the Commission, itself, should manage conflicts of interest.

## Meaning of Conflict of Interest

Under section 27(6) of the *Planning, Development and Infrastructure Act 2016*, a member of the Commission who has a direct or indirect personal or pecuniary interest in a matter before the Commission must disclose and manage that interest.

A conflict of interest may occur if an interest or activity influences or appears to influence a Commission member's ability to be objective. The term covers actual, potential or perceived conflicts.

Examples include:

- where a Commission member could gain financially from business dealings, programs or services associated with the Department or the Commission;
- where the immediate family or business connections of a Commission member could gain financially from business dealings, programs or services of the Department or the Commission;
- where the Commission member or their immediate family or business connections are to be appointed to an employment position with the Department; or
- where a Commission member has a role on the governing body of another organisation, where the activities of that other organisation may conflict or compete with the activities of the Commission.

## Are Conflicts Prohibited?

Conflicts of interest are contemplated and addressed under the Act.

Commission members should actively consider and monitor their interests and where there is an actual, potential or perceived conflict, a Commission member must disclose and manage that interest appropriately and as required under the Act and the Minister's Code of Conduct.

As a consequence, Commission members are not prevented from having business dealings with the Department, provided it can be proven that these have been negotiated at arm's length and the conflicted Commission member has followed the required procedures. Similarly, Commission members are not prevented from having personal or business dealings on matters which may come before the Commission, provided the appropriate procedures are followed by that member.

## On Joining the Commission

Immediately on joining the Commission, a Commission member must complete the Register of Interests (Primary Return) in the form prescribed under clause 2(1)(a) of Schedule 1 of the Act. The Register records the Commission member's main business activities, involvement with other business organisations, vendors, business interests and other associations that might produce a conflict of interest.

## When Serving on the Commission

On an annual basis, and for the period of 12 months expiring on 30 June each year, Commission members must update and submit the Register of Interests (Ordinary Return) in the form prescribed under clause 2(1)(b) of Schedule 1 of the Act.

On an ongoing basis, Commission members must declare any conflict of interest when the conflict arises or when the member becomes aware of the conflict. This may occur on receipt of an Agenda for a meeting, or at the start of the first Commission meeting after, or when, the conflict emerges.

In the event of a declaration of conflict of interest by a member:

- The nature of this conflict of interest will be detailed in the meeting minutes. The interest will also be recorded in the Conflict of Interest Register, which is maintained by the Department.
- The Commission must decide how a particular conflict will be handled. Depending on the magnitude of the conflict, various solutions will be appropriate, which may include:
  - Resignation of the conflicted Commission member from the Commission meeting.
  - Leave of absence by the Commission member from the Commission meeting for a period of time while the matter is resolved.
  - Non-disclosure or quarantining of Commission papers from the conflicted Commission member and absence from the part of Commission meetings when the matter is being discussed or resolved.

Where a conflict of interest is identified and/or recorded, and the Commission determines that resignation or leave of absence of the conflicted Commission member is required, the conflicted Commission member must not initiate or take part in any Commission discussion on the matter (either in the meeting or with other Commission members before or after the Commission meeting). The conflicted Commission member must not vote on the matter and this should be recorded in the minutes of the meeting.

A Commission member who believes another Commission member has an undeclared conflict of interest must specify in writing, to the Chair (or to the ex officio member where the matter relates to an interest of the Chair), the circumstances of the conflict. The Chair (or the ex officio member, if relevant) must raise the issue with the Commission member concerned, and seek advice from the Department as required. If the Commission member does not agree the Commission will decide the matter by majority vote.

## Reputation of the Commission

Sometimes a conflict can be handled correctly from a legal perspective but might still have the potential to damage the reputation of the Commission because of appearances.

The Commission has the ultimate authority to manage reputation risk and properly and orderly management of the Commission's practices and procedures. If the Commission determines that a conflict, although managed properly in a legal sense, may damage the reputation of the Commission, the Minister or the Department if it proceeds, the Commission may decide not to proceed or to take action to address the perceived conflict.

## Confidentiality

When complying with this policy, the confidentiality of Commission members will be respected, subject to the disclosure requirements under the Act.

## Review

The Commission will review this Conflict of Interest Policy at least annually and update where necessary.

Version	Produced By	Endorsed By	Approved by	Review Due
1.0	R Bolingbroke 18 July 2017	A Allen 10 August 2017	Commission 17 August 2017	August 2018
1.1	Chelsea Lucas 22 April 2021	S Smith 6 May 2021	Commission 13 May 2021	May 2022