

ADDITIONAL INFORMATION: CONFLICT OF INTEREST

What is a conflict of interest?

A conflict of interest is a situation arising from the conflict between the performance of public duty and private or personal interests. A conflict of interest can range from minor to severe.

A conflict of interest can be material, non material, actual or apparent:

- material interest involves actual or potential financial gain or loss or other material benefits or costs
- non material interest does not involve a financial or material component but may arise from personal relationships or involvement in other activities
- actual interest occurs when other interests are likely to interfere with the performance of duties
- apparent interest occurs when other interests have the potential to interfere with the performance of duties.

A conflict of interest may arise from:

- other board membership or employment
- professional or business interests and associations
- investment interests, and/or
- family relationships.

Declaring a conflict of interest

A school board member has a duty to declare any private or personal interest that may impinge upon on a school board decision. When an issue arises, the school board member must, as soon as practicable disclose full and accurate details of the interest or issue to the school board. All details of the declaration must be recorded in the meeting minutes.

How should a conflict of interest be managed?

The school board should make a decision as to how to manage the conflict of interest and record reasons for that decision in the meeting minutes.

A conflict of interest may be managed by:

- the member not taking any part in the discussion of the school board relating to the interest or issue
- the member not voting on the matter
- requiring the member to be absent from the meeting when the discussion or vote is taking place, and/or
- the member not receiving any relevant school board papers in relation to the issue.

Reporting requirements

In accordance with Section 49 (5) of the *Education Act 2004*, the School Board Chairperson must provide a statement of any disclosure of interest by any school board member in relation to the school board during the financial year to the Director-General within 14 days of the end of the financial year. All ACT public school boards are required to provide Governance and Community Liaison Branch with a *Disclosure of Interest Statement* for each financial year by completing the template provided to principals in June of each year.

The template should be completed by the person providing secretariat support to the school board by checking all official minutes from school board meetings held during the current financial year. Any declarations of conflict of interest recorded in the minutes must be included in the *Disclosure of Interest Statement* for the Director-General. The completed statement is to be signed by the **current** school board chair and provided to Governance and Community Liaison Branch.

To facilitate this task, it is recommended that a standard item be included in the templates for school board agendas and minutes.

More information

Further information about conflicts of interest and mitigation strategies for managing conflicts of interest are discussed at training activities for appointed school board members each year. Information is also included in the *School Board Manual*. For more information or assistance, please contact Governance and Community Liaison Branch on 6207 6846 or by email EDUSchoolboards@act.gov.au.