**conflict of interest – additional information**

**What is a conflict of interest?**

A conflict of interest is a situation arising from a real or perceived conflict between the performance of the board member’s duty and private or personal interests. A conflict of interest can range from minor to severe.

A conflict of interest exists if:

* any member has a direct or indirect interest in an issue being considered by the board; and
* the interest could influence the member’s consideration, and therefore the school board’s consideration, of the issue.

A conflict of interest may arise from:

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

**Declaring a conflict of interest**

The [Code of Conduct](https://www.education.act.gov.au/public-school-life/get-involved-in-your-childs-school/school_boards) for board members requires all members to declare and disclose any conflict with the interests of the school or education system.

A school board member has a duty to declare any private or personal interest that may impinge upon 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?**

A conflict of interest may be managed by the member:

* not taking any part in the discussion of the board relating to the interest or issue;
* not voting on the matter;
* being absent from the meeting when the discussion or vote is taking place; or
* not receiving any relevant board papers in relation to the issue.

The chairperson should decide how to manage the conflict of interest and record reasons for that decision in the meeting minutes. If the quorum is lost due to the member’s exclusion from the discussion, the meeting cannot continue and needs to be adjourned until a quorum is obtained or the issue in question carried over to the next meeting.

The minutes should record the following information about a disclosed conflict of interest:

1. the member’s name and position on the board,
2. the issue being considered by the board,
3. the nature of the conflict of interest, and
4. how the conflict of interest was managed.

**Reporting requirements**

By 14 July each year, the chairperson of the board must provide the Returning Officer with a statement of any conflicts of interest declared to the board during the previous financial year. The chairperson must ensure that the [Disclosure of Interest Statement](https://www.education.act.gov.au/public-school-life/get-involved-in-your-childs-school/school_boards) is submitted, including a nil return. A copy must be retained by the school on the official board file.

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

**More information**

Information is also included in the School Board Handbook - Operations. For more information or assistance, please contact Governance and Community Liaison Branch on 6207 6846 or by email [EDUSchoolboards@act.gov.au](mailto:ETDGovernanceSchoolboards@act.gov.au).

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