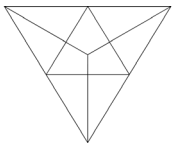


INTEGRITY COMMISSION TASMANIA

Managing pecuniary and non-pecuniary interests (for councillors)

This flowchart provides councillors with guidance when making decisions about private interests that may conflict with their public duty.

The flowchart should be used in conjunction with the following authoritative sources of information on these matters:

- the *Local Government Act* (1993) ('the Act')
- the *Local Government (General) Regulations 2015*
- the *Local Government (Meeting Procedures) Regulations 2015*, and
- the council's *Code of Conduct* for councillors.

If a councillor is uncertain about a specific matter or decision, they should seek further guidance from:

- the council's Mayor
- the council's General Manager
- the Local Government Division, and/or
- the Local Government Association of Tasmania.

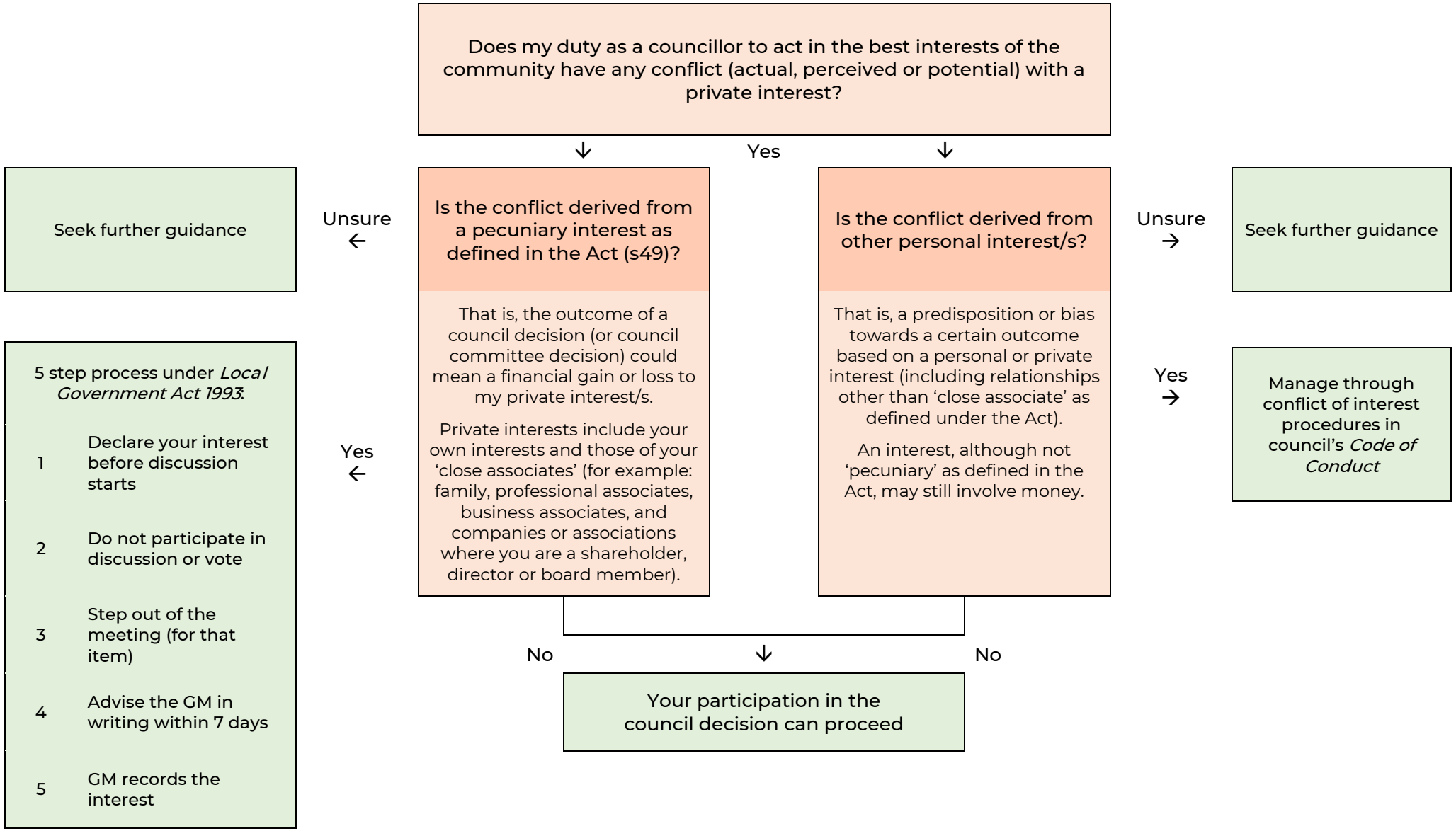
Further specific guidance on pecuniary interests is available at:
http://www.dpac.tas.gov.au/divisions/local_government/resources_for_councillors

The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

For more Misconduct Prevention resources go to www.integrity.tas.gov.au/resources

FLOWCHART


Does my duty as a councillor to act in the best interests of the community have any conflict (actual, perceived or potential) with a private interest?
Yes
Is the conflict derived from a pecuniary interest as defined in the Act (s49)?
That is, the outcome of a council decision (or council committee decision) could mean a financial gain or loss to my private interest/s.
Private interests include your own interests and those of your 'close associates' (for example: family, professional associates, business associates, and companies or associations where you are a shareholder, director or board member).
Is the conflict derived from other personal interest/s?
That is, a predisposition or bias towards a certain outcome based on a personal or private interest (including relationships other than 'close associate' as defined under the Act).
An interest, although not 'pecuniary' as defined in the Act, may still involve money.
Unsure
Seek further guidance
Yes
5 step process under *Local Government Act 1993*:
1 Declare your interest before discussion starts
2 Do not participate in discussion or vote
3 Step out of the meeting (for that item)
4 Advise the GM in writing within 7 days
5 GM records the interest
Unsure
Seek further guidance
Yes
Manage through conflict of interest procedures in council's *Code of Conduct*
No
No
Your participation in the council decision can proceed