

Councillor - Conflict of Interest Policy November 2025

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Document Compliance

Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

Greater Dandenong City Council Policies comply with the Victorian Charter of Human Rights and Responsibilities, the *Gender Equality Act 2020*, the *Climate Change Act 2017*, the Child Safe Standards contained in the *Child Wellbeing and Safety Act 2005*, (Amended) the *Privacy and Data Protection Act 2014* and the Overarching Governance Principles specified in 9(2) of the *Local Government Act 2020*.

Acknowledgment of Country

Greater Dandenong City Council acknowledges the Traditional Custodians of this land, the Bunurong People and pays respect to their Elders past and present. We recognise and respect their continuing connections to climate, Culture, Country and waters.

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1. POLICY OBJECTIVE (OR PURPOSE)

Note: Unless otherwise stated, this policy also applies to Members of Delegated Committees.

The purpose of this Policy is to provide information and guidance to all Councillors regarding identifying and managing potential and perceived conflicts of interest in accordance with their obligations under sections 126 – 131 of the *Local Government Act 2020* (the Act).

This Policy:

- outlines the categories of conflict of interest covered in the Act and how these can be identified;
- sets out Council's procedures for declaring and managing conflicts of interest;
- promotes understanding of and compliance with the conflict-of-interest provisions in the Act;
- promotes Council's commitment to maintaining high standards of good governance and minimising public perceptions of impartiality and bias; and
- outlines Council's record-keeping requirements in respect of any declared conflicts of interest.

2. BACKGROUND

The *Act* outlines provisions for managing conflicts of interest for Councillors. It distinguishes between general and material conflicts of interest, with penalties for non-compliance. The Act emphasizes transparency and accountability in decision-making processes to maintain public trust.

Section 126 provides definitions for key terms related to conflicts of interest, such as "material conflict of interest".

Section 127 deals with general conflicts of interest.

Section 128 specifies when a conflict of interest is considered "material".

Section 129 exempts certain situations from the conflict-of-interest provisions.

Section 130 addresses the disclosure of conflicts of interest by councillors and other relevant persons, requiring them to declare any conflicts in a timely manner.

Section 131 deals with the disclosure of conflicts of interest at meetings other than the one where the conflict arises.

3. SCOPE

This Policy applies to all Greater Dandenong City Council Councillors and Members of Delegated Committees.

4. DEFINITIONS

Councillor	is an elected member of the Greater Dandenong City Council and a relevant person to whom the conflict-of-interest provisions in the <i>Local Government Act 2020</i> apply.
Delegated Committee	is a delegated committee established by Council under section 63 of the <i>Local Government Act 2020</i> , a Joint Delegated Committee established by two or more Councils under section 64 of the <i>Local Government Act 2020</i> or a Committee, other than a Community Asset Committee, exercising any power of a Council under the <i>Local Government Act 2020</i> or any other Act delegated to the Committee under the <i>Local Government Act 2020</i> or any other Act.
Relevant Person	A person to whom the conflict-of-interest provisions in the <i>Local Government Act 2020</i> apply. A Councillor is considered a Relevant Person.
Public Duty	means the responsibility and obligations that a Councillor has to members of the public in their official role.
Private Interest	means any direct or indirect interest (financial or otherwise) that a Councillor could receive that is not directly related to their public duty but may influence or be perceived to influence their decisions or actions in their official capacity.

5. POLICY

Councillors hold positions of public trust. They must perform their public duties impartially, without bias and in the best interest of the public.

Council acknowledges that conflicts of interest will arise for Councillors and that they cannot always be avoided. They must, however, be identified and appropriately disclosed to ensure that Council maintains high standards of transparency, accountability and public trust.

5.1 Conflict of Interest Categories

General Conflict of Interest

A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the Councillor's private interests could result in them acting in a manner that is contrary to their public duty.

Material Conflict of Interest

A Councillor has a material conflict of interest in a matter where an 'affected person' would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise, or the loss may be incurred directly or indirectly and in a pecuniary or non-pecuniary form.

An affected person for the purpose of a material conflict of interest includes:

- a Councillor;
- a Family member or the Councillor;
- a body corporate, including incorporated associations, of which the Councillor or their spouse or domestic partner is a director or a member of the governing body;
- an employer of the Councillor unless the employer is a public body;
- a business partner of the Councillor;
- a person for whom the Councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the Councillor is a trustee; and
- a person from whom the Councillor has received a disclosable gift (as defined in the Act – currently a gift or cumulative gifts with a total value equal to or exceeding \$500).

Exemptions

A conflict of interest will not arise in the following circumstances:

- the interest is so remote or insignificant it could not be reasonably regarded as capable of influencing the actions or decisions of a Councillor;
- the interest is held in common with a substantial portion or residents, ratepayers or electors in the Municipality and does not exceed the interest held by them;
- the Councillor has no knowledge of the interest;
- the interest only arises because the Councillor is the representative of Council on a not-for-profit organisation that has an interest in the matter and the Councillor receives no personal advantage from the not-for-profit organisation;
- the interest only arises because a family member of the Councillor is a member, but not an officeholder, of a not-for-profit organisation;
- the interest only arises because the Councillor is a member of the not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- the interest arises in relation to a matter or in a circumstance that is prescribed to be exempt by regulations made under the Act.

5.2 Disclosing Conflicts of Interest

Where a Councillor has a conflict of interest in respect to any matter they must:

- declare the conflict of interest as soon as practicable after a conflict of interest is identified and prior to any action or decision being made that could be influenced by the conflict;
- complete a Conflict-of-Interest form available either electronically on the Councillor Intranet (MACCS) or a hard copy requested from the Governance, Legal and Risk Department;
- ensure they comply with the procedures set out in Council's Governance Rules in respect of disclosing a general or material conflict of interest; and
- comply with this policy, the relevant provisions set out in *the Act*, and the standards set out in the Model Councillor Code of Conduct.

Chapter 3 of Council's Governance Rules sets out the procedures for the disclosure of a conflict of interest by a Councillor under s130 of the Act. Those procedures govern circumstances where:

- a Councillor has a conflict of interest in a matter being considered at a Council Meeting or Delegated Committee Meeting at which they are present or intend to be present.
- a Councillor has conflict of interest in a matter being considered by a meeting held under the auspices of Council at which they are present.

5.3 Managing Conflicts of Interest

If a Councillor suspect that themselves or another Councillor may have a potential or perceived conflict of interest, it is important that it is managed in accordance with this policy to ensure that Council's decision-making processes are not compromised.

A Councillor who suspects they have a potential or perceived conflict of interest should:

- disclose the conflict of interest in accordance with the Governance Rules;
- discuss the implications of the conflict of interest with the Governance, Legal and Risk department and seek additional legal advice if required in accordance with section 5.7 of this policy; and
- in consultation with the Governance Legal and Risk Department prepare and implement a management plan that will outline how the conflict of interest will be managed.

Appendix 1 of this policy provides a table of real or perceived conflicts of interest, contrasted with interests which will not be in breach of the *Act* as guidance for Councillors in identifying and managing their own conflicts of interest.

5.4 Policy not Exhaustive

Appendix 1 of this Policy does not provide an exhaustive set of circumstances in which conflicts of interest might arise.

Councillors are required to use their own judgement on 'case by case' basis. If further advice or guidance is needed, a Councillor should contact the Governance Legal and Risk Department or seek their own legal advice.

5.5 Recording and Retention of Conflicts of Interest

Where a Councillor has disclosed a conflict of interest that interest must be recorded in the Conflicts of Interest Register maintained by the Governance Integrity Legal and Risk Department and made available for public inspection upon request, in accordance with Council's Public Transparency Policy.

All disclosures statements must be retained in accordance with the *Public Records Act 1973 (Vic)* for a period of 7 years from the time of the disclosure.

5.6 Privacy Considerations

While the Conflict-of-Interest Register is available for public inspection, sensitive or personal information maybe redacted or withheld to protect individual's privacy in accordance with the *Privacy and Data Protection Act 2014*.

5.7 Provision of Information and Legal Advice

Council may provide general information or support to Councillors on matter relating to conflicts of interest through the Chief Executive Officer (CEO), Executive Director Strategy and Corporate Services or Manager Governance Integrity Legal and Risk.

Where a Councillor requires legal advice in relation to a specific conflict of interest, this advice must be obtained and funded by the individual Councillor in accordance with the Council Expenses Policy.

Council funds may only be used to obtain legal advice for Councillors where:

- there is clear and demonstrable public policy justification showing that the expenditure is an appropriate use of Council powers;
- pre-approval has been obtained by the CEO; and
- in accordance with the Council Expenses Policy

Potential sources of assistance (not legal advice):

- **Chief Executive Officer (CEO):** The CEO or an authorised officer may assist in explaining the requirements of the Act. They cannot make decisions on behalf of the councillor and cannot provide legal advice.

- **Local Government Victoria:** May provide general information and guidance materials, but not specific legal advice.
- **Municipal Association of Victoria (MAV) or Victorian Local Governance Association (VLGA):** Can offer general guidance to support councillors' understanding of relevant laws, but cannot provide legal advice on an individual councillor's specific conflict.

Regardless of any advice or support received, the councillor remains solely responsible for ensuring their own compliance with the Act and for their personal conduct.

6. RESPONSIBILITIES

It is a personal judgement and decision to disclose a conflict of interest and Councillors must identify their own conflicts of interest and exclude themselves from the decision-making process.

Councillors	<p>in accordance with the Act are personally responsible for ensuring they:</p> <ul style="list-style-type: none"> • understand their statutory obligations and disclose all conflicts of interest in accordance with the Governance Rules and this policy as soon as practicable after a conflict of interest is identified. Such disclosures must be submitted to the CEO through the Governance Legal and Risk Department by completing a Conflict-of-Interest form available from Governance or on Councillor Intranet (MACCS). • declare all disclosable gifts on their biannual Personal Interest Returns.
Chief Executive Officer	<p>is responsible for reporting any breaches of this policy to the appropriate authority and support any subsequent investigation.</p>
Governance Legal and Risk	<p>are responsible for the administration of Councillor related conflicts of interest on behalf of the CEO, including:</p> <ul style="list-style-type: none"> • maintaining a Conflict of Interest register; • notifying the CEO of every conflict of interest disclosure made by a Councillor • ensure the Conflict of Interest register is made available in accordance with Council's Public Transparency Policy • issuing regular reminders to Councillors of their obligations to disclose conflicts of interest.

- regular review of this policy for legislative compliance and current operational practices

7. REPORTING, MONITORING AND REVIEW

Reporting	<p>Governance will submit a copy of the Councillor Conflict of Interest register to the Audit and Risk Committee every 6 months for noting.</p> <p>Breaches of non-disclosure will be reported to the Local Government Inspectorate by the Chief Executive Officer.</p>
Monitoring	<p>The Conflict-of-Interest Register will be monitored by the Governance Legal and Risk Department for any systemic lack of reporting.</p> <p>The Councillor Gift Register will be monitored by the Governance Legal and Risk Department for any disclosable gifts and advise Councillors where receipt of cumulative gifts over a 5 year period reach the \$500 disclosure threshold.</p>
Review	<p>This policy will be reviewed every 4 years within 4 months of a general election or where required by legislative changes.</p>
Stakeholder Engagement	<p>Chief Executive Officer, Manager Governance Legal and Risk, Audit Committee, Councillors.</p>

8. BREACH OF THIS POLICY

Where a Councillor fails to disclose any conflict of Interest, material or general an application may be made to the Councillor Conduct Panel alleging serious misconduct.

Convictions of serious misconduct are subject to fines of up to 120 penalty units (approximately \$22,000) and/or disqualification from office.

A Councillor Conduct Panel (CCP) hearing process is provided for under Division 7 of Part 6 the Local Government Act 2020 (LG Act) in which a CCP is formed by the Principal Councillor Conduct Registrar (PCCR) to hear an allegation of serious misconduct by a councillor

9. REFERENCES AND RELATED DOCUMENTS

Legislation

[Charter of Human Rights and Responsibilities Act 2006](#)
[Gender Equality Act 2020](#)
[Climate Change Act 2017](#)
[Child Wellbeing and Safety Act 2005 \(Amended\)](#)
[Crimes Act 1958](#)
[Freedom of Information Act 1982](#)
[Local Government Act 2020](#)
[Local Government \(Governance & Integrity\) Regulations 2020](#)
[Privacy and Data Protection Act 2014](#)
[Public Records Act 1973](#)
[Public Interest Disclosures Act 2012](#)

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Councillor Gift Policy
- Council Expenses Policy
- Fraud Corruption Prevention and Control Policy and Procedures
- Legislative Compliance Policy
- Public Transparency Policy
- Public Interest Disclosure Policy and Procedures
- Records Management Policy
- Privacy and Personal Information Policy
- Governance Rules
- Model Councillor Code of Conduct

Other Related Council Documents

- Conflict of Interest Register
- [In the Public Interest - Local Government Victoria Conflict of Interest Guidelines](#)

Administrative Updates

It is recognised that from time to time, circumstance may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, the change to an existing policy or document referred to in this policy and minor updates to legislation and the like which does not have a material impact. All changes or updates which materially alter this policy must be by resolution of Council.

Date	Update

Appendix 1

The following examples provide some guidance on real or perceived conflicts of interest, contrasted with interests which will not be in breach of the Act. However, conflicts of interest should be judged by the specific circumstances on a case-by-case basis.

Potential conflicts of interest	Interests that are not in breach
An Officer assists in the preparation of a Council Report regarding a decision on a planning permit for their daughter's property.	A Governance Manager must engage a mediator for a Councillor Code of Conduct complaint and his former employer is a mediator.
A Councillor is a part owner of a development company which submits a planning application to Council.	A Councillor is a member (and not a board member) of a local surf lifesaving club. The Councillor took part in a planning decision in relation to the club's property. Her interests do not exceed others as a substantial proportion of the local community are members of surf lifesaving clubs.
An Officer makes a decision on a proposal to vary parking signs in the street where they live.	A Delegated Committee member works in gambling research for a university and voted on Council's strategic plan, which includes an objective to reduce harm associated with gambling.
A Contract Manager is issuing a purchase order under a panel contract where his wife's business is a panel member.	A Councillor's brother is a member (but not an office holder) of a community hockey club and the Councillor is involved in the consideration of an application for funding made by the club.
A Delegated Committee member takes part in a decision about a liquor licensing permit for a business next door to their property.	An Officer is deciding on a Local Law permit being sought by a couple whose café she frequents at lunchtime.
A Planning Officer's extremely close friend (note – the friendship must be akin to a familial relationship to give rise to a conflict of interest) is an applicant for a planning permit for which she is writing the Officer Report to Council.	A Planning Officer's friend is an applicant for a planning permit for a planning permit for which she is writing the Officer Report to Council.