

ACT Greens Conflict of Interest Policy

INTRODUCTION

A conflict of interest arises when a person participates in a decision which could have a positive or negative impact upon themselves or those with whom they have a close personal relationship. The latter includes family members, close friends or membership of an organisation in which they hold an official position or are actively involved. It also includes persons or organisations with which they have an ongoing dispute.

It does not include for the purposes of this policy where a member belongs to a subset of society which may be affected by party decisions. Indeed persons in this category are encouraged to participate and bring their lived experience and expertise to the discussion.

Proper management of conflicts of interest are vital in ensuring that the party always acts with integrity, and is seen to do so by members, supporters and the general public. Achievement of our vision for a better world requires maintaining trust in the integrity of our members and volunteers, our staff and our parliamentary representatives.

Without integrity we will founder in cronyism, hypocrisy and cynicism. In addition, avoiding conflicts of interest reduces reputational and financial risks for the party.

The party Code of Conduct (part 12 in our [by-laws](#)) provides further guidance for ethical behaviour for all members (especially the **Integrity and accountability** section) regardless of their roles. From the Code of Conduct:

68.1 The ACT Greens hold ourselves to the high standards of integrity and accountability that we expect of social institutions, organisations and individuals. As a member of the ACT Greens I strive to demonstrate this by:

...

- *appropriately disclosing or mitigating a real or potential conflict of interest*

DEFINITIONS

An **official** is:

- a party member occupying a party position by election or appointment, or
- a party employee, or
- an ACT Greens parliamentary representative or preselected candidate

Private interests include relationships and obligations such as concerning family, friends, business or work or recreational associations.

A **real conflict of interest** exists where a clear and direct conflict exists between an official's current duties and existing private interests.

An **apparent conflict of interest** exists where it appears or could be perceived that an official's private interests are improperly influencing the performance of their duties, whether or not that is actually the case.

A **potential conflict of interest** exists where an official's private interests are not currently but could come into direct conflict with their current duties.

A conflict of interest may be pecuniary or non-pecuniary:

- ***Pecuniary conflicts of interest*** involve actual or possible financial loss or gain and does not need to involve the actual transfer of money.
- ***Non-pecuniary conflicts of interest*** don't involve financial matters and may arise from personal relationships where they could bias the impartiality of the official when taking actions or making decisions that could lead to prejudice, favouritism or nepotism.

A **general meeting** is a forum, special general meeting or annual general meeting.

A **party organ** is the management committee, a subcommittee or a permanent working group.

A **formal meeting** is one which can make decisions that have ramifications beyond its own internal working, and at which minutes are taken.

SCOPE

Party members are encouraged to participate in robust and civilised debate about policy and internal governance. This policy does not impinge upon those ordinary discussions, but it does concern the activities of officials as they perform their decision-making duties, including any consultations and discussions leading up to those decisions whether they are private or public.

MANAGEMENT OF CONFLICTS OF INTEREST

Register of Interests

Noting the requirements of the ACT Legislative Assembly for the declaration of members' interests, all other officials together with preselected candidates and employees are expected to proactively declare and keep up-to-date existing personal interests and involvements which may give rise to conflicts of interest in their duties.

The secretary will be responsible for maintaining the Register of Interests which must record information about the ongoing interests of officials which may give rise to conflicts of interest, including the nature and extent of the potential conflicts of interest and any steps taken by the person to address it.

The Register of Interests will only be fully accessible by the management committee.

An official may ask the management committee that a declared interest be kept confidential from other party members and not described in detail in any meeting documents and minutes.

Any party member may ask the secretary to inspect the Register of Interests, except for those entries which have been declared confidential.

The management committee may refuse to give a party member access to one or more entries in the Register if satisfied that allowing access would be prejudicial to the interests of the party or be an unreasonable infringement of privacy of the official.

Meetings of committees and working groups

All formal meetings of party organs will include at the start of the agenda a reminder for those attending to consciously consider anything which may give rise to a conflict of interest in their duties.

Members, or party employees if present, are required to declare their interest at the start of the meeting, when the relevant agenda item is reached or when a conflict arises during discussion. It is a duty of every member to raise any concerns regarding conflicts of interest concerning other members. This will apply even if the interest is already included in the Register of Interests.

Any member may attend these meetings, subject to the provisions of the constitution, but must declare any conflict of interest before participating in the relevant discussions. When a person declares a conflict of interest in a meeting, those present must decide whether the member:

- a) must absent themselves for the duration of the agenda item giving rise to the conflict of interest, or
- b) may be present without being able to participate, or
- c) may participate in the discussion but may not participate in reaching a decision such as by voting or blocking consensus, or
- d) may fully participate.

Option a) will apply when the discussion may reveal information that may yield an advantage to the individual.

Option b) will apply when there is a serious conflict of interest; such that there is a risk of others being given biased and misleading information.

Option c) will apply when the person can make a useful contribution to the discussion on the basis of their personal history or expertise but may have actual or perceived bias when a decision is to be reached.

Option d) will apply when either:

- a) The conflict of interest is minor and unlikely to affect the member's contribution, or
- b) The person declares that they are advocating against their own interests.

Any option to allow a member further participation on the matter requires consensus of the others present.

Since the same topic may be included in several meetings of the same party organ a waiver from being excluded from participation may be a standing condition that extends over a series of such meetings.

Where a person's involvement in a formal meeting is restricted due to a conflict of interest, i.e. option a), b) or c) is adopted, then members must refrain from lobbying on the matter outside of a formal meeting.

All declarations of a conflict of interest and decisions on handling that conflict will be minuted.

In exceptional circumstances if the conflict of interest will affect the viable participation of a member of a committee or working group, the management committee may ask the member to resign from the position to allow another member to fill the position. The relevant member may seek re-election but the reason why the member was asked to resign must be disclosed to members.

If an individual is aggrieved by the decision of a meeting regarding the handling of a conflict of interest, then that person may raise a grievance in accordance with the rules of the party.

Party meetings

All those attending a general meeting or contributing to a discussion on the party's electronic platform must declare any conflict of interest before participating on the relevant issue. They may continue to be involved in any discussions but may not vote on the issue at a general meeting except by the consensus of the meeting.

Public announcements and advocacy

Those spokespeople with a real, apparent or potential conflict of interest will avoid publicly representing the party with respect to that issue. In cases where the person is obliged to represent the party, such as when the topic is within the portfolio responsibilities of a parliamentary representative, they must declare any conflict of interest and all steps taken to manage that conflict of interest.

Party supplies or services

No member or supporter or their associates will receive preferential treatment for the supply of goods or services to the party. Members of the management committee and campaign team and their associates must have no financial dealings with the party apart from membership payments, donations or reimbursements.

Members may promote their own business interests to other members via normal social networking but must not use party resources or communication channels to do so.

Employees

Employees will inform the convenor if they encounter a conflict of interest relating to the performance of their duties.

Potential employees shall be asked to reveal any interests that are likely to raise a conflict of interest in performing their duties.

Preselection and election campaigning

Preselection nominees and candidates must declare and mitigate any conflicts of interest during preselection or campaigning. Members of the campaign team must declare and mitigate any conflicts of interest.

Non-member volunteers

Non-member volunteers who engage with the party in activities should be asked to identify any conflicts of interest as they arise.

Returning officers

The returning officer and deputy returning officer must declare any conflicts of interest concerning any candidates for elections they conduct as soon as practicable after the nominations are finalised. The management committee will promptly determine whether a conflict exists and how to manage it.

Failure to declare a conflict of interest

Failure to declare a conflict of interest will be treated as a breach of the Code of Conduct, which may lead to sanctions depending upon the severity of the breach.

If a committee or working group within the party discovers that a conflict of interest was not adequately disclosed then it may decide, or be directed by the management committee, that a decision is invalid and redetermine the matter.

_____ END OF POLICY _____