

TITLE

DECLARATION OF INTEREST GUIDELINES

DOCUMENT CONTROL

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Officer responsible	Executive Director

1. Overarching Principle

Would an informed person, having thought the situation through, think it possible that a Member might be adversely influenced in the performance of their duties under the Act by their other interests? If so, a Declaration of Interest should be made at the earliest opportunity.

2. Definitions

"HCWA" means Heritage Council of Western Australia / State Heritage Office.

"Members" includes any Councillor, Director, officer, employee, partner, agent or volunteer of HCWA, any member appointed or co-opted to any committee or subcommittee of the Board as may be established by HCWA, and any member of an advisory or review team established by HCWA for the purpose of assisting with any of its programs.

"Family relationship" includes a parent, spouse or partner including same-sex spouses or partners, child, sibling, uncle, aunt, niece or nephew, parents-in-law, sister or brother-in-law, and includes a step relative of any of the foregoing.

"Business relationship" includes any person or company (public or private) that employs, sub contracts on permanent or temporary basis or is in a partnership arrangement with a member or employee of HCWA.

"direct pecuniary interest" means a relevant person's interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

“indirect pecuniary interest” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a Board or Committee decision in relation to the matter.

“proximity interest” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change affecting land or building that adjoins the person’s land or building;
- (iii) a proposed development, maintenance or management of land, buildings or of services or facilities on the land or buildings that adjoins the person’s land or buildings.

“impartiality interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the Board or a Committee. An impartiality interest may also arise from a previous body of work, professionally commissioned or completed in a volunteer capacity that is associated with a matter for discussion before the Board or a Committee.

3. What is the Purpose of a Conflict of Interest Declaration?

It is important for the public to have confidence that HCWA is spending public funds and delivering and administering devolved programs in an honest, reasonable and prudent manner. Sometimes situations may occur where a Member may have a conflict of interest that could damage public and stakeholder confidence in HCWA’s administration of its programs.

The purpose of this Guideline is to enhance public confidence in the integrity of HCWA and in the decision-making process as it relates to the delivery of the programs and the dispensation of public monies by:

1. setting clear rules of conduct for conflict of interest that applies to HCWA; and
2. reducing the possibility of conflicts between the private interests of Members and its obligations under the Act.

4. What is a Conflict of Interest?

Any situation where HCWA’s interests are in conflict with Member’s responsibilities as delineated in the Act.

What is a Perceived Conflict of Interest?

While a Member may not be in an actual conflict of interest, the public perception that a conflict of interest exists or may exist can be equally harmful to the integrity of the programs and their administration. The test question for determining whether or not a perceived conflict of interest exists is as follows:

Would an informed person, having thought the situation through, think it possible that a Member might be adversely influenced in the performance of their duties under the Act by their other interests?

5. Procedures for a Member or Employee for declaring an Interest during the course of a Board or Committee meeting of the HCWA

Where a matter is before a meeting for consideration and a member participating in the meeting has a **direct or indirect pecuniary interest** in the matter, the member:

- (a) as soon as possible after the relevant facts have come to the member's knowledge is to disclose that the member has such an interest to the other members participating in the meeting; and
- (b) after disclosure of the interest is not to:
 - (i) be present during any consideration or discussion of the matter; or
 - (ii) vote on the matter.

A member who has a **proximity interest** in any matter to be discussed at a board or Committee meeting that will be attended by the member must disclose the nature of the interest:

- (a) as soon as possible after the relevant facts have come to the member's knowledge is to disclose that the member has such an interest to the other members participating in the meeting; and
- (b) after disclosure of the interest is not to:
 - (i) be present during any consideration or discussion of the matter; or
 - (ii) vote on the matter.

A member who makes an **impartiality interest** disclosure must declare the nature of the impartiality and, *if the member is not able to set the interest aside and make a decision based on the merits of the matter being considered*, is not to:

- (i) be present during any consideration or discussion of the matter; or
- (ii) vote on the matter.

6. On-going Disclosure

The obligation to disclose an interest under this Guideline applies in regard to each meeting at which the matter of the subject of the interest arises. A member may elect to make a standing declaration for a Declaration of Perception of Impartiality as a consequence of employment arrangements, memberships of organisations, boards or other situations that the member considers may give rise to a perception of impartiality. A standing declaration will remain active and minuted at each subsequent meeting until rescinded by the member.

7. Format for Declaration of Interest Disclosures

Declaration of Pecuniary Interest

I disclose that I have a direct pecuniary interest in the matter under consideration in that I derive a direct financial benefit from (*state circumstance*), and as a consequence of that interest will not participate in the discussion of or vote on this item and will leave the meeting for the duration of this item.

Declaration of Indirect Pecuniary Interest

I disclose that I have an indirect pecuniary interest in the matter under consideration in that I am aware of a member of family who derives a financial benefit from (*state circumstance*), and as a consequence of that interest I will not participate in the discussion of or vote on this item and leave the meeting for the duration of the item.

Declaration of a Proximity Interest

I disclose that I have a proximity interest in the matter under consideration in that I own a property, a share or financial interest in a property that is in close proximity to the matter under consideration which may result in a financial gain or loss in value to that property and as a consequence of that interest I will not participate in the discussion of this item or vote and leave the meeting for the duration of the item.

Declaration of a Perception of Impartiality

I disclose that I am a member of (*name of organisation*) or I have a relationship with (*name of person and relationship*) in that (*describe the nature of the relationship*) or I have completed prior work in a professional or volunteer capacity (*describe the prior work*) and as a consequence, there may be a perception that I may not be impartial on the matter before us. I will consider the matter on its merits and vote accordingly.

Note: A Declaration of a Perception of Impartiality is a very personal declaration in that there is no apparent financial interest, but there may be a perception from an external observer point of view that the member may be influenced in the way he/she may vote by reason of the nature of relationship the member may have or prior work associated with the item under discussion.