

# Conflict of Interest Declaration Form

## When to use this form

Use this form to declare whether an actual, perceived or potential conflict of interest exists or that no conflict of interests exists in relation to a Code of Conduct complaint that you are dealing with as a decision-maker under Part 7.4 of the Act.

The form is for use by:

- the CEO triaging or referring a Code of Conduct complaint;
- a member of a council voting on a Code of Conduct matter under Division 5 of Part 7.4 of the Act;
- an independent assessor assigned to deal with a Code of Conduct complaint under Division 6 of Part 7.4 of the Act;
- a member of a Code of Conduct panel (chair or another member);
- a secretariat officer dealing with the complaint.

### **Important – read before completing this form:**

1. *This form is for Part 7.4 (Code of Conduct complaints) and applies to decision-makers only:* If you are a member declaring a conflict of interest in relation to a general council decision (not a Code of Conduct complaint), use the council's general conflict-disclosure process under sections 114 to 117 of the Act, not this form.
2. *The duty is ongoing:* You must reassess and re-disclose if your circumstances or your knowledge of the matter changes during the process
3. *Disclose promptly:* The conflict must be disclosed as soon as practicable after you become aware of it.
4. *Perceived bias test:* The test is whether a fair-minded lay observer, properly informed of the facts, might reasonably perceive a lack of an impartial mind. The test is objective - your subjective belief that you can act impartially does not determine the question.
5. *Consequences of unmanaged conflicts:* A decision made by a conflicted decision-maker may be set aside on review under section 132P of the Act, may be challenged before NTCAT, and may amount to corrupt conduct under section 10 of the Independent Commissioner Against Corruption Act 2017 (NT).

### **Definitions**

**Act** means the Local Government Act 2019 (NT).

**CEO** means the council's chief executive officer as appointed under section 165(1) of the Act, who is in charge of day-to-day operations of the council.

**Code of Conduct** means the Code of Conduct prescribed under section 120 of the Act and included in Schedule 1A of the Regulations.

**Code of Conduct panel** means a panel established under Part 7.4 by the Secretariat in accordance with section 132K of the Act.

**Complainant** means a person who makes a complaint under section 132A or section 132B of the Act.

**Council** means the local government council constituted under section 14(b) of the Act.

**Decision-maker** means the person making a decision regarding the complaint and may include the council, an independent assessor, or a Code of Conduct panel and its members.

**Dismissal of complaint** means dismissal on the grounds that misconduct did not occur or on the grounds of the complaint being frivolous, vexatious, trivial or not made in good faith.

**Independent assessor** means a member of the pool of persons appointed under section 121 of the Act.

**Member** means (according to context) a member of an audit committee, a council, a council committee or a local authority (Act, s 7, definition of member).

**Misconduct** means conduct by a member that breaches the Code of Conduct.

**Regulations** means the Local Government (General) Regulations 2021 (NT).

**Sanction** means any action taken by a council, an independent assessor or a Code of Conduct panel to resolve a complaint, other than to take no further action. A decision to take no further action is not a sanction and cannot be the ground for a subsequent non-compliance referral under section 132T of the Act.

**Secretariat** means the Secretariat mentioned in section 126(1) of the Act.

## Section 1 – Declarant details

Full name	
Position or office held	
Council, agency, or body	
Email and telephone	

### Capacity in which you are dealing with the complaint (select one):

- Council member voting on a Code of Conduct decision (Division 5, Part 7.4)
- Council CEO triaging or referring a Code of Conduct complaint (Act, s 132A)
- Independent assessor (Act, Division 6, Part 7.4)
- Code of Conduct panel chair (Division 7 or 8, Part 7.4)
- Code of Conduct panel member
- Secretariat officer (Act, s 126)

## Section 2 – The complaint to which this declaration relates

Complaint reference number / file number	
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<b>Council to which the complaint relates</b>	
<b>Parties identified in Sections 2, 3 and 4 of the Code of Conduct Complaint Form (complainant, subject member, other persons involved, and witnesses)</b>	
<b>Member who is the subject of the complaint</b>	
<b>Any person related to the complaint (please list everyone relevant as it may affect the conflict of interest checks that are very important for integrity of the complaint handling process)</b>	
<b>Date the complaint was assigned to you</b>	

**Section 3 – Nature of the conflict**

Select each category that applies:

- Personal or family relationship with the subject member
- Personal or family relationship with the complainant
- Customary or kinship authority relationship with the subject member or complainant
- Community relationship in the same small or remote community as the subject member or complainant
- Current or former professional relationship with the subject member or complainant
- Financial interest in the outcome of the complaint
- Prior involvement in the subject matter of the complaint (e.g., previous decision, advice, investigation)
- Prior public comment on the subject member, the complainant, or the conduct alleged
- Political relationship (e.g., political ally or opponent)
- Witness in, or affected by, the underlying conduct
- Other circumstance – specify: \_\_\_\_\_

Type of conflict (select all that apply):

- Actual conflict (a direct interest in the outcome that affects the decision)
- Perceived conflict (an observer might reasonably perceive that I am not impartial)
- Potential conflict (an interest that may become an actual or perceived conflict in the future)

<b>Date you became aware of the conflict</b>	
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<b>How you became aware (briefly)</b>	
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### Section 4 – Description of the conflict

Describe the facts giving rise to the conflict. Be specific about the relationship, interest, or prior involvement. Identify the persons involved and any dates or events relevant to the conflict.

### Section 5 - Perceived conflict self-assessment

The test for a perceived conflict is: would a reasonable person, knowing all the facts, think that you might not be able to decide this matter fairly? The test is based on how things look to others, not on how you feel. Think about the facts you described above and apply this test.

**In your assessment, would a reasonable person, knowing all the facts, think that you might not be able to decide this matter fairly? (Select one)**

- Yes
- No
- I am uncertain – I disclose to allow other people to decide

**Reasons for your assessment**

### Section 6 – Recommended management action

In light of the conflict you have identified, what action do you recommend?

**Recommended action (Select one):**

- Step down – This person should not participate in dealing with this complaint.
- Reassignment – The complaint should be reassigned to a different decision-maker (specify the recipient: secretariat, panel chair, council, etc.).
- For council members only: declare and exclude from deliberations and vote on this complaint.
- No action required – the disclosed circumstance does not amount to a conflict requiring management.
- Refer the question to the appropriate person to determine (chair, secretariat, agency executive).

**Reasons for the recommended action:**

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**Section 7 – Disclosure**

Disclosure must be made to the appropriate person, in writing, as soon as practicable. The route depends on your capacity (Section 1 of this Form).

**This declaration is being disclosed to (Select one):**

- Chair of the council meeting (where declarant is a member)
- Secretariat (where declarant is an independent assessor)
- Code of Conduct panel Chair
- Other (specify): \_\_\_\_\_

<b>Name of recipient of disclosure</b>	
<b>Position of recipient</b>	
<b>Date of disclosure</b>	

**Section 8 – Ongoing duty**

**I acknowledge that:**

- My duty to identify and disclose conflicts of interest is ongoing throughout the process.
- If my circumstances change, or if my knowledge of the matter changes, I will update this declaration as soon as practicable.
- I will not take any further step in the proceedings (other than the step of disclosure itself) until my disclosure has been considered by the appropriate person.
- I understand that failure to disclose a conflict, or to manage a disclosed conflict appropriately, may be corrupt conduct under section 10 of the *Independent Commissioner Against Corruption Act 2017* (NT) and may invalidate any decision in which I have participated.

I declare that the information in this form is true and complete to the best of my knowledge and belief.

**Section 9 – Declarant signature**

<b>Full name (printed)</b>	
<b>Signature</b>	

<b>Date</b>	
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**Section 10 – Action taken (to be completed by recipient of disclosure)**

This section is completed by the person to whom the declaration is disclosed. The action taken must be recorded in writing and retained on the file.

**Action taken (Select one or more):**

- Disclosure accepted; declarant recused from the matter.
- Disclosure accepted; matter reassigned to a different decision-maker (record the recipient below).
- For member: declarant excluded from deliberations and vote on this matter.
- Panel reconstituted (where panel member declarant): replacement member assigned by secretariat.
- Disclosure considered; no conflict requiring management; declarant continues (reasons must be recorded below).
- Disclosure considered; declarant continues with specified safeguards (reasons must be recorded below; note this option is generally not available for actual or apprehended bias).

**Reasons for the action taken:**

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**Where reassigned, identify the new decision-maker:**

*Privacy and information: Personal information collected on this form is handled in accordance with the Information Act 2002 (NT). The information is used for the purposes of administering Part 7.4 of the Act, including making, recording and reviewing decisions about Code of Conduct complaints.*

*Confidentiality: Secretariat officers must keep information received under Part 7.4 of the Act confidential, subject to the limited exceptions in section 126(5) of the Act.*

<b>Name of recipient (printed)</b>	
<b>Position of recipient</b>	
<b>Signature</b>	
<b>Date</b>	