



MPRA CONFLICT OF INTEREST POLICY			
Policy No:	3	Date Approved:	16.07.2024
Version:	1	Date Revised:	
Endorsed by:	Murdi Paaki Regional Assembly	Date to be reviewed:	July 2025

Policy Statement

Conflicts and potential conflicts of interest must be identified, disclosed and managed in accordance with both the law and this policy and procedure.

Glossary

Close family member – A close family member includes a person’s child, step-child, mother, father, sister or brother.

Conflict of interest – A situation where a person’s material personal interest conflicts with their role as a Member to act in good faith, in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent or not to improperly use their position to gain an advantage for themselves or someone else.

Good faith - acting or doing things honestly, for the right reason and without any hidden agendas, being upfront and transparent, and not maliciously.

Interested Member – A Member of the MPRA who has a material personal interest in a matter which relates to the affairs of MPRA.

Material personal interest – A material personal interest involves a Member’s interest in a matter that relates to the affairs of MPRA, including those of a spouse or close family member, and which might affect that person’s duty to act in good faith, in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent.

Member – a member of the MPRA.

MPRA - The Murdi Paaki Regional Assembly.

Murdi Paaki Services Limited – MPSL

Murdi Paaki Regional Assembly is the peak representative structure that represents the interests of Aboriginal and Torres Strait Islander people in 16 communities across the Murdi Paaki region.

Bourke
Collarenebri
Goodooga
Menindee

Brewarrina/Ngemba
Coonamble/Wan-Gali
Gulargambone
Walgett/Gamiloroi

Broken Hill
Dareton/Wentworth
Ivanhoe
Weilmoringle

Cobar
Enngonia
Lightning Ridge
Wilcannia

Non-Interested Member – Any Member of the MPRA who does not have a material personal interest in a matter which relates to the affairs of MPRA.

Non-pecuniary interest – An interest not relating to money, for example interest in a benefit to a close family member such as the allocation of social housing.

Pecuniary Interest – An interest relating to money, for example ownership or shareholding in a company that may receive business from MPRA.

Quorum – Unless the MPRA determines otherwise, the quorum for an MPRA meeting is 9 of Non-Interested Members.

Register of Interests – A document which allows MPRA Members to give standing notice about their material personal interests, including the material personal interests of their spouse and / or close family member.

Background

The Members of MPRA have an obligation to **disclose** conflicts of interest and not to participate in decision making unless properly authorised.

In the interests of promoting best practice and good governance, this policy and procedure is designed to create a **culture of disclosure** so that all potential conflicts are identified and disclosed by the relevant Member and managed collectively by the MPRA.

Role and duty of MPRA Members

All persons who are Members of MPRA have a duty to act in good faith, in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent in the performance of that role.

Purpose

The policy and procedure aims to:

- Ensure all conflicts of interest are managed with transparency and without bias.
- Reduce opportunities for corruption or improper conduct.
- Ensure decisions are made (and are seen to be made) on proper grounds for legitimate reasons and without bias.
- Outline clear and consistent processes to follow should any accusations of bias be made.
- Demonstrate MPRA's commitment to good governance by addressing issues that might be associated with corruption / misconduct (for example, the allocation of funding)

What is a conflict of interest?

A **conflict of interest** involves any situation where a Member's material personal interest may conflict with their duties to act in good faith, in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent or not to improperly use their position to gain an advantage for themselves or someone else.

A **material personal interest** involves any interest – including those of a spouse or close family member – which might affect a Member’s obligation to act in good faith in the best interests of Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent. The Member’s material personal interest may be either pecuniary or non-pecuniary in nature and includes their interest as directors, members, employees or shareholders of a related party. For this purpose:

- **pecuniary** includes actual or potential financial gain or loss, and
- **non-pecuniary** includes interests that arise from personal or family relationships including a tendency to favour or prejudice.

A conflict of interest may be either:

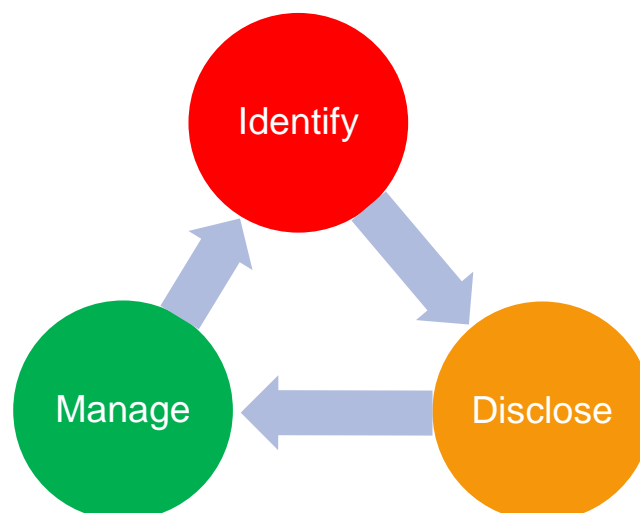
- **Potential** – a situation where a Member has a material personal interest that could conflict with their role as a Member of MPRA; or
- **Perceived** – a situation where it could reasonably be perceived that a Member’s material personal interest could improperly influence any of their duties; or
- **Actual** – a situation where there is a direct conflict between a Member’s material personal interests and their role as a Member.

Best Practice - Creating a ‘Culture of Disclosure’

MPRA is committed to facilitating a positive culture around the disclosure of interests. It is the responsibility of individual Members to **identify** and **disclose** any conflict of interest they may have.

This is because a perceived conflict of interest has the potential to negatively impact MPRA’s reputation as much as an actual conflict of interest if not properly disclosed and then managed.

It is the responsibility of MPRA to decide collectively how to **manage** any conflict of interest.



Managing Conflicts of Interest

1. Identify

Identify

- Every Member is responsible for identifying any conflict of interest that they may have, whether actual, potential or perceived.
- If a Non-Interested Member identifies a conflict of interest that another director may have, they should raise this matter with the relevant Member or, where appropriate, with the Chairperson.

2. Disclose

Disclose

a. Duty to Disclose

- Every Member has a duty to disclose any conflict of interest - whether actual, potential or perceived - to the other Members of MPRA.

b. Register of Interests

- Every Member is also responsible for disclosing their ongoing interests in the MPRA Register of Interests.
- Each entry in the Register of Interests must include the details of the nature and extent of the interest, and an explanation of how that interest relates to MPRA.
- The Register of Interests will be maintained and updated before every MPRA meeting by MPSL; however each Member is responsible for ensuring that their entry into the Register of Interests is accurate and up to date.

c. Standing Procedure for Disclosures

- Despite the above, disclosure of an interest in a matter to be considered at an MPRA meeting must be given as soon as practicable after the Member becomes aware of their interest in the matter, whether or not the interest has previously been entered in the Register of Interests.
- Disclosure prior to a meeting must be given to MPSL so that this information can be distributed to Members of MPRA.
- Every disclosure must give details of the nature and extent of the interest, and an explanation of how that interest relates to MPRA.
- Every disclosure must be recorded in the minutes of the MPRA meeting at which the disclosure was made and for ongoing conflicts also in the conflicts of interest register.



3. Manage

Manage

a. No Participation in Discussions and Decisions

- A Member must not participate in any discussion or decision about a matter in which he or she has a material personal interest, and should temporarily step out and remove themselves from the meeting for the duration of any discussion about that matter, unless authorised by a resolution of Non-Interested Members.
- If a Member does not participate due to conflict of interest, this should be recorded in the minutes for that meeting.

b. Resolutions of Non-Interested Members

- Despite the above, a Member who has a material personal interest in a matter may be present while that matter is being considered at the meeting and vote on that matter if the Non-Interested Members pass a resolution that:

- i. identifies the Member, the nature and extent of the Member's material personal interest in the matter and its relation to MPRA; and*
- ii. states that those Non-Interested Members are satisfied that the interest should not disqualify the Member from voting or being present.*

- For guidance, such a resolution should only be made where the Non-Interested Members consider it to be in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent or where the Non-Interested Members do not consider the interest disclosed to be material in the circumstances.
- Such a resolution does not require a quorum of Members to be present.

c. Quorum

- If a quorum of Members cannot be achieved (formed either by Non-Interested Members, or with the Interested Members included if authorised under (b) above), the Chairperson may defer the relevant discussion or decision until such time as a quorum can be achieved.

Appendix A

Prompting Questions – to help determine if a conflict of interest exists

The following questions may help you decide whether a conflict of interest exists or can be perceived to exist:

- Do I, a relative, friend or associate stand to gain or lose financially from a MPRA decision or action on this matter?
- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of a MPRA decision or action?
- Have I contributed in a private capacity in any way to the matter before the MPRA?
- Have I made any promises or commitments to any person(s) in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from a MPRA decision or action?
- Do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from a MPRA decision or action or consideration of the matter e.g. where tenders have been called for goods or services?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- If I do participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by personal interest in the performance of my role as a Member of the MPRA?
- Do I need to seek advice or discuss the matter with an objective party?
- Am I confident of my ability to act impartially and in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent? Do I understand the possible consequences if I go on with the action?