



STATEMENT ON FORMAL RESOLUTION

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Elected Member obligations to declare and manage conflicts of interest



Essential Insights

Local government elected members must declare and properly manage conflicts of interest in accordance with the *Local Government Act 1999*.

These provisions safeguard the integrity of council decision making. Failure to comply undermines transparency in governance and public confidence. Elected members are therefore reminded to observe the requirements of the Act and ensure that all conflicts are properly declared and managed.

COMPLAINT

Ombudsman SA received a report that Councillor Bradley Orr of Mount Barker District Council (**council**) had breached the conflict of interest provisions of the *Local Government Act 1999* by failing to declare and manage a conflict of interest at a council meeting.

At the 6 March 2023 council meeting, council carried a motion to appoint a new Council Grants Assessment Committee (**GAC**) Chair by secret ballot.

Information before Ombudsman SA indicated that Cr Orr was nominated by secret ballot, followed by a motion to appoint him GAC Chair, a position for which he was entitled to receive a sitting fee.

KEY OUTCOMES FOLLOWING THE OMBUDSMAN S ASSESSMENT

Ombudsman SA considered that Cr Orr was made aware of his impending appointment by motion and that he stood to benefit from the outcome. As such, Ombudsman SA formed the view that Cr Orr had a material conflict of interest in relation to the appointment motion and breached section 75C of the Local Government Act by failing to declare and appropriately manage that conflict. However, given the age of the matter and subsequent conflict of interest training undertaken by Cr Orr, the Ombudsman considered the matter suitable for formal resolution.

Cr Orr acknowledged that he had breached the material conflict of interest provisions of the Local Government Act and agreed to acknowledge the breach and give a public apology at a forthcoming council meeting.