



**City of Belmont**

**DISCLOSURE OF**

**INTERESTS THAT MIGHT CAUSE A CONFLICT**

*Local Government Act 1995 s5.60  
Local Government (Administration) Regulations 1996, Reg34C  
Local Government (Rules of Conduct) Regulations 2007  
City of Belmont Code of Conduct*

**Name of Elected Member/Officer** \_\_\_\_\_

**Position** \_\_\_\_\_

Meeting Type	Date	Meeting Type	Date
Information Forum		Executive Committee	
ABF		Standing Committee (Audit and Risk)	
OCM/SCM		Standing Committee (Community Vision)	
Other (Workshop, AEM, etc.)		Standing Committee (Environmental)	

Disclosed the Following Interests: (please tick)

Financial Interest	Impartiality Interest
Direct Financial	Impartiality
Indirect Financial	
Proximity	

Item Number:	
Report Heading:	
Nature of Interest:	

Please Indicate:	Please describe Extent for Financial Interest: <sup>1</sup>
I wish to stay for this item	
I wish to leave the meeting for this item	

**Signature of Elected Member/Officer** \_\_\_\_\_ **Date** \_\_\_\_\_

<sup>1</sup> Extent of interest must be disclosed in the following circumstances:

- a. When the interest declared is financial, and the person disclosing wishes to participate in debate/vote s5.68 LGA;
- b. When the interest is declared under s5.70 LGA and the Council or Committee requires the extent of the interest to be disclosed.



**s5.65 – Members Interests to be disclosed**

- (1) a member who has interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest
  - (a) in a written notice given to the CEO before the meeting;
  - or
  - (b) at the meeting immediately before the matter is discussed.

**s5.70 – Employees to disclose Interests relating to advice or reports**

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

**s5.60 – Local Government Act 1995 (LGA):**

A relevant person has an interest in the matter if either

- (a) the **relevant person**: or
- (b) a person with whom the relevant person is **closely associated**,

Has –

- (c) a **direct or indirect financial interest** in the matter; or
- (d) a **proximity interest** in the matter.

But ALSO; **Impartially Interests** must be disclosed. See Code of Conduct (7.7)

**Relevant person:**

s5.59 LGA – means a person who is either a member or a person to whom s5.70 or s5.71 applies.

s5.70: employee, including a person who, under a contract for services with the Local Government, provides advice or a report on a matter

s5.71: An employee, who has been delegated a power or duty in relation to a matter

Member: s5.59 LGA – in relation to a council or committee, means a council member or a member of the committee

**Closely Associated Persons – s5.62**

- (a) the person is in partnership with the relevant person;
- (b) the person is an employer of the relevant person;
- (c) the person is beneficiary under a trust, or an object of discretionary trust, of which the relevant person is a trustee;
- (ca) the person belongs to a class of persons that is prescribed;
- (d) the person is a body corporate –
  - (i) of which the relevant person is a director, secretary or executive officer; or
  - (ii) in which the relevant person holds shares having a total value exceeding –
    - (i) the prescribed amount; (\$10,000) or
    - (ii) the prescribed percentage (1%) of the total value of the issued share capital of the companyWhichever the less.
- (e) The person is the spouse, de facto partner or child of the relevant person and is living with the relevant person;
- (ea) the relevant person is a council member and the person –
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last electedor
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

**Direct Financial**

s5.60A a person has a financial interest in a matter if it is reasonable to expect the matter will, if dealt with by the Local Government, or an employee or committee of the Local Government or member of the council to the Local Government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

**Indirect Financial**

s5.61 – includes a reference to a financial relationship between the person and another person who requires a Local Government decision in relation to the matter.

**Proximity: s5.60B**

- (1) A person has a proximity interest in a matter concerns –
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in S5.63 (5)) of land that adjoins the person's land.
- (2) In this section, land ("the proposed land") adjoins a person's land if –
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of the thoroughfare that has a common boundary with the persons land
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

**Impartiality: Code of Conduct**

An elected member, committee member or an employee who has an impartiality interest in any matter to be discussed at a Council or Committee meeting attended by that person must disclose the nature of the impartiality interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The Code of Conduct defines impartiality interest: as an interest that could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest in arising from kinship, friendship or membership association.

**Other points for reference:**

s5.63 – Interests that need not be disclosed

s5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

s5.69 – Minister may allow members disclosing interests to participate etc. in meetings

