



Declaration of Interest

Name of Council Member / Officer _____

Position _____

I declare that I have the following interests: (Please check the box. Guidance notes are overleaf)

| Interests | |
|--|--|
| Direct Financial Interest <input type="checkbox"/> | Impartiality Interest <input type="checkbox"/> |
| Indirect Financial Interest <input type="checkbox"/> | <i>I declare an impartiality interest as detailed below. As a result, there may be a perception that my impartiality is affected. I declare that I will consider the matter on its merits and will vote accordingly.</i> |
| Proximity Interest <input type="checkbox"/> | |

| | |
|-------------------------------|--|
| Item Number: | |
| Report Heading: | |
| Nature of Interest is: | |

| Meeting | Date | Meeting | Date |
|---|------|-------------------------------|------|
| Planning and Asset Services | | Ordinary/Special Council | |
| Corporate and Community Development | | Councillor Engagement Session | |
| Advisory Committee / Panel / Advisory Group | | | |

| Only complete this section if declaring a financial, indirect financial or proximity interest | |
|---|----------------------------------|
| Extent of Interest must be disclosed in the following circumstances: a. When the interest is 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 | |
| Please Indicate: | Please advise extent of Interest |
| I wish to stay for this item <input type="checkbox"/> | |
| I wish to leave the meeting for this item <input type="checkbox"/> | |

Signature of Council Member / Officer _____

Date ____ / ____ / ____

Declaration of Interest

Local Government Act 1995 (LGA) s5.60

Local Government (Administration) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021

City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates

City of Rockingham Code of Conduct for Employees

Terms Used (LGA s5.9)

unless the contrary intention appears —

extent, in relation to an interest, includes the value and amount of the interest;

interest relating to a gift means an interest that a relevant person has because of the operation of section 5.60 when read with section 5.62(1)(ea), (eb) or (ec);

member, in relation to a council or committee, means a council member or a member of the committee;

relevant person means a person who is either a member or a person to whom section 5.70, 5.71 or 5.71A applies.

Members Interests to be disclosed (LGA s5.65)

(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.

Employees to disclose Interests relating to advice or reports (LGA 5.70)

(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.

When a person has an interest (LGA s5.6)

A relevant person has an interest in a 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.

Direct Financial Interest

You have a financial interest if the Council decision relating to the matter has the capacity to be financially beneficial or detrimental to either yourself or somebody closely associated to you.

Direct Financial (LGA 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.

An Indirect Financial Interest

You have an indirect financial interest if the Council decision relating to the matter has the capacity to be financially beneficial or detrimental to a person who has a financial relationship with you, or someone closely associated to them.

Indirect Financial (LGA s5.61)

Includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

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A Proximity Interest

You have a proximity interest if you or someone closely associated to you, owns or part owns property that shares a common boundary with a property or thoroughfare or is situated over the road from a property on which Council will be considering a development or land use application or a town planning scheme amendment.

You must leave the Council Chamber if you declare a financial, indirect financial or proximity interest, unless under special circumstances Council decides otherwise.

Proximity: (LGAs5.60B)

- (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 proposal 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 Interest

Local Government (Model Code of Conduct) Regulations 2021, Reg 22

You have an impartiality interest if, by virtue of friendship, family relationships, past business and employment relationships, membership of clubs or associations, or past conflicts or adversarial dealings, you might be perceived by others as not contributing to a Council decision fairly or impartially. The regulations and code of conduct should be referred to when completing this form.

You **do not have to leave** the Council Chamber if you declare an impartiality interest.

What is a Closely Associated Person?

- Spouses and children living with you (The term spouse include a husband, wife, partner, or de facto partner who is living with you)
- Business partners (including your spouse's business partners)
- Employers (including your spouse's employer)
- Companies of which you or your spouse are a Director, Secretary or Executive Officer
- Companies in which you or your spouse hold shares that are either worth more than \$10000 or comprise more than 1% of the value of the issued share capital of the company
- Someone that either you or your spouse has given professional legal or financial advice to in the past 12 months.
- Someone that either you or your spouse have received professional legal or financial advice from in the last 12 months.
- Someone that has given you an election gift or gifts either before or after the election valued in total at more than \$200

Closely Associated Persons — (LGA s5.62)

A person is to be treated as being closely associated with the relevant person if-

- a) the person is in partnership with the relevant person; or
- b) the person is an employer of the relevant person; or
- c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
- 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; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company, whichever is less; or

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- e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given an electoral gift to the relevant person since the relevant person was last elected; or
 - (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
 - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; or
- 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.

(1A) Subsection (1)(eb) and (ec) apply to a gift if —

- a) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
 - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection; and the gift is not an excluded gift under subsection (1B).

(1B) A gift is an excluded gift —

- a) if —
 - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
 - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
- or
- b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

(2) In subsection (1) —

electoral gift means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

value, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

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