

Notes on Disclosure of Interests

LOCAL GOVERNMENT ACT 1995

Local Government (Administration) Regulations 1996 – Extract:

In this clause, and in accordance with regulation 34C, the Local Government (Administration) Regulations 1996:

“interest” means an interest that could, reasonably be perceived to, adversely affect the impartiality of the person having the interest, and includes an interest arising from kinship, friendship, or membership of an association.

Local government act 1995

Section 5.60a – financial interest.

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government, or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Section 5.60b – proximity.

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns:
 - (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or
 - (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 section 5.63(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; or
 - (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 a thoroughfare that has a common boundary with the person’s 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.

Section 5.61 – indirect financial interests.

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Section 5.65 – members’ interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an 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 Chief Executive Officer before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

- (2) it is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) this section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

Section 5.70 – employees to disclose interests relating to advice or reports.

- (1) In this section:

“employee” includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (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.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

Penalty: \$10,000 or imprisonment for 2 years.