



## **1. COUNCIL POLICIES**

### **1.1 COUNCIL CHAMBER & MEETINGS**

#### **1.1.3 Declarations of Financial Interest, Proximity Interest and Impartiality Interest**

##### Background

The Local Government (Rules of Conduct) Regulations 2007 are now operative under Section 104 of the Local Government Act 1995.

The Regulations provide eight general principles to guide behaviour of Council members being:

- (a) act with reasonable care and diligence
- (b) act with honesty and integrity
- (c) act lawfully
- (d) avoid damage to the reputation of the local government
- (e) be open and accountable to the public
- (f) base decisions on relevant and factually correct information
- (g) treat others with respect and fairness
- (h) not be impaired by mind affecting substances

In addition, the Act distinguishes between the following different types of interest and requires different actions depending upon the type of interest involved:

- (a) Financial Interest (Direct and Indirect)
- (b) Proximity interest
- (c) Impartiality interest

##### **Financial Interest (Direct and Indirect)**

A person has a "financial interest" in a matter if it is reasonable to expect that the matter will ... result in a financial gain, loss, benefit or detriment for the person

Disclosure of financial interests applies to elected members, committee members and employees.

Financial interests generally prohibit the person from participating in the debate or voting on a matter.

Persons can disclose a financial interest in writing to the Chief Executive Officer:

- before the meeting, or
- immediately before the matter is discussed at the meeting.

The disclosure should be made on the “Declaration of Financial Interest Form” (Yellow).

### **ATTACHMENT A**

Various exemptions and Ministerial concessions may be applicable. These are listed on the back of the Declaration Form.

An employee providing advice or a report directly to a meeting or acting under delegated authority must also disclose the nature and extent of their interest.

#### **Proximity Interests**

A proximity interests applies where a Councillor, committee member or officer (or a close associate of those mentioned) has an interest in a matter concerning:

- (a) a proposed change to a planning scheme affecting adjoining land
- (b) a proposed change to the zoning or use of adjoining land
- (c) a proposed development of adjoining land

Guidance on determining proximity interest is listed on the back of the Declaration Form.

Disclosure of proximity interests applies to elected members, committee members and employees.

Proximity interests generally prohibit the person from participating in the debate or voting on a matter.

A person with a proximity interest can disclose a proximity interest in writing to the Chief Executive Officer:

- before the meeting or
- immediately before the matter is discussed at the meeting.

The disclosure should be made on the “Declaration of Proximity Interest Form” (Orange).

### **ATTACHMENT B**

#### **Impartiality Interest**

The definition of “interest” under the Regulations is quite broad and includes “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”.

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Matters of impartiality are now matters under the Act and not simply Council policy.

A Councillor with an impartiality interest is required by law to make appropriate disclosures of the nature and extent of that interest.

A Councillor is required to disclose an impartiality interest:

- before the meeting, or
- immediately before the matter is discussed at the meeting.

The disclosure should be made on the “Declaration of Proximity Interest Form” (Pink).

**ATTACHMENT C**

A person’s impartiality on a matter is largely a matter for that individual to determine based on the facts known to them and for that individual to make the appropriate disclosure. It is not for the Chief Executive Officer to adjudicate on a person’s impartiality.

Other Relevant legislation

Corruption and Crime Commission Act 2003

Public Interest Disclosure Act 2003

**LAST REVIEWED AND ADOPTED 13 JUNE 2002**  
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<b>The Administration of this Policy is by Coporate Division.</b>
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