## Disclosure Requirements

A relevant person who has a conflict of interest in a matter must:

* Disclose the conflict of interest in writing; and
* Exclude themselves from the decision-making process in relation to the matter, including any discussion or vote on the matter, and any action taken in relation to the matter, (for example issuing a planning permit).

|  |  |
| --- | --- |
| **Details of Disclosure** | |
| **Name** |  |
| **Position** |  |
| **Matter** |  |
| **Capacity of the person making the declaration:** |  |
| **Circumstances:** | Applying for a Commercial Recreation Licence 2025 - 2028 |
| **Type of Interest:**  (Refer page 2 for further details) | Choose an item. |
| **Do you believe an exemption applies to your conflict?**  (Refer page 2 for further details) | Under section 129 of the Local Government Act 2020, a conflict of interest does not arise if any of the following applies:  Choose an item. |
| **Explanation of the nature of the interest:** |  |
| **How was the conflict managed?** |  |

Signature: Date:

**Extract of *Local Government Act 2020* – Division 2 – Conflict of Interest**

**126 Definitions**

(1) In this Division—

***family member*** means—

(a) a spouse or domestic partner of the relevant person; or

(b) a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or

(c) any other relative that regularly resides with the relevant person;

***matter*** means a matter with which a Council, delegated committee, community asset committee or a member of Council staff is concerned and that will require—

(a) a power to be exercised, or a duty or function to be performed, or a decision to be made, by the Council, delegated committee or community asset committee in respect of the matter; or

(b) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of Council staff in respect of the matter;

***not-for-profit organisation*** means a body that—

(a) operates exclusively for charitable, civil, sporting or other social purposes; and

(b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation;

***relevant person*** means a person who is a—

(a) Councillor; or

(b) member of a delegated committee who is not a Councillor; or

(c) member of Council staff.

**127 General conflict of interest**

(2) For the purposes of subsection (1)—

***private interests*** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

***public duty*** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

**128 Material conflict of interest**

(3) For the purposes of this section, any of the following is an ***affected person***—

(a) the relevant person;

(b) a family member of the relevant person;

(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;

(d) an employer of the relevant person, unless the employer is a public body;

(e) a business partner of the relevant person;

(f) a person for whom the relevant person is a consultant, contractor or agent;

(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;

(h) a person from whom the relevant person has received a disclosable gift.

(4) For the purposes of subsection (3)(h), ***disclosable gift*** means one or more gifts with a total value of, or more than, $500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—

(a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or

(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

**129 Exemptions**

A conflict of interest does not arise if any of the following applies—

(a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;

(b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;

(c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;

(d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;

(e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;

(f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;

(g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.