

## Conflict of Interest Declaration Form (Councillors)



Councillor's name:		Meeting type:	
Meeting date:		Agenda item number and title:	
Nature of conflict of interest (see definitions on next page): GENERAL conflict of interest          MATERIAL conflict of interest			
Description of the conflict of interest			
Does the nature of the conflict of interest involve your relationship with, or a gift from another person/organisation? YES          NO <b>If you answered YES, please complete the following section</b>			
Name of other person/organisation			
Nature of relationship with the other person/organisation or date of receipt, value and type of gift received from the other person			
Nature of other person/organisation's interest in the matter			

Councillor's Signature	Received BEFORE the meeting by	Received AT the meeting by
Date	Date Time	Date Time

**\*Please sign and return this form to the EA to CEO and Councillors - [fiona.kelly@hrcc.vic.gov.au](mailto:fiona.kelly@hrcc.vic.gov.au)**

### Information Privacy

The personal information collected on this form will be kept secure and handled in accordance with Council's Information Privacy Policy (A04/039) and the *Privacy and Data Protection Act 2014*.

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**Disclosure of a Conflict of Interest at a Council Meeting** under Chapter 5(3) of the Horsham Rural City Council Governance Rules states that a Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

- 3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or
- 3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
  - 3.2.1 advising of the conflict of interest;
  - 3.2.2 explaining the nature of the conflict of interest; and
  - 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with, or a gift from another person, the
    - (a) Name of the other person
    - (b) Nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person
    - (c) Nature of that other person's interest in the matter
 and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### Definitions – *Local Government Act 2020*

<b>GENERAL conflict of interest</b>	<p><b>GENERAL conflict of interest</b> under section 127(1) of the Act means that you have a general conflict in a matter if an impartial, fair-minded person would consider your private interests could result in you acting in a manner that is contrary to your public duty.</p> <p><b>Private interests</b> under section 127(2) means that your direct or indirect interest does not derive from your public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <p><b>Public duty</b> under section 127(2) of the Act means your responsibilities and obligations to members of the public in your role.</p>
<b>MATERIAL conflict of interest</b>	<p><b>MATERIAL conflict of interest</b> under section 128(1) of the Act means you have a material conflict of interest in respect of a matter if you would gain benefit or suffer a loss depending on the outcome of the matter. The benefit of the loss under incurred under section 128(2) may be: (a) Directory or indirectly; (b) In a pecuniary or non-pecuniary form.</p> <p><b>Affected person</b> under section 128(3) means yourself, your family member, a body corporate of which you or your spouse or domestic partner are a Director or a member of the governing body, your employer unless they are a public body, your business partner, a person for whom you are a consultant, contractor or agent, a beneficiary under a trust or an object of a discretionary trust of which you are a trustee, a person from whom you have received a disclosable gift.</p> <p><b>Disclosable gift</b> under section 128(4) of the Act 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 five years preceding the decision on the matter:</p> <ol style="list-style-type: none"> <li>(a) If you held the office of Councillor, member of Council staff or member of a delegated committee at the time the gift was received</li> <li>(b) If the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation</li> </ol> <p>But does not include the value of any reasonable hospitality received by you at an event or function that you attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>
<b>Exemptions</b>	<p><b>Exemptions</b> under section 129 of the Act means that a conflict of interest does not arise if:</p> <ol style="list-style-type: none"> <li>(a) The conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing your actions or decisions in relation to the matter</li> <li>(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</li> <li>(c) You do not know the circumstances that give rise to the conflict of interest and could not be reasonably expected to know those circumstances</li> <li>(d) The interest only arises because you are a representative of the Council on a not-for profit organisation that has an interest in the matter and you receive no personal advantage from the not-for-profit organisation</li> <li>(e) The interest only arises because a family member is a member but not an office-holder of a not-for-profit organisation</li> <li>(f) The interest only arises because you are a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter</li> <li>(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.</li> </ol>
<b>Matter</b>	<p><b>Matter</b> under Section 126 of the Act means a matter which a Councillor, delegated committee, community asset committee or a member of Council staff is concerned and that will require:</p> <ol style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ol>
<b>Family member</b>	<p><b>Family member</b> under Section 126 of the Act means your spouse or domestic partner, a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child.</p>