

10.3. Disclosure of Pecuniary Interests by Councillors and Designated Persons

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ATTACHMENTS	Nil
CSP LINK	5. Our Civic Leadership 5.2 Strong civic leadership and customer focussed services

PURPOSE:

The purpose of this report is to report on compliance as required under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2021*. Councillors and persons holding designated positions must complete and lodge a Disclosure of Pecuniary Interests Return.

EXECUTIVE SUMMARY:

- Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions, as at 30 June, complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e., 30 September).
- Section 4.25 of the Model Code of Conduct requires that Returns are lodged under Section 4.21 and tabled at the first meeting of the council after 30 September 2023.
- All 2022/23 Returns have been duly completed and lodged within the prescribed period by Councillors. Two designated officers currently on secondment and extended leave did not complete their Returns by the statutory date, however they will be asked to do so upon their return to work.
- Pecuniary Interest Returns are available for inspection on Council's website.

RECOMMENDATION:

1. THAT the report be received, and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

Background

The Disclosure of Pecuniary Interests by Designated Persons was previously reported to Council at the meeting of 14 November 2022.

Report

Section 4.21 of the Model Code of Conduct requires Councillors, or persons holding designated positions as at 30 June, to complete and lodge a Disclosure of Pecuniary Interests Return within three months after that date (i.e., 30 September).

Pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

“Designated persons” are defined in the Model Code of Conduct as:

4.8 Designated persons include:

- (a) the General Manager*
- (b) other senior staff of the council for the purposes of section 332 of the LGA*
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council, or a delegate of the council, who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest*
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council, identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.*

In September 2019, the Information Commissioner released the revised *Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW)*.

The Office of Local Government subsequently issued Circular 19-21 “Release of IPC Guideline 1 Returns of Interests” reinforcing obligations of all Councils with respect to the publication of the disclosures of interest Returns from councillors and designated persons.

At its meeting on 18 May 2020, Council resolved in part:

- 3. THAT Council note the requirements of the IPC Guideline No. 1 and OLG Circular 19-21, issued in respect of returns of interests by Councillors and designated staff. (GF02)*
- 4. THAT the Returns of Interest by Councillors be published on Council’s website. (GF02)*

On 29 May 2020, the 2018/19 Declarations of Interest Return for each Councillor, redacted to remove signatures, were available on their individual biography page on Council's website.

On 6 July 2020, the 2018/19 Declarations of Interest Returns for designated staff, redacted to remove personal information (residential address and signature), were available on Council's website.

At its meeting on 24 May 2021, Council resolved:

1. THAT an amendment be made to the Code of Conduct - Councillors and Staff to insert a new clause that states that Councillors and Staff will have apartment and house number of their residential address and signatures redacted automatically in the publishing of returns. Any additional redaction requests should be made to the General Manager with a statutory declaration detailing the reasons for the request. The General Manager will determine if any additional redactions can then be made.

All 2022/23 Returns have been duly completed and lodged within the prescribed period by Councillors. Two designated officers currently on secondment and extended leave did not complete their Returns by the statutory date, however they will be asked to do so upon their return to work. All Returns will be uploaded to the website following this meeting, in accordance with the resolution of Council on 24 May 2021.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

There are no financial or resource implications associated with the recommendation of this report.

Legislation

Section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions, as at 30 June, complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date.