

## 10.8. Disclosure of Pecuniary Interests by Councillors

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<b>ATTACHMENTS</b>	Nil
<b>CSP LINK</b>	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 must complete and lodge a Disclosure of Pecuniary Interests Return.

### EXECUTIVE SUMMARY:

- Under the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) all Councillors must lodge a written return of interests with the General Manager within three months of their election (i.e., 2 January 2025) or appointment, unless they have submitted a return within the previous three months.
- At the September 2024 local government elections, five new Councillors were elected.
- All Returns have been duly completed and lodged within the prescribed period by Councillors.
- 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 Councillors and Designated Persons was previously reported to Council at the meeting of 28 October 2024.

## Report

Under the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) all Councillors must lodge a written return of interests with the General Manager (or the Executive Officer in the case of joint organisations) within three months of their election (i.e., 2 January 2025) or appointment unless they have submitted a return within the previous three months.

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

At the September 2024 local government elections, five new Councillors were elected. All Returns have been duly completed and lodged within the prescribed period by Councillors.

Councillors re-elected in September 2024 are not required to submit another Return as they had previously fulfilled their obligations by submitting a Return for 2023/24 within the previous three months.

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 2023/24 Returns have been duly completed and lodged within the prescribed period by Councillors who held office during the Return period. Two designated officers who were on 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.