



Report to General ManagerAttachments:
Nil

SUBJECT: Disclosure of Pecuniary Interests by Councillors and Designated Persons**AUTHOR:** Melissa Dunlop, Governance Co-ordinator**ENDORSED BY:** Margaret Palmer, Director Corporate Services**EXECUTIVE SUMMARY:**

On 18 December 2018 the Office of Local Government advised that the new 2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW are prescribed under section 440 of the Local Government Act 1993 (LGA) and the Local Government (General) Regulation 2005.

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

On 29 April 2019 Council adopted the Model Code of Conduct for Local Councils in NSW. 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).

All returns have been duly completed and lodged within the prescribed period by all Councillors and designated officers, with the exception of two staff who submitted their returns by 10 October 2019.

The Register of Pecuniary Interests Returns is available for inspection at the Council Chambers.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:**1. THAT** the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

BACKGROUND

The Disclosure of Pecuniary Interests by Designated Persons was previously reported to Council at its meeting of 29 October 2018.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

On 18 December 2018 the Office of Local Government advised that the new 2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW are prescribed under section 440 of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

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“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 and 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
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- (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.

All returns have been duly completed and lodged within the prescribed period by all Councillors and designated officers, with the exception of two staff who submitted their returns by 10 October 2019 – one staff member had been on extended leave and the other submitted their return late.

The Register of Pecuniary Interests Returns is available for inspection at the Council Chambers.
