

# Procedure



<b>Procedure Title:</b>	<b>Disclosure of Interest</b>
<b>Procedure Number:</b>	PRO 1.15
<b>Focus Area:</b>	Lead and advocate for our community
<b>Responsibility:</b>	Governance
<b>Date Adopted:</b>	20 September 2022 [200922/9]

## Purpose

To outline how councillors, designated persons and other persons make annual disclosures of interest, how they make disclosures at or before meetings and how councillors make disclosures to the Electoral Funding Authority.

## Scope

Councillors, Council staff, Council delegates and advisors to Council.

## Definitions

See definitions in Code of Conduct – Councillors & Personnel (CPOL 1.1) 2020 Schedule 1 Part 1.

## References

- Code of Conduct – Councillors & Personnel (CPOL 1.1) 2020 Schedule 1 (Part 1 & Part 2) and Schedule 2
- Disclosure of Interest form
- *Election Funding Act 2018*
- Gifts and Benefits Policy (CPOL 1.05) including Councillors and Staff Personal Benefit Disclosure form
- *Privacy and Personal Information Protection Act 1998*

## Procedure

Councillors, Council staff, delegates (e.g. community members who are members of Council committees) and advisors to Council are required to be scrupulously honest in all of their dealings with council business. They are bound by a Code of Conduct and must from time to time make disclosure of pecuniary and non-pecuniary interests.

### **Councillors**

Councillors must lodge initial, annual and incidental disclosures of interests on the form provided (Schedule 2). Councillors must make disclosures of pecuniary and non-pecuniary interests at council meetings, and they must also make disclosures to the Electoral Funding Authority.

## **Designated Persons**

The General Manager, senior staff and other staff who are “designated persons” must also lodge initial, annual and incidental disclosures of interest and disclose pecuniary and non-pecuniary interests at meetings and prior to making decisions relating to council business.

Council staff with a financial delegation of \$50,000 or more, and those who make significant regulatory and contractual decisions (e.g. planning decisions, decisions about access to information or decisions about large contracts) are required to be included on the list of “designated persons”. A list of Designated Persons is provided in Annexure A.

Committee members and advisors (other than councillors and Council staff) may also be required to make disclosures of interest prior to meetings or the exercise of functions that could give rise to a conflict between the person’s duty in relation to Council and the person’s private interests.

Designated persons must prepare and submit written returns of interest in accordance with Clause 4.21 and must disclose pecuniary interests in accordance with Clause 4.1 of the Model Code of Conduct in accordance with Schedule 2.

A designated person must also disclose in writing to the General Manager the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest. Disclosure is made by completing the Disclosure of pecuniary interests and other matters form at Schedule 2.

## **Disclosure of Interests – Initial, Annual & Incidental**

A councillor or designated person must make and lodge with the General Manager a return in the form set out in Schedule 2 of the Code of Conduct, disclosing the councillor or designated person’s interests as specified in Schedule 1 to the Code of Conduct within 3 months after becoming a councillor or designated person, and 30 June each year.

Return forms will be issued by Council’s Governance Coordinator on an annual basis and in situations where individuals are appointed to a position that Council nominates as a designated person.

In addition to initial and annual returns, there is an obligation under the Code of Conduct to ensure information in a return is kept up to date. If a designated person becomes aware of a new interest that must be disclosed in this return, or an interest that has not previously been disclosed, an updated return must be submitted within 3 months of becoming aware of the previously undisclosed interest.

In the event that a designated person needs to submit an updated return, they are advised to contact Council’s Governance Coordinator as soon as possible, so that the completion and upload of the return can be facilitated.

## **Consideration of Personal Information**

When considering the appropriateness of making public the information contained within a designated person return, the public interest test shall be applied. There is a requirement to establish by clear, logical and probative evidence that the personal and privacy considerations arising under sections 57 and 58 of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.

Section 57 of the PPIP Act prohibits a public sector agency from disclosing personal information kept in a public register unless the agency is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept (s 57(1)). Therefore, an agency may require any person who applies to inspect personal information contained in the public register, to provide particulars, in the form of a statutory declaration, as to the intended use of the information to be obtained (s 57(2)).

Section 58 of the PPIP Act provides that a person whose personal information is contained within a public register may request that the public sector agency remove the personal information from the register and not disclose it to the public (s 58(1)). If the public sector agency is satisfied that the safety or wellbeing of any person would be affected by not suppressing the information as requested, the agency must suppress the information in accordance with the request unless the agency is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information (s 58(2)).

Redactions or information to be withheld are considered on a case-by-case basis through the application of the public interest test to each individual return, with redactions being made in order to facilitate release of information.

### Disclosure of Interests at Meetings

A councillor or a council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting of the council or committee during the matter being considered or discussed or during voting on any question in relation to the matter. Disclosures may be made by using the Disclosure of Interest at Ordinary Council Meeting or Council Committee Meetings form (Annexure B).

### Disclosure of Receipt of Gifts and Benefits

Councillors and Council staff are required to make disclosures of personal benefits in accordance with Council's Gifts and Benefits Policy (POL 1.05). Disclosures are made by completing the Councillors and Staff Personal Benefits Disclosure form (Annexure C).

### Councillors and Election Candidates Disclosure of Election Funding

Councillors and candidates for election as councillors are required to make disclosures of election funding in accordance with the *Election Funding Act 2018*.

Disclosures of this nature are administered by the Election Funding Authority. Councillors are required to make Election Funding Disclosures every six months and are solely responsible for their compliance with the legislation.

### Review

This procedure is to be reviewed as required and at least annually.

Date	Reason / Comments
July 2019	New procedure
September 2019	Update Annexure A
March 2020	Update formatting and Annexure A
April 2021	Annual review of Annexure A, together with minor adjustments to Annexure B & C and Schedules 1 – 3 (updates to match Model Code of Conduct adopted in 2020).
September 2021	Update to Annexure A to add in newly created & renamed manager positions. Inclusion of 'Consideration of Personal Information'. Update to 'References' to include PPIP Act. Update to 'Disclosure of Interests – Initial, Annual & Incidental' to highlight the need to make incidental returns as required.
September 2022	Review of designated positions (Annexure A). Update to Disclosure of Interest Return form.

## ANNEXURE A

### LIST OF DESIGNATED PERSONS

At this time, Council designates Councillors, Executive, Managers and staff with a financial delegation of \$50,000 or above. This is subject to change.

Position Title
Mayor
Deputy Mayor
Councillors (5)
General Manager
Chief of Staff
Director Community Service Delivery
Director Organisational Services
Director Projects and Business Development
Manager Development and Certification
Manager Asset Planning
Manager Infrastructure Services
Manager Sustainable Communities and Environment
Manager Customer Experience
Manager Community Connection
Manager People and Culture
Manager Information and Technology Services
Manager Regional Library
Manager Property and Economic Projects
Manager Northern Rivers Livestock Exchange (NRLX) Operations
Waste and Resource Recovery Manager
Manager Project Management Office

## ANNEXURE B

### DECLARATION OF INTEREST COUNCIL AND COMMITTEE MEETINGS

#### DISCLOSURE OF INTEREST

BY .....  
(full name of person declaring interest)

IN THE MATTER OF (insert Agenda Item No and Report Subject) .....

to be considered at the ..... Meeting / ..... Committee Meeting  
(Ordinary / Extraordinary) (Name of Committee)

to be held on the ..... day of ..... 20.....

.....  
(Declarant's Signature) (Date)

#### PECUNIARY INTEREST (insert the reason for declaring an interest)

.....  
[Tick or cross one box]

Pecuniary – interest in a principal environmental planning instrument

Pecuniary – other

Non-pecuniary – significant conflict

Non-pecuniary – insignificant conflict

#### IMPORTANT INFORMATION

- (1) **Pecuniary – interest in a principal environmental planning instrument** - You do not need to leave chamber/meeting and can participate in the discussion of and vote on the instrument, provided that you make a special disclosure in the prescribed form (Schedule 3 Model Code of Conduct).
- (2) **Pecuniary – other interest** - You must leave chamber/meeting and take no part in the discussion and voting (Part 4 Model Code of Conduct)
- (3) **Non-Pecuniary – significant Conflict** - Recommended that Councillor/committee member leaves chamber/meeting (Part 5 Model Code of Conduct)
- (4) **Non-Pecuniary – insignificant Conflict** - Councillor/committee member may choose to remain in chamber/meeting and participate in discussion and voting (Part 5 Model Code of Conduct)

# ANNEXURE C



## The Model Code of Conduct for Local Councils in NSW Councillors and Staff Personal Benefit Disclosure

### GIFTS OR BENEFITS

1. You must not:
  - seek or accept a bribe or other improper inducement
  - seek gifts or benefits of any kind
  - accept any gift or benefit of more than a token value (for the purpose of this policy, token value is regarded as being a value of \$100.00 or less.)
  - accept an offer of cash or a cash-like gift, regardless of the amount, including but not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
2. You must not seek or accept any payment, gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty to:
  - act in a particular way (including making a particular decision)
  - fail to act in a particular circumstance
  - otherwise deviate from the proper exercise of your official duties.
3. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

### TOKEN GIFTS AND BENEFITS

Generally speaking, token gifts and benefits may include:

- gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address).
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with the discussion of official business
- council work related events such as:
  - training, education sessions, workshops
  - conferences
  - council functions or events
  - social functions organised by groups, such as council committees and community organisations
- invitations to and attendance at local social, cultural or sporting events
- ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value

### GIFTS OF VALUE

- You must never accept an offer of money, regardless of the amount.
- In general, you must not accept gifts and benefits that have more than a nominal or token value. These include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
- You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.
- You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. *Required to be included in the disclosure of interests returns – section 449.*

Personal Benefit Disclosure by: .....  
(Full Name)

Description of Gift or Benefit: .....

Value of Gift or Benefit: \$ ..... Date Received: .....

Signature: ..... Date: .....

**To be forwarded to the General Manager for notation and recording in Council's Corporate Information System**

## Schedule 1:

### Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21

#### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child



- d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

## Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

### Real Property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation

not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from

- travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

## Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and

- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

## Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:  
*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.  
*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

## Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to

hold the position prior to becoming a councillor or designated person.

## Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

## Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
  - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
  - a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or

- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

## Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
  - a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
  - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or

- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

## Discretionary Disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

## Schedule 2:

### Form of Written Return of Interests Submitted Under Clause 4.21

#### 'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

## Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements

of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.


**ANNUAL RETURN**  
20\_\_ / 20\_\_

**DISCLOSURE OF INTERESTS**

COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO  
COUNCIL'S GOVERNANCE DEPARTMENT

Please ensure where you have nothing to declare, that you write the word 'NIL'

<b>MY FULL NAME</b>	<b>GIVEN NAME:</b>	<b>SURNAME:</b>
<b>RETURN PERIOD:</b>		

<b>A REAL PROPERTY</b>			
 <b>TIP:</b> You must include: (i) either the postal addresses OR particulars of title, i.e. Lot and SP/DP of properties anywhere in Australia that you had an interest in at any time during the return period; (ii) the nature of your interest, i.e. owner, part owner, lessee, beneficiary, occupier or other			
Address of each parcel of real property in which I had an interest at any time during the return period			Nature of my interest:
<b>MY PLACE(S) OF RESIDENCE:</b>			
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
<b>OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:</b>			
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	

If insufficient space, please attach a schedule to this form.

Please tick if adding an attachment


**ANNUAL RETURN**

20\_\_ / 20\_\_

**DISCLOSURE OF INTERESTS**

COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO COUNCIL'S GOVERNANCE DEPARTMENT


**B SOURCES OF INCOME**


 **TIP:** Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.

**1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)**  
*(sources, not amounts, of income I received from my occupation(s) at any time during the return period)*


Position Held <small>e.g. Labourer, Cadet, Project Officer, Manager, etc.</small>	Name and Address of Employer or Description of Office held (if applicable) <small>If self employed include business name &amp; business address</small>	Name of Partnership (if applicable)


**2 SOURCES OF MY INCOME FROM A TRUST**  
*(sources of income, not amounts, I received from a Trust during the return period)*

If you have nothing to declare, write 'NIL' in the adjacent Box 

NAME AND ADDRESS OF SETTLOR <small> TIP: The 'Settlor' is the name of a person who created the Trust</small>	NAME AND ADDRESS OF TRUSTEE


**3 OTHER SOURCES OF MY INCOME**  
*(sources of other income, not amounts, I received at any time during the return period)*


 **TIP:** a Other sources of income may include income from rental property, investments, business activities, welfare payments;  
 b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.

If you have nothing to declare, write 'NIL' in the adjacent box 


**C GIFTS**

 **TIP:** Only include a description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$100

If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section D 

If you declare a gift  then you MUST also complete a Personal Benefit Disclosure Form and return to the General Manager.

DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR

**ANNUAL RETURN**


20\_\_ / 20\_\_

**DISCLOSURE OF INTERESTS**

COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO COUNCIL'S GOVERNANCE DEPARTMENT


**D CONTRIBUTIONS TO TRAVEL**


 **TIP:** Do not include payments by Council for your work-related travel

If you have nothing to declare, write the word 'NIL' in the adjacent box  and move to Section E

NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD	DATES TRAVEL WAS UNDERTAKEN	NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN


**E INTERESTS AND POSITIONS IN CORPORATIONS**

 **TIP:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not shareholder) you held in a corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the corporation or the position was a paid position

If you have nothing to declare, write the word 'NIL' in the adjacent box  and move to Section F

NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD	NATURE OF INTEREST (IF ANY) EG SHAREHOLDER	DESCRIPTION OF POSITION (IF ANY) EG DIRECTOR, COMPANY SECRETARY	PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

**F PROPERTY DEVELOPER**

 **TIP:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?



**ANNUAL RETURN**  
20\_\_ / 20\_\_

**DISCLOSURE OF INTERESTS**  
COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO  
COUNCIL'S GOVERNANCE DEPARTMENT

**G POSITIONS IN TRADE UNIONS OR PROFESSIONAL/BUSINESS ASSOCIATIONS**


 **TIP:** Do not include general membership but include details of any positions held whether remunerated or not

If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section H




NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT) AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

H DEBTS	
 <b>TIP:</b> You <b>do not</b> need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store	
If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section I	
NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME DURING THE RETURN PERIOD	
NAME OF CREDITOR	ADDRESS OF CREDITOR

**I DISPOSITIONS OF REAL PROPERTY**

 **TIP:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
  - o grant of a lease or licence for all or part of the land,
  - o mortgage over your land,
  - o grant of easement over land by which you retain the ability to use the land,
  - o sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have nothing to declare, write the word 'NIL' in the adjacent box and move to Section J



Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2021.

**ANNUAL RETURN**  
20\_\_ / 20\_\_

**DISCLOSURE OF INTERESTS**

COMPLETE THIS FORM, SIGN AND DATE THEN RETURN TO  
COUNCIL'S GOVERNANCE DEPARTMENT


- **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

No:	Street:	Lot & DP:	Suburb:	State:
No:	Street:	Lot & DP:	Suburb:	State:
No:	Street:	Lot & DP:	Suburb:	State:

- **2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY**

No:	Street:	Lot & DP:	Suburb:	State:
No:	Street:	Lot & DP:	Suburb:	State:
No:	Street:	Lot & DP:	Suburb:	State:

**J DISCRETIONARY DISCLOSURES**

 **TIP:** To be completed if you wish to make any additional disclosures

If you have nothing to declare, write the word 'NIL' in the adjacent box and go to sign and date to complete this return




**SIGNATURE:**

**DATE:**

## Schedule 3:

### Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

## Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

**Special disclosure of pecuniary interests** by *[full name of councillor or designated person]*

in the matter of *[insert name of environmental planning instrument]*

which is considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the          day of                                  20

<b>Pecuniary interest</b>	
<b>Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)</b>	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).  <input type="checkbox"/> An associated person of the councillor has an interest in the land.  <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
<b>Matter giving rise to pecuniary interest<sup>1</sup></b>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land.  <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's General Manager and included in full in the minutes of the meeting].

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.