



DISCLOSURES BY COUNCILLORS & DESIGNATED PERSONS

Summary:

The purpose of this policy is to provide clear direction to Elected Members (Councillors) and Council staff on the requirements for lodgement of Disclosure of Pecuniary Interests and Other Matters (Disclosure by Councillors and Designated Persons Return).

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Department	Office of Chief Corporate
Policy Custodian	Manager Customer Service, Governance & Records
Superseded Documents	Designated Persons Policy – Dated 23 August 2017 (V5.0)
Related Legislation	Tenterfield Shire Council Code of Conduct 2018 Clause 4.21 Related Party Disclosure Policy 1.189 NSW Local Government Act 1993 Section 440
Delegations of Authority	Chief Corporate Officer Manager Customer Service, Governance & Records* *While the Manager Customer Service, Governance and Records has overall responsibility for this Policy, for the purpose of ensuring integrity and segregation of duties, the investigation of Related Party Transactions may be delegated to another staff member by the Chief Executive Officer or the Chief Corporate Officer.

1. Overview

Sections 440 and 440AA of the *Local Government Act, 1993* determine the making of the Model Code of Conduct which prescribes the pecuniary interests and other matters to be disclosed in the Disclosures by Councillors and Designated Persons Return.

2. Policy Principles

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).

3. Policy Objectives

Section 4.8 of the Code of Conduct identifies "Designated Persons" and what disclosures must be made.

In addition to Councillors, Designated Persons include:

- (a) The Chief Executive
- (b) Chief Corporate Officer
- (c) Director Infrastructure
- (d) Community representatives on Council Committees (provided the Committees have delegated powers from Council)
- (e) The following additional staff:
 - Manager Finance & Technology
 - Management Accountant
 - Manager Library Services
 - Manager HR, Workforce Development & Safety
 - Risk Management & Safety Coordinator
 - HR & Workforce Coordinator
 - Executive Assistant & Media
 - Manager Economic Development & Community Engagement
 - Cultural Officer
 - Tourism & Marketing Manager
 - Manager Customer Service, Governance & Records
 - Manager Planning & Development Services
 - Manager Property & Buildings
 - Property Specialist
 - Environmental Health & Building Surveyor
 - Planning & Building Trainee
 - Manager Open Space, Regulatory & Utilities
 - Ranger/Compliance Officer
 - Manager Asset & Program Planning
 - Engineering Officer
 - Assets Inspector
 - Manager Works
 - Senior Service & Works Coordinator
 - Storeperson
 - Manager Fleet
 - Manager Water & Waste
 - Senior Technical Projects Engineer

4. Policy Statement

The pecuniary interests and other matters to be disclosed in the Disclosures by Councillors and Designated Persons Return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

5. Scope

A pecuniary interest is an interest in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in Clause 4.3 of the Code of Conduct.

There is no 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 made in relation to the matter, or if the interest is of a kind specified in Clause 4.6 of the Code of Conduct.

A Councillor or designated person must make and lodge with the Chief Executive, a Disclosures by Councillors and Designated Persons Return within three (3) months after:

- Becoming a Councillor or designated person;
- 30 June of each year, and
- The Councillor or designated person becoming aware of an interest they are required to disclose which has not previously been disclosed.

6. Accountability, Roles & Responsibility

Elected Council

A Councillor:

- Must prepare and submit written returns of interests in accordance with Clause 4.21 of the Code of Conduct; and
- Must disclose pecuniary interests in accordance with Clause 4.28 of the Code of Conduct and comply with Clause 4.29 where it is applicable.

General Manager, Executive and Management Teams

- The Chief Executive (General Manager) must keep a register of returns disclosing interests that are required to be lodged with the General Manager under a Code of Conduct;
- Returns required to be lodged with the Chief Executive must be tabled at a meeting of the Council, being the first meeting held after the last day specified by the Code of Conduct for lodgement (being 30 June each year).

Management Oversight Group

Nil.

Individual Managers

Nil.

7. Definitions

Disclosure of Pecuniary Interests and Other Matters are provided on the form Disclosures by Councillors and Designated Persons Return.

8. Related Documents, Standards & Guidelines

- Tenterfield Shire Council Code of Conduct 2018
- Related Party Disclosure Policy 1.189

9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	23/04/00	Council	Adoption of Original Policy (Res No. 200/00)
V2.0	21/10/04	Council	Review/Amended (Res No. 519/04)
V3.0	22/08/12	Council	Review/Amended (Res No. 291/12)
V4.0	23/10/13	Council	Review/Amended (Res No. 384/13)
V5.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V6.0	26/08/20	Council	Review/Amended (Res No. 169/20)