

<b>POLICY NAME</b>	<b>DISCLOSURES BY COUNCILLORS &amp; DESIGNATED PERSONS POLICY</b>	
Date Adopted	24 September 2025	
Resolution Number	150/25	
Policy Custodian	Director Corporate Services	
Policy Development Officer	Governance Officer	
Review Date	2027 (2 years from resolution date)	
Relevant Legislation	<i>Local Government Act 1993</i> Section 440	
Related Documents	Tenterfield Shire Council Code of Conduct 2020 – Clause 4.21 Related Party Disclosure Policy	

### **POLICY OBJECTIVES**

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).

Section 4.8 of the Tenterfield Shire Council's Code of Conduct identifies "Designated Persons" and what disclosures must be made.

In addition to Councillors, Designated Persons include:

- a) General Manager
- b) Director of Corporate Services
- c) Director of Infrastructure Services
- d) Community representatives on Council Committees (provided the Committees have delegated powers from Council)
- e) Independent Committee Members of the Audit, Risk and Improvement Committee (ARIC)
- f) The following additional staff:
  - Manager Finance & Technology
  - Manager Workforce, Safety, Risk & Records
  - Manager Planning & Development
  - Environmental Health & Building Surveyor
  - Manager Open Space, Regulatory & Utilities
  - Manager Infrastructure Delivery
  - Manager Works
  - Procurement Officer
  - Manager Water & Waste
  - Librarian

## **POLICY 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 General Manager, 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.

## **POLICY STATEMENT**

A pecuniary interest 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).

## **GENERAL MANAGER**

- The General Manager must keep a register of returns disclosing interests that are required to be lodged with the General Manager under the Tenterfield Code of Conduct,
- Returns required to be lodged with the General Manager 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 lodgment (being 30 June each year).

## **POLICY DEFINITIONS**

For the purposes of the schedules of the Tenterfield Shire Council Code of Conduct, the following definitions apply:

<b>Definition</b>	<b>Meaning</b>
<b>Address</b>	<ul style="list-style-type: none"><li>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</li><li>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</li><li>c) In relation to any real property, the street address of the property.</li></ul>
<b>De facto</b>	De facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.

<b>Disposition of property</b>	<p>Means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:</p> <ul style="list-style-type: none"> <li>a) the allotment of shares in a company</li> <li>b) the creation of a trust in respect of property</li> <li>c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property</li> <li>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</li> <li>e) the exercise by a person of a general power of appointment over property in favour of another person</li> <li>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.</li> </ul>
<b>Gift</b>	<p>Means a disposition of property made otherwise than by a 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.</p>
<b>Interest</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or</li> <li>b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth) in securities issued or made available by the corporation.</li> </ul>
<b>Occupation</b>	Includes trade, profession and vocation.
<b>Professional or Business Association</b>	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.
<b>Property</b>	Includes money.
<b>Return date</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made</li> <li>c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated</li> </ul>

	person became aware of the interest to be disclosed.
<b>Relative</b>	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 facto partner of a person referred to in paragraphs (b) and (c).
<b>Travel</b>	Includes accommodation incidental to a journey.

## VERSION CONTROL & CHANGE HISTORY

Previous Versions	Date of Adoption by Council	Resolution #	Author/Editor	Summary of Changes
V1.0	23/04/00	200/00	CCO	Adoption of Original Policy
V2.0	21/10/04	519/04	CCO	Review/Amended
V3.0	22/08/12	291/12	CCO	Review/Amended
V4.0	23/10/13	384/13	CCO	Review/Amended
V5.0	23/08/17	168/17	CCO	Review/Amended
V6.0	26/08/20	169/20	CCO	Review/Amended
V7.0	26/10/22	222/22	CCO	Review/Amended
V8.0	27/08/25	119/25	Governance	Review/updated new format
V9.0	24/09/25	150/25	Governance	Added ARIC Independent members as Designated Persons