

FILE NO: A2004-0195

TITLE: PECUNIARY INTEREST RETURNS - LODGEMENT

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of the Pecuniary Interest Returns – Lodgement Policy (the 'Policy') is to ensure compliance with the provision of the Code of Conduct, as amended.
- 1.2 The Code of Conduct includes pecuniary interest responsibilities of the Mayor, Councillors and those staff identified as designated persons under the Act.

2. CONTEXT/BACKGROUND:

- 2.1 The Local Government Act 1993 requires Council to adopt a Code of Conduct. The Code of Conduct incorporates the pecuniary interest provisions, which requires the Mayor, Councillors and designated persons to:
 - a) make a disclosure within three months of being elected to Council or becoming a designated person, and
 - b) make an annual disclosure after June 30 each year and before September 30 of the same year, and
 - c) keep the return up to date and ensure changes are made within three months of becoming aware of the changes.

3. SCOPE:

- 3.1 In May each year a report will be submitted to Council listing the Mayor, Councillors and designated persons.
- 3.2 Mayor/Councillors and designated persons will be provided with an information brochure, copy of previous return and an original pecuniary interest form by the 15 July of each year.
- 3.3 The information brochure should include:
 - a) Responsibilities of Councillors and designated persons under the Act.
 - b) Information required on the pecuniary interest form.
 - c) Acceptable method of completing the pecuniary interest form.
 - d) Responsibilities of staff processing the forms.
 - e) Due date.
 - f) Consequences of late returns.

- 3.4 Monthly reminders to be sent to designated persons if they have not forwarded their returns – including a final reminder on or around 23 September.
- 3.5 All returns should be lodged with the General Manager or Governance Section no later than on 30 September of each year.
- 3.6 Upon receipt of returns the General Manager or member of the Governance Section will:
- Provide written receipt to the Mayor/Councillor or designated person and a copy filing in the records management system (EDRMS).
 - Check the return to ensure that it has been completed (to best of your knowledge) particularly that it has been dated and signed.
 - The General Manager or member of the Governance Section will complete the date the return was received.
 - File the return in the Pecuniary Interest Register.
- 3.7 Under no circumstances is a third party (for example a staff member) to complete pecuniary interest returns on behalf of the Mayor/Councillor or a designated person.
- 3.8 Should the Mayor/Councillors or designated persons require a computer print-out of their property or properties they should formally request the General Manager or member of the Governance Section to provide a computer printout of property/s owned in the local government area. Once the computer property print-out is obtained, the computer print-out should be transcribed by the Mayor/Councillor or designated person onto the form or on to an attachment (other than Council's original computer print-out).
- 3.9 Forms are to be made available from the General Manager's Office from 30 June each year.
- 3.10 All lodged returns are to be tabled at the first Council meeting after 30 September together with a report identifying any failures to lodge.
- 3.11 The General Manager or their delegate is required to report to the Office of Local Government any person who fails to lodge a Return required by the due date.

4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Act	Local Government Act 1993.
Code of Conduct	Port Stephens Council code of Conduct.

Councillor	A councillor of Port Stephens.
Designated person	An employee, volunteer, contractor of Port Stephens Council.
Mayor	The Mayor of Port Stephens.
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.

5. STATEMENT:

5.1 The objectives of this policy are to:

- a) inform the Mayor, Councillors and all designated persons of their responsibilities under the Act.
- b) provide transparency for the community.
- c) assist the Mayor, Councillors and all designated persons to identify potential areas of conflict of interest.

6. RESPONSIBILITIES:

- 6.1 The Governance Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.2 The Mayor, Councillors and designated persons are responsible for complying with the policy.
- 6.3 The Governance Section is responsible for assisting with the implementation of the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
- 7.2 Code of Conduct
- 7.3 Pecuniary Interest Register

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	A2004-0195	EDRMS record No	24/132836
Audience	Mayor, Councillors and designated persons.		
Process owner	Governance Section Manager.		
Author	Governance Section Manager.		
Review timeframe	3 years	Next review date	30 April 2027
Adoption date	11 February 2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	09/05/1995	Assistant General Manager	Adopted by Council.	185
2.0	19/10/2004	Governance Officer	Adopted by Council.	375
3.0	11/02/2014	Executive Officer	Adopted by Council.	018
4.0	10/05/2016	Governance Manager	Transfer policy into the new policy template.	119
5.0	22/05/2018	Governance Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. 1.1 – included to the name of the policy. 3.5 – removed reference to timing. 3.6.1 – replaced the wording (RM8) with (EDRMS). 3.11 - replaced the wording 'Division of Local Government' with 'Office of Local Government'.	135

Version	Date	Author	Details	Minute No.
6.0	26/03/2019	Governance Section Manager	<p>Reviewed the policy and version control:</p> <p>Policy owner updated to Governance Section Manager.</p> <p>1 – updated to remove reference to the Local Government Act and replace with Code of Conduct.</p> <p>2 – removed Chapter 14 reference and included Code of Conduct.</p> <p>2.1 – Deleted and replaced with a new paragraph and included a), b) and c).</p> <p>3.1 – updated to include Mayor and Councillors.</p> <p>3.2, 3.6, 3.7, 3.8 – updated to include the Mayor.</p> <p>3.3 and 3.6 – bullet points replace with alpha listing.</p> <p>3.11 – removed section 449 and inserted 'the due date'.</p> <p>4.1 – updated to include Code of Conduct, Councillor and Mayor.</p> <p>6.1 – updated title to Governance Section Manager.</p>	065
6.1	27/04/2021	Governance Section Manager	<p>The policy was transferred into new policy template and updated version control.</p> <p>Minor review to the policy at:</p> <p>2.1 – replaced clause.</p> <p>3.6 e) – removed.</p>	101

Version	Date	Author	Details	Minute No.
6.2	09/04/2024	Governance Section Manager	<p>Reviewed the policy and version control.</p> <p>3.5 – Remove ‘Executive Administration Coordinator’ and replace with ‘Governance Section’.</p> <p>3.6 – Remove ‘Executive Administration Coordinator to’ and replace with ‘General Manager or member of the Governance Section’.</p> <p>3.8 – Remove ‘Executive Administration Coordinator’ and replace with ‘General Manager or member of the Governance Section’.</p> <p>3.11 – Added “The General Manager or their delegate is required to”</p> <p>5.1, 6.1, 6.2, 6.3 – Removed capital P and replaced with small p</p> <p>6.3 – Remove ‘Executive Administration Coordinator’ and replace with ‘Governance Section’</p>	061