

FILE NO: A2004-0195

TITLE: PECUNIARY INTEREST RETURNS - LODGEMENT

POLICY 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 Code of Conduct has been updated following a review of the Local Government Act 1993, and the pecuniary interest provisions have been incorporated into the Code of Conduct 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 Executive Administration Coordinator no later than on 30 September of each year.
- 3.6 Upon receipt of returns the Executive Administration Coordinator will:
- a) Provide written receipt to the Mayor/Councillor or designated person and a copy filing in the records management system (EDRMS).
 - b) Check the return to ensure that it has been completed (to best of your knowledge) particularly that it has been dated and signed.
 - c) Executive Administration Coordinator to complete the date the return was received.
 - d) File the return in the Pecuniary Interest Register.
 - e) Store the Pecuniary Interest Register in the strong room for safe keeping.
- 3.7 Under no circumstances is a third party (for example a staff member) to complete pecuniary interest returns on behalf of a 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 Executive Administration Coordinator 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 onto 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 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. POLICY 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. POLICY 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 Executive Administration Coordinator 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	19/135094
Audience	Mayor, Councillors and designated persons.		
Process owner	Governance Section Manager.		
Author	Governance Section Manager.		
Review timeframe	Two years	Next review date	February 2021
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	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>1.1 – included to the name of the policy.</p> <p>3.5 – removed reference to timing.</p> <p>3.6.1 – replaced the wording (RM8) with (EDRMS).</p> <p>3.11 - replaced the wording 'Division of Local Government' with 'Office of Local Government'.</p>	135
6.0	26 March 2019	Governance Section Manager	<p>Reviewed the policy and version control:</p> <p>Policy owner updated to Governance Section Manager.</p> <p>1.1 – updated to remove reference to the Local Government Act and replace with Code of Conduct.</p> <p>1.2 – 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