



COFFS HARBOUR CITY COUNCIL

SUPPLEMENTARY AGENDA (LAND USE, HEALTH & DEVELOPMENT COMMITTEE)

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

12 FEBRUARY 2009

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12 FEBRUARY 2009

Mayor and Councillors

GENERAL MANAGER'S REPORT

3 PECUNIARY DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

Purpose:

To table the Register of Returns received from Councillors and Designated Persons including those of the newly elected Councillors appointed to Council on the 24 September 2008.

Description of Item:

Councillors and Designated Persons are required to lodge a completed Disclosure Return of pecuniary interests and other matters annually and/or upon appointment to Council.

Statutory Requirements:

Sections 449 and 450A of the Local Government Act 1993 (LGA), as set out in the attachment, cover the compulsory lodgment of Pecuniary Interest Annual Returns. The Act details specific responsibilities of the General Manager in relation to the collection, reporting, tabling and public accessibility of the returns.

Council had 6 newly elected Councillors appointed on the 24 September 2008 (Date of Declaration of the Poll). The newly elected Councillors were required to submit their returns within 3 months of that date (s.449(1) LGA). The register of returns is required to be tabled at the first meeting held after the last day for lodgment, being in this case, the ordinary meeting of the 12 February 2009 (Extraordinary Meeting of the 22 January 2009 excluded) (s.450A(2)(a) LGA).

Cont'd

3 Pecuniary Disclosures by Councillors and Designated Persons ...(Cont'd)

Issues:

The purpose of these provisions is to ensure transparency and accountability in local government decision making. The obligations upon Councillors and Designated Persons are as much a protection for them as it is for the community in the review of Council's decisions. It is an important mechanism in enhancing public confidence in local administration.

A register containing all Pecuniary Interest disclosures will be tabled at this meeting and will be held as a permanent record available for public inspection.

Recommendation:

That the Register of Disclosures by Councillors and designated persons including the returns of Councillors appointed on the 24 September 2008, as tabled, be noted.

**Stephen Sawtell
General Manager**

Attachments:

Local Government Act 1993 No 30

449 Returns disclosing interests of councillors and designated persons

- (1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.
- (1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- (2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.
- (3) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.
- (4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.
- (5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.
- (6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.

Local Government Act 1993 No 30

450A Register and tabling of returns

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
- (2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:
 - (a) in the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or
 - (b) in the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or
 - (c) in the case of a return otherwise lodged with the general manager—the first meeting after lodgement.