

GO5 – Register of Disclosed Interests – 2015-16

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TRIM 2502-9

EXECUTIVE SUMMARY

- Chapter 14 of the Local Government Act 1993 requires that all elected members and designated persons complete an initial Pecuniary Interest Return and every year thereafter an Annual return.
- Designated persons include the General Manager, other senior staff and staff holding a position identified by the Council as a designated position because it involves the exercise of certain functions such as regulatory or contractual functions.
- This report tables 449 Returns received for new starters and staff acting in a position that requires a 449 Return to be completed.
- It is recommended:
 1. That Council adopt the following position as a “Designated Position” under Section 441 of the Local Government Act, 1993:
 - Precinct Planner.
 2. That the tabling of the Disclosure of Interests 449 Returns be received by the General Manager at this Council meeting.

REPORT

Section 450A of the Local Government Act subscribes that:

- (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.*

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Section 449 of the Local Government Act subscribes that:

- (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.

In accordance with Section 450A(1) of the Act a register of all returns lodged by Councillors and designated persons is currently kept by Council.

New position that needs to be added to the list is as follows:

- Precinct Planner.

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With regard to Section 450A(2)(a) the following 449(1) Primary Returns have been lodged for the 2015/2016 financial year:

Position	Date Lodged
Acting Works Superintendent Construction & Maintenance	18.09.2015
Manager Executive Services	28.10.2015
Acting Community Engagement & Planning Team Leader	03.12.2015
Acting Accounting Services Team Leader	10.12.2015
Acting Development Assessment Team Leader	13.01.2016
Precinct Planner	17.02.2016
Acting Personal Assistant to Director Planning	24.02.2016

With regard to Section 450A(2)(b) the following 449(3) Returns have been lodged for the 2015/16 financial year:

Position	Date Lodged
Contracts & Buildings Team Leader	04.09.2015
Acting Manager Technology, Information & Corporate Strategy	09.09.2015
Acting Library Services Team Leader	21.10.2015
Acting GIS/Property & Administration Team Leader	04.11.2015
Building Surveyor	21.12.2015
Acting Customer Service Team Leader	04.02.2016
Assistant Development Assessment Planner	17.02.2016
Acting Library Services Team Leader	24.02.2016

CONSULTATION

Nil

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS

Nil