



# **Register of Interests Policy**

**G&IS – Gov – 05  
Governance**

**BALLARAT CITY COUNCIL  
Town Hall  
Sturt St  
Ballarat VIC 3350  
Tel. 5320 5500**

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## 1 DOCUMENT CONTROL INFORMATION

### DOCUMENT CONTROL

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<b>Final Draft</b>	3.00	24/01/2011	Annie De Jong
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<b>Final Review</b>	5.00	22/11/2013	Annie De Jong
<b>Approved Leadership Team</b>	5.00	25/11/2013	Leadership Team
<b>Adopted by Council</b>	5.00	11/12/2013	Council Resolution R471/13

## 2 POLICY STATEMENT

### **Intent:**

This policy sets out the obligation for Councillors, Special Committee members and Nominated Officers to lodge interest Returns that discloses information about their personal circumstances that may give rise to conflicts of interest in certain circumstances to ensure compliance with section 81 of the *Local Government Act 1989* (the Act).

### **Objectives:**

- To clearly define Primary and Ordinary Returns;
- Give relevant persons a process to disclose their interests and ensures transparency;
- Outline the penalties involved with non-completion of Returns;
- Ensure the City of Ballarat complies with the Act;
- Ensures good governance at the City of Ballarat.

### **Statement:**

Councillors, Special Committee members and Nominated Officers must lodge Primary Returns after taking office or commencing in a specified role and lodge Ordinary Returns twice yearly while holding office or occupying the role.

## 3 OWNER

The owner of this policy is the Chief Executive Officer.

All enquiries regarding this policy should be initially directed to the Administrative Services Manager, Governance.

## 4 APPLICABILITY

The Policy applies to all City of Ballarat Councillors, Special Committee members and Nominated Officers.

## 5 DEFINITIONS

**Act:** *Local Government Act 1989.*

**Audit Advisory Committee:** Section 139 of the Act states that:

- 1) "A Council must establish an audit committee;
  - 2) An audit committee is an advisory committee;
  - 3) An audit committee must be constituted in the prescribed manner;
  - 4) An audit committee has the functions and responsibilities prescribed for the purpose of this section;
    - 4a) Sections 76D and 79 apply to members of an audit committee as if they were members of a Special Committee of Council;
  - 5) The Minister may make guidelines for the purposes of this section;
  - 6) Guidelines made under subsection (5) must be published in the Government Gazette;
- and

- 7) *A Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.*

An independent audit committee is a fundamental component of a good corporate governance structure and due to the mandatory nature, the significant level of authority of the audit committee, the potential scope of a Conflict of Interest and transparency within the Ballarat City Council. The audit committee members, for the purpose of this policy, are subject to the same provisions of and will have the same responsibilities as if they were members of a Special Committee of Council.

**Committee members:** *“A person who becomes a Councillor or a member of a Special Committee must submit a Primary Return in the prescribed form to the Chief Executive Officer within:*

- a) *In the case of a Councillor:*
  - i. *30 days of election day; or*
  - ii. *7 days of making the oath of office of a Councillor; or*
- b) *30 days of becoming a member of a Special Committee.”*

This applies to the members of any committee with delegated Council powers, duties or functions under section 86 of the Act or any other Act, including the *Planning and Environment Act 1987*.

**Conflict of Interests:** Section 79 of the Act stipulates the requirements that if a Councillor or Special Committee member has a conflict of interest in a matter which is to be considered or discussed at a meeting, if he or she is attending the meeting, the Councillor or member must disclose the conflict of interest in accordance with section 79(2).

It is important to understand that information required to be disclosed in a return is not always the same as for a conflict of interest. For example:

- You are not necessarily required to disclose the name of a person for whom you act as an agent, although this can also give rise to an indirect interest because of a conflicting duty.

**Councillors:** All Councillors must lodge Primary and Ordinary Returns in accordance with the Act (see below). There are no exceptions.

*“A person who becomes a Councillor or a member of a Special Committee must submit a Primary Return in the prescribed form to the Chief Executive Officer within:*

- a) *in the case of a Councillor:*
  - i. *30 days of election day; or*
  - ii. *7 days of making the oath of office of a Councillor.”*

*“If a person is re-elected or reappointed upon completion of his or her term of office as a Councillor or member of a Special Committee, the Councillor or member of a Special Committee does not have to submit a new Primary Return.”*

**Exemptions for Committee members:** Under section 81(2A) of the Act *“A Council may exempt a member of a Special Committee who is not a Councillor from being required to submit a Primary Return or an Ordinary Return.”*

**Gifts:** Disclosure of particulars of any gift valued at \$500 or more that have been received directly or indirectly during the Return period must be disclosed. Information relating to the disclosure should include:

- The name of the gift giver;
- The nature of the gift; and
- The estimated value of the gift.

This does not include:

- Gifts from relatives; or
- Hospitality received at an event attended in an official capacity as a Mayor, Councillor, Council Officer or member of a Special Committee.

**Land:** Land includes the address or description of any land in which a beneficial interest is held. It includes:

- Land own;
- Land did own; or
- Solely or jointly mortgaged.

Land does not include land held as security for a debt owed.

**Nominated Officers:** A person who is a Nominated Officer must lodge Primary and Ordinary Returns.

*“Nominated Officer means the senior officers of the Council and any other member of the Council staff nominated by the Chief Executive Officer”*

Members of staff with significant delegations and/or a third level manager can be made a Nominated Officer. An internal memorandum from the Chief Executive Officer to the Chief Information Officer should state Officers that are to be nominated and the commencement of the nomination.

*“Any person who becomes a Nominated Officer must within 30 days of becoming a Nominated Officer submit a Primary Return in the prescribed form to the Chief Executive Officer. This will be within 30 days of:*

- a) Being appointed or promoted to a Senior Officer position;*
- b) Becoming a Senior Officer as a result of a reclassification or increase in remuneration; or*
- c) Being designated a “Nominated Officer” by the Chief Executive Officer.*

**Penalty unit:** is a monetary amount used to compute pecuniary penalties for many breaches of statute law. The value of a penalty unit is the amount fixed with respect to a financial year by the Treasurer by notice published in the Victorian Government Gazette under the *Monetary Units Act 2004*.

**Return Period:** Return Period in relation to the Ordinary Return means:

- a) If the last Return of the Councillor, Special Committee member or Nominated Officer was a Primary Return, the period between the date of the Primary Return and the date the Ordinary Return is submitted; or
- b) If the last Return of the Councillor, Special Committee member or Nominated Officer was an Ordinary Return, the period between the date of that Return and the date the current Ordinary Return is submitted.

*“A Councillor, Special Committee member or a Nominated Officer must submit an Ordinary Return in the prescribed form to the Chief Executive Officer on:*

- a) 30 June or within 40 days after 30 June; and*
- b) 31 December or within 40 days after 31 December.”*

An Ordinary Return must not be lodged in advance of those times.

**Senior officers:** Senior Officers must lodge Primary and Ordinary Returns. A Senior Officer of Council is:

- a) The Chief Executive Officer;
- b) An Officer who has management responsibilities and reports directly to the Chief Executive Officer; or
- c) Any other Council Officer whose total annual remuneration exceeds the remuneration threshold. The remuneration threshold for defining a senior officer is reviewed annually under section 97B of the Act.

**Taking Office:** For the purpose of a Special Committee member, taking office is the date of the Council meeting in which the membership is approved by a resolution of Council.

#### **RELATIONSHIPS**

**Daughter:** A biological daughter, stepdaughter, adopted daughter, or female child for whom the person has custodial responsibilities.

**Direct relative:** A spouse, domestic partner, son, daughter, mother, father, brother or sister of the person.

**Direct relative of your direct relative:** The direct relative of anyone listed above.

**Domestic partner:** Of a person:

- a) Who is in a registered relationship with the person; or
- b) An adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person:
  - i For fee or reward; or
  - ii On behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

**Family:**

- a) A spouse or domestic partner of the person; or
- b) A child of the person who normally resides with the person.

**Relative:** Relative has the same meaning as relative has in section 78 of the Act.

- a) A direct relative of the person; or
- b) A direct relative of a person who is the direct relative of the person;

**Son:** A biological son, step son, adopted son or male child for which the person has custodial responsibilities.

## 6 GUIDANCE NOTES

### PRIMARY RETURNS

1. Councillors, Special Committee members and Nominated Officers must lodge Primary Returns after taking office or commencing in a specified role:
  - Councillors must submit a Primary Return within 30 days of Election Day or seven days of taking the oath of office. The exception is in the case of re-election of a consecutive term of office, but a Primary Return is to be completed in the event that the Councillors term of office is not continuous;
  - Special Committee members must submit a Primary Return within 30 days of becoming a member of a Special Committee, except in the case of being re-appointed of a consecutive term to the Special Committee; and
  - Nominated Officers must submit a Primary Return within 30 days of becoming a Nominated Officer.

The penalty for failure to submit a Primary Return within this period is 60 penalty units.

2. Councillors, Special Committee members and Nominated Officers must disclose the following information in the Primary Return as at the date of the Primary Return:
  - a) The name of any company or other body corporate or unincorporated in which you held an office as a director or otherwise;
  - b) The name or description of any company or body in which he or she holds or have held a beneficial interest unless the total value of the interest does or did not exceed \$10,000 and the total value of issued shares of the company or body exceeding \$10 million;
  - c) The address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she has any beneficial interest other than by way of security for any debt;
  - d) A concise description of any trust in which he or she holds a beneficial interest or of which he or she is a trustee and a member of his or her family holds a beneficial interest; and
  - e) Any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty.

### ORDINARY RETURNS

1. Councillors, Special Committee members and Nominated Officers must submit Ordinary Returns twice yearly while holding office or occupying the role. The Returns must be lodged:
  - a) Within 40 days after 30 June, by 9 August; and
  - b) Within 40 days after 31 December, 9 February.

Ordinary Returns must not be lodged in advance of those times.

The penalty for failure to submit an Ordinary Return within this period is 60 penalty units.

1. Councillors, Special Committee members and Nominated Officers must disclose the following information in the Ordinary Return relating to the Return period:



- a) If he or she has held an office whether as director or otherwise in any company or body, corporate or un-incorporate the name of the company or body;
- b) The name or description of any company or body in which he or she holds or has held a beneficial interest unless the total value of the interest does or did not exceed \$10,000 and the total value of issued shares of the company or body exceeding \$10 million;
- c) The address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she had any beneficial interest other than by way of security for any debt;
- d) A concise description of any trust in which he or she held a beneficial interest or of which he or she is a trustee and a member of his or her family held a beneficial interest;
- e) Particulars of any gift of or above the amount or value of \$500 received by him or her, either directly or indirectly, other than a gift received from relatives or hospitality at an event; and
- f) Any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty.

#### **SIGNATURE AND WITNESS**

A Councillor, Special Committee member or Nominated Officer must personally sign and date his or her Return and have it witnessed. The witness is witnessing the signature not attesting to the accuracy of the Return.

#### **DISCLOSURES IN RETURNS**

A Councillor, Special Committee member or Nominated Officer disclosure must relate to the entire period since the last Primary or Ordinary Return, known as the "Return period" and all sections of the form. If there is nothing to disclose in a section, "nothing to declare", "nil" or a "-" should be written.

#### **ACTIONS FOR INACCURATE OR INCOMPLETE INFORMATION, NON-COMPLETION OF RETURNS OR A FAILURE TO LODGE**

It is an offence under the Act to fail to lodge a Return or to give inaccurate or incomplete information. A person who commits an offence may be prosecuted in court and fined up to 60 penalty units.

If a Councillor, Special Committee member or Nominated Officer does not complete a Return the following actions will be taken by the Chief Information Officer.

1. A letter to the Councillor, Special Committee member or Nominated Officer advising that the Return as not been submitted by the required date. The letter will advise him or her that he or she details have been forwarded to the Chief Executive Officer, Council's Audit Advisory Committee and the Officer of the Local Government Investigations and Compliance Inspectorate.
2. A letter will be sent notifying that a Return has not been received by specific people within the requirements of this policy and the Act, the letter will be sent to:
  - a) Chief Executive Officer;

- b) Council's Audit Advisory Committee; and
- c) Officer of the Local Government Investigations and Compliance Inspectorate

In addition to the letter, the following will occur for non-completion, depending on first or second offence:

1. For a first non-completion the Chief Information Officer will make verbal contact with the Councillor, Special Committee member or Nominated Officer advising them of the importance of completing a Return and to determine the reason for non-completion.
2. For a second consecutive non-completion:
  - o A Councillor who fails to lodge may be required to defend his or her actions at a Councillor Conduct Panel or Victorian Civil and Administrative Tribunal and may be disqualified or suspended through the Local Government Office.
  - o A Nominated Officer will have formal notice to the Chief Executive Officer to consider action through Human Resource policies; and
  - o A Special Committee member will be removed from the Committee.

#### **EXEMPTIONS**

1. The Council may exempt a member of a Special Committee, who is not a Councillor, from being required to submit a Primary or an Ordinary Return. This should be done when the committee is formed or when new members are appointed. The Council must review exemption within the 12 month period after a general election.
2. An exemption from the duty to lodge a return is not an exemption from the duty to disclose a conflict of interest.

#### **PUBLIC ACCESS**

**Documents to be made available for public inspection – Names for inspection register**  
Under sections 11(d) and 11(e) of the *Local Government (General) Regulations 2004*, a record of the names of Councillors, Special Committee member and Nominated Officers required to lodge Returns, along with the dates that their Returns were lodged and must be available for public inspection.

An application must be in writing and is made by completing the "Application to view prescribed matters" form (Appendix 4) that is available from Council's website. A list of the names and positions of people on the Register will be available on Council's website.

#### **Register of Interests**

1. The Governance Unit will maintain the register of the interests of Councillors, Special Committees members and Nominated Officers consisting of the last three Returns that were required to be submitted.
2. As soon as practicable after a person ceases to be a Councillor, Special Committee member or Nominated Officer, the Governance Unit will remove all the Returns submitted by that person from the register.

Returns that are removed from the register are retained by Council until such time a Councillor, Special Committee member or Nominated Officer no longer hold office or occupying the role.

After a person ceases to be a Councillor, Special Committee member or a Nominated Officer, the Returns must still be retained by Council for a period of three years under the *Public Record Office Standard 07/01*.

### **Inspection of Register of Interests**

1. The Act allows a person to inspect the register if that person has previously made a written application to do so and the application meets the requirements of the regulations. Applications are to be directed to the Chief Information Officer. A written application is made by completing the "Application to Inspect Register of Interest" form (appendix 4) that is available from Council's website.
2. The register may be inspected at the office of the Council during normal office hours.
3. All reasonable steps will be taken to ensure that no person, other than a person who has made application, has access to or is permitted to inspect the register or any Return.
4. A person must not publish any information derived from the register unless that information is a fair and accurate summary or copy of the information derived from the register. It should be noted that there is no entitlement for a person to take a copy of a Return; and
5. The Governance Unit will maintain a record of the names of persons who have inspected the register of interests as per the legislative requirements.
6. A Councillor, Special Committee member or a Nominated Officer, whose interests are recorded in the register, may inspect the recorded names of people who have inspected his or her personal records.

The Act stipulates a number of protections to ensure the power to inspect a person's records are not misused. These include:

- The Chief Executive Officer must keep a record of the names of people who inspect the register and a Councillor, Special Committee member or Nominated Officer is entitled to inspect the list of names of people who have inspected his or her personal records;
- A person must not publish information from the register unless the information is a fair and accurate summary or copy of the information derived from the register. It should be noted that there is no entitlement for a person to take a copy of a Return; and
- A Council Officer may not make a record of, divulge or communicate information gained in relation to persons' Return other than in the proper discharge of his or her duties. Failure to comply can result in prosecution.

## **7 PROCEDURE**

To establish appropriate arrangements for the administration of Returns the Chief Executive Officer delegates the responsibility to the Governance Unit.

1. After a Councillor, Special Committee member or Nominated Officer takes office of commences in a specified role the Governance Unit will forward a copy of a Primary

Return for completing. A copy of this form can also be found in the Appendix 1 of this policy, on Council space and on Council's Intranet site.

2. The Governance Unit will forward Ordinary Returns for completion twice yearly. A copy of this form can also be found in the Appendix 2 of this policy, on Council Space and on Council's Intranet site. Councillors will receive a complete copy of all gifts received during the Return period.
3. The Governance Unit will issue a reminder 10 days before the closure of the lodgement Return date, if the Return has not been received within the specified timeframe.
4. Once a Return has been received a written receipt will be sent to the person by the Governance Unit that will notify of the date the Return was received.
5. If a Return is not received within five business days after the deadline of the Return period, the Governance Unit will initiate the failure to lodge process for non-completion listed previously in this policy.

Irrespective of the administrative processes in place at Council, the legal responsibility to lodge an accurate Return always rests with the relevant Councillor, Special Committee member or Nominated Officer and not with Council Officers administering the process.

#### **STORAGE OF RETURNS**

1. Each Primary and Ordinary Return will be captured electronically using the organisational classification standard.
2. The hard copy of the last three Returns for each Councillor, Special Committee member and Nominated Officer will be kept on the "Interest Return" register. This register is available for public inspection.
3. Any previous hard copy Return will be kept by the Governance Unit in a secure location.
4. After a person ceases to be a Councillor, Special Committee member or a Nominated Officer all hard copy Returns will be kept by Governance in a folder with the date that the documents are to be disposed of, that is three years.

## **8 COMPLIANCE RESPONSIBILITIES**

Councillors, Special Committee members and Nominated Officers must lodge a Primary Return after taking office or commencing in a specified role and lodge Ordinary Returns twice yearly while holding office or occupying the role under section 81 of the *Local Government Act 1989*.

## 9 CHARTER OF HUMAN RIGHTS COMPLIANCE

This policy has a negative impact on protection of privacy and reputation Human Right, but is justified, as it is required under the *Local Government Act 1989* and can be obtained under the *Freedom of Information Act 1982*.

## 10 REFERENCES AND RELATED POLICIES

The Local Government Victoria issued of Register of Interests Guide June 2011 and the Act and *Local Government (General) Regulations 2004* were referenced during the preparation of this policy.

	<b>Include - Name, Reference and location of reference</b>
Acts	<i>Local Government Act 1989</i>
Regulations	<i>Local Government (General) Regulations 2004</i>
Codes of Practice	Councillor Code of Conduct Staff Code of Conduct
Guidance notes	Register of Interests Guide (June 2011) Audit Committee – A Guide to Good Practice for Local Government (January 2011)
Australian Standards	Public Record Office Standard 07/01
Related Policies	Discipline and Termination Policy Vital Records Protection Disaster Recovery Policy

## APPENDIX 1

*Local Government Act 1989*, Sections 81(2) and 81(4)  
Local Government (General) Regulations 2004, Regulation 6

### Primary Return

Notes - Please Read:

The Primary Interest Return captures:

1. Interests which you are required to register as prescribed in section 81(6) of the *Local Government Act 1989*.
2. If there is not sufficient space on this form for all of the information you are required to register, you may attach additional papers for that purpose. Each paper is to be signed, dated and witnessed in the same manner as this return.
3. Answer all questions and ensure your answers are clear and legible.

#### **PERSON COMPLETING RETURN**

Family name

Given names

#### **COUNCIL**

Name of Council

Name of Ward (*Councillors*)

Position

Insert details of the Registrable Interests you have held as at the date of this return:

1. **The name of any company or other body in which you hold any office whether as a director or otherwise. This excludes those where you are acting as a Council Representative.**

2. The name or description of any company or body in which you hold a beneficial interest unless the total value of the interest does not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million.

3. The address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which you have any beneficial interest other than by way of security for any debt. This includes your residential property.

4. A concise description of any trust in which you hold a beneficial interest or of which you are a trustee and a member of your family\* holds a beneficial interest.

5. Any other substantial interest (whether of a pecuniary nature or not) held by you or a member of your family of which you are aware and which you consider might appear to raise a material conflict between your private interests and your public duty as a Councillor, member of a special committee or nominated officer.

-----  
Signature of person making the return

-----  
Date

-----  
Signature of witness

-----  
Name of witness

---

\* A reference to *family* has the same meaning as *family member* has in section 78 of the *Local Government Act 1989*.

Print Form



## APPENDIX 2

*Local Government Act 1989*, Sections 81(2) and 81(5)  
Local Government (General) Regulations 2004, Regulation 7

### Ordinary Return

Notes - Please Read:

The Ordinary Interest Return captures:

1. Interests which you are required to register as prescribed in section 81(7) of the *Local Government Act 1989*.
2. If there is not sufficient space on this form for all of the information you are required to register, you may attach additional papers for that purpose. Each paper is to be signed, dated and witnessed in the same manner as this return.
3. Answer all questions and ensure your answers are clear and legible.

Period of Return

#### PERSON COMPLETING RETURN

Family name

Given names

#### COUNCIL

Name of Council

Name of Ward (*Councillors*)

Position

Insert details of the Registrable Interests you have held as at the date of this return\*:

1. **The name of any company or other body corporate or unincorporate in which you held an office as a director or otherwise.**

2. The name or description of any company or body in which you hold or have held a beneficial interest unless the total value of the interest does not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million.

3. The address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which you had any beneficial interest other than by way of security for any debt. This includes your residential property.

4. A concise description of any trust in which you hold a beneficial interest or of which you are a trustee and in which a member of your family\*\* held a beneficial interest.

5. Particulars of any gift of or above the amount or value of \$500 received by you, either directly or indirectly, other than:
- a gift received from a person who is a relative\*\*\* of yours; or
  - a gift received as hospitality as the Mayor, Councillor, a member of Council staff or a member of a special committee.

6. Any other substantial interest (whether of a pecuniary nature or not) held by you or a member of your family of which you are aware and which you consider might appear to raise a material conflict between your private interest and your public duty as a Councillor, member of a special committee of nominated officer.

-----  
Signature of person making the return

-----  
Date

-----  
Signature of witness

-----  
Name of witness

---

\* A reference to *return period* has the same meaning as *return period* has in section 81 of the *Act*.

\*\* A reference to *family* has the same meaning as *family member* has in section 78 of the *Act*.

\*\*\* A reference to *relative* has the same meaning as *relative* has in section 78 of the *Act*.

Print Form

## APPENDIX 3

### 10.1.1 LOCAL GOVERNMENT ACT 1989 - SECT 81

#### Register of interests

##### 81. Register of interests

(1) In this section-

nominated officer means the senior officers of the Council and any other member of the Council staff nominated by the Chief Executive Officer;

relative has the same meaning as relative has in section 78;

return period in relation to the ordinary return of a Councillor, member of a Special Committee or nominated officer means-

- (a) if the last return of the Councillor, member of a Special Committee or nominated officer was a primary return, the period between the date of the primary return and the date the ordinary return is submitted; or
- (b) if the last return of the Councillor, member of a Special Committee or nominated officer was an ordinary return, the period between the date of that return and the date the current ordinary return is submitted.

(2) A person who becomes a Councillor or a member of a Special Committee must submit a primary return in the prescribed form to the Chief Executive Officer within-

- (a) in the case of a Councillor-
  - (i) 30 days of election day; or
  - (ii) 7 days of making the oath of office of a Councillor; or
- (b) 30 days of becoming a member of a Special Committee.

Penalty: 60 penalty units.

(2A) A Council may exempt a member of a Special Committee who is not a Councillor from being required to submit a primary return or an ordinary return.

(2B) The Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.

(3) If a person is re-elected or reappointed upon completion of his or her term of office as a Councillor or member of a Special Committee, the Councillor or member of a Special Committee does not have to submit a new primary return.

(4) Any person who becomes a nominated officer must within 30 days of becoming a nominated officer submit a primary return in the prescribed form to the Chief Executive Officer.

Penalty: 60 penalty units.

(4A) Any person who becomes a nominated officer solely because of the amendment made to this Act by section 8 of the Local Government (Amendment) Act 1994 is deemed for the purposes of subsection (4) to have become a nominated officer on the date section 8 of that Act came into operation.

(5) A Councillor, a member of a Special Committee or a nominated officer must submit an ordinary return in the prescribed form to the Chief Executive Officer on-

- (a) 30 June or within 40 days after 30 June; and
- (b) 31 December or within 40 days after 31 December.

Penalty: 60 penalty units.

(6) A Councillor, a member of a Special Committee or a nominated officer must disclose the following information in the primary return as at the date of the primary return-

- (a) the name of any company or other body in which he or she holds any office whether as a director or otherwise;
- (b) the name or description of any company or body in which he or she holds a beneficial interest unless the total value of the interest does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million;
- (c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she has any beneficial interest other than by way of security for any debt;
- (d) a concise description of any trust in which he or she holds a beneficial interest or of which he or she is a trustee and a member of his or her family holds a beneficial interest;
- (e) any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a Councillor, a member of a Special Committee or nominated officer.

Penalty: 60 penalty units.

\* \* \* \* \*

(7) A Councillor, a member of a Special Committee or a nominated officer must disclose in an ordinary return the following information in relation to the return period-

- (a) if he or she has held an office whether as director or otherwise in any company or body, corporate or unincorporate-the name of the company or body;

- (b) the name or description of any company or body in which he or she holds or has held a beneficial interest unless the total value of the interest does or did not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million;
- (c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she had any beneficial interest other than by way of security for any debt;
- (d) a concise description of any trust in which he or she held a beneficial interest or of which he or she is a trustee and a member of his or her family held a beneficial interest;
- (e) particulars of any gift of or above the amount or value of the gift disclosure threshold received by him or her, either directly or indirectly, other than a gift received-
  - (i) from a person who is a relative of him or her; or
  - (ii) as hospitality at an event or function he or she attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a Special Committee;
- (f) any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a Councillor, member of a Special Committee or nominated officer.

Penalty: 60 penalty units.

\* \* \* \* \*

(9) The Chief Executive Officer must maintain a register of the interests of Councillors, members of Special Committees and nominated officers consisting of the last 3 returns that those Councillors, members and officers were required to submit under this section.

(10) The Chief Executive Officer must allow a person to inspect the register if that person has previously made written application to the Chief Executive Officer to do so and the application meets the requirements of the regulations.

(11) The register may be inspected at the office of the Council during normal office hours.

(12) The Chief Executive Officer must take all reasonable steps to ensure that no person other than a person who has made application has access to or is permitted to inspect the register or any return.

(13) A person must not publish any information derived from the register unless that information is a fair and accurate summary or copy of the information derived from the register.

(13A) The Chief Executive Officer must maintain a record of the names of persons who have inspected the register of interests under subsection (10).

(13B) A Councillor, a member of a Special Committee or a nominated officer, whose interests are recorded in the register may inspect the recorded names of people kept under subsection (13A) who have inspected his or her personal records.

(14) A member of Council staff must not, whether before or after he or she ceases to be so employed, make a record of, divulge or communicate to any person any information in relation to a matter dealt with by this section that is gained by or conveyed to him or her during his or her employment with the Council or make use of that information for any purpose other than the discharge of his or her official duties under this section.

Penalty: 60 penalty units.

\* \* \* \* \*

(16) As soon as practicable after a person ceases to be a Councillor or a member of a Special Committee or a nominated officer, the Chief Executive Officer must remove all the returns submitted by that person from the register.

Division 1B-Councillor Conduct Panels



**APPENDIX 4**

Print Form

FORM 3 – Application To Inspect Register Of Interests



**APPLICATION TO INSPECT REGISTER OF INTERESTS**

*Local Government Act 1989, Sections 81(10)*

Local Government (General) Regulations 2004, Regulation 8

**Please use block letters when completing this form**

Surname	<input type="text"/>	Given Names	<input type="text"/>
Address (inc. Post Code)	<input type="text"/>		
Telephone Number	<input type="text"/>	<i>Upon receipt of this form, you will be contacted to arrange a suitable time to view the register(s). Please bring identification.</i>	

I, the undersigned, apply under section 81(10) of the *Local Government Act 1989* to the Council of

**CITY OF BALLARAT**

to inspect the register of interests maintained under section 81 of the Act relating to:

Name of Councillor/s and/or Council Officer/s whose return/s are to be inspected	<input type="text"/>
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I, the undersigned understand that under section 81(13) of the *Local Government Act 1989* that I must not publish any information derived from the register unless that information is a fair and accurate summary or copy of the information derived from the register. I also understand that if I wish to take a copy of the requested interest return/s I will be charged 50c per A4 copy.

Signature	<input type="text"/>	Date	<input type="text"/>
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Once completed, please send this form to:  
**Chief Information Officer**  
**PO Box 655**  
**Ballarat, VIC 3353**  
**p: 5320 5543**  
**e: [governance@ballarat.vic.gov.au](mailto:governance@ballarat.vic.gov.au)**

*Upon receipt of this form, the applicant will be contacted to arrange a suitable time to view requested Register of Interest. The applicant must bring identification.*

Acknowledged by Chief Executive Officer	<input type="text"/>
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Office use only	<input type="text"/>	<input type="checkbox"/> Id sited
Date inspected	<input type="text"/>	