Department of Planning Housing and Infrastructure

Office of Local Government

The Model Code of Conduct for Councillors

June 2026

Acknowledgement of Country

The Department of Planning, Housing and Infrastructure, Office of Local Government acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this model code.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

The Model Code of Conduct for Councillors

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Introduction

The Model Code of Conduct for Councillors is made under section 440 of the *Local Government Act 1993* ("LGA") and the Local Government (General) Regulation 2021 ("the Regulation").

It has been designed to assist councillors to understand and comply with the standards of conduct that are expected of them as elected officials and to act in a way that enhances public confidence in their council.

Section 440 of the LGA requires every council (including rural and remote councils), county council and joint organisation to adopt a code of conduct for councillors that incorporates the provisions of the Model Code of Conduct for Councillors. A council's or joint organisation's adopted code of conduct for councillors may also include provisions that supplement the Model Code of Conduct for Councillors.

A council's or joint organisation's adopted code of conduct for councillors has no effect to the extent that it is inconsistent with the Model Code of Conduct for Councillors. However, a council's or joint organisation's adopted code of conduct for councillors may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct for Councillors.

It is the personal responsibility of every councillor to comply with their obligations under their council's code of conduct. Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

A separate Model Code of Conduct has been prescribed for council staff, delegates and non-councillor committee members.

Note: References in the Model Code of Conduct for Councillors to councils are also to be taken as references to rural and remote councils, county councils and joint organisations.

Note: In adopting the Model Code of Conduct for Councillors, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Where an administrator has been appointed to a council, the provisions of this code other than clauses 5.1 and 6.17 apply to the administrator in the same way it would a councillor.

Note: Nothing in this code is intended to or should be administered or applied so as to impose an unjustified burden on communication of governmental or political matters, having regard to the implied freedom of political communication recognised by the High Court of Australia as a constitutional limitation on governmental power.

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Dictionary

In this code the following terms have the following meanings:

binding caucus vote	a process whereby a group of councillors are compelled by a threat of disciplinary action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee
bullying	any behaviour in which a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and the behaviour creates a risk to health and safety
conduct	includes acts and omissions
council committee	any committee established by council that has councillors as members
councillor	any person elected or appointed to civic office, including the mayor and includes appointed and elected members of rural and remote councils, members and chairpersons of county councils, voting representatives of the boards of joint organisations and chairpersons of joint organisations
de facto partner	has the same meaning as in section 21C of the *Interpretation Act 1987*
delegate of council	a person (other than a councillor or member of staff of a council) or a committee or other body, and the individual members of that committee or body, to whom a function of the council is delegated
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as in the *Environmental Planning and Assessment Act 1979*
harassment	any form of behaviour towards a person that is not wanted by the person, that seriously humiliates or intimidates the person, and creates a hostile environment
LGA	*Local Government Act 1993*
local planning panel	a local planning panel constituted under the *Environmental Planning and Assessment Act 1979*
OLG	Office of Local Government
personal information	has the same meaning as in section 4 of the *Privacy and Personal Information Protection Act 1998*

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political donation	has the same meaning as in section 5 of the *Electoral Funding Act 2018*
the Regulation	the Local Government (General) Regulation 2021
relative	means any of the following: (i) a spouse or de facto partner (ii) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child (iii) a spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child (iv) the spouse or de facto partner of a person referred to in paragraphs (ii) and (iii)

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Part 1.

Application of this code

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Purpose

1.1 The purpose of this code is to prescribe the ethical and behavioural standards councillors must comply with. This code does not apply to the following:

(a) decisions or actions of the council,

(b) the making of a decision or exercise of a discretion or any other function, action or representation by a councillor in good faith, whether or not involving error,

(c) the exercise of a political or policy judgement,

(d) private conduct of a councillor that is not substantively related to their role as a councillor,

(e) the expression of an opinion unless involving other conduct that would, subject to clause 1.3, constitute a breach of this code,

(f) participation in political activities.

1.2 Expressions which are defined in the dictionary in this code have the meanings set out in the dictionary.

1.3 The provisions of this code must be interpreted and applied having regard to the implied freedom of political communication under the Australian Constitution.

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Part 2.

General conduct obligations

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General standards of conduct

2.1 Councillors must not intentionally or recklessly conduct themselves in a manner that:

(a) is contrary to law or a lawful council resolution that expressly applies to them,

(b) is improper or unethical,

(c) is an abuse of power, or

(d) involves the misuse of their position to obtain a private benefit.

2.2 Councillors must not improperly or unlawfully engage in intimidation, verbal abuse, harassment or bullying towards others.

2.3 Councillors must not improperly or unlawfully discriminate against others.

Work health and safety

2.4 Councillors must not fail to comply with any obligations that they have under the *Work Health and Safety Act 2011*.

Land use planning, development assessment and other regulatory functions

2.5 Councillors must take all reasonable and practicable steps to ensure that land use planning, development approval and other associated regulatory decisions are made properly, transparently and fairly to all parties, including applicants, objectors and other persons affected by decisions.

2.6 Councillors must take all reasonable and practicable steps to disclose all approaches made to them and other communications they have had in relation to any land use planning, development approval and other associated regulatory matters being considered by the council so that they may be considered when making a decision.

Binding caucus votes

2.7 Councillors must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

2.8 Clause 2.7 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter and agreeing to vote in a particular way.

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2.9 Clause 2.7 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

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Part 3.

Conflicts of interest

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When will a councillor have a conflict of interest in a matter?

3.1 A councillor will have a conflict of interest in a matter they are dealing with where:

(a) they have a pecuniary interest in the matter, or

(b) a reasonable person, knowing the relevant facts, would perceive that the councillor could be improperly influenced in the exercise of their functions in relation to the matter by:

(i) a private interest they have in the matter, or

(ii) an interest a person or organisation they have a very close relationship or affiliation with has in the matter, or

(c) they have a conflict of interest in the matter under clause 3.7 arising from the receipt of a political donation.

3.2 Councillors will not have a conflict of interest in a matter for the purposes of clause 3.1, if their private interests, or the interests of a person or organisation they have a very close relationship or affiliation with, will not be directly and materially affected by the exercise of their functions in relation to the matter.

3.3 The following interests will not give rise to conflicts of interest for the purposes of clause 3.1:

(a) personal or political views,

(b) religious beliefs or affiliations,

(c) political relationships or affiliations,

(d) participation in political activities or an affiliation with an organisation that engages in political activities, advocacy or campaigning,

(e) a political office held at a different level of Government,

(f) employment in the office of a State or Federal Minister unless the councillor has had a direct involvement in the particular matter before the council in the course of their employment,

(g) a relationship with a person that a reasonable person, knowing the relevant facts, would not regard as being very close,

(h) an affiliation with or membership of an organisation unless the councillor is a member of the governing body or management of the organisation,

(i) voluntary work with community organisations that is not remunerated,

(j) the exercise of their functions as a councillor,

(k) membership of an external body as the council's representative, unless the interests of the council and the external body are potentially in conflict in relation to the matter the council is dealing with.

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Note: Councillors are elected from and by the local community to bring to the council's decision-making process their knowledge of human affairs, community activities, and community priorities acquired as a member of that community and through their participation in community activities - often through their involvement in sporting, educational, religious, charitable and benevolent organisations. Likewise, simply knowing someone or having social interaction with a person that a councillor knows in the local community is not regarded as a "very close relationship".

Councillors should be able to apply that knowledge to the decision-making of council, provided those decisions are not improperly influenced by either pecuniary or private interests that place a private interest ahead of the public interest.

What is a pecuniary interest?

3.4 Councillors will have a pecuniary interest in a matter they are dealing with where there is a reasonable likelihood or expectation of appreciable financial gain or loss to:

(a) the councillor,

(b) the councillor's relative,

(c) the councillor's partner or employer, or

(d) a company or other body of which the councillor, or their nominee, partner or employer, is a shareholder or member.

3.5 A councillor will not have a pecuniary interest in relation to a person referred to in paragraphs (b) to (d) of clause 3.4:

(a) if they are unaware of the relevant pecuniary interest, or

(b) the person is a member of, or is employed by a council or a statutory body, or is employed by the Crown, or

(c) the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

3.6 Councillors will not have a pecuniary interest in a matter if the relevant interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision they might make in relation to the matter.

Conflicts of interest arising from the receipt of a political donation

3.7 If a councillor has received or knowingly benefitted from a political donation of or above $1,000 made by a donor in New South Wales or in another jurisdiction in the previous four years, they will have a conflict of interest in any matter the donor has before the council.

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Applying the conflict of interest test

3.8 When determining whether a councillor has a conflict of interest in a matter for the purposes of clause 3.1, the following questions will be relevant:

(a) **Does the councillor or a person referred to in clause 3.4 have a pecuniary interest in the matter for the purposes of that clause?**

If the answer to this question is yes, the councillor will have a conflict of interest in the matter for the purposes of clause 3.1.

(b) **Does the councillor have a private interest in the matter that will be directly and materially affected by a decision in relation to the matter?**

If so, would a reasonable person, with knowledge of all the relevant facts, perceive that the councillor could be improperly influenced by that interest when dealing with the matter?

If the answer to both these questions is yes, unless the affected interest is of a type referred to in clause 3.3, the councillor will have a conflict of interest in the matter for the purposes of clause 3.1.

(c) **Considering paragraphs (g) and (h) of clause 3.3, does the councillor have a very close relationship or affiliation, with a person or organisation whose interests will be directly and materially affected by a decision in relation to the matter?**

If so, would a reasonable person, with knowledge of all the relevant facts, perceive that the councillor could be improperly influenced by that relationship or affiliation when dealing with the matter?

If the answer to both these questions is yes, unless the affected interest is of a type referred to in clause 3.3, the councillor will have a conflict of interest in the matter for the purposes of clause 3.1.

(d) **Is the affected interest one of the types referred to in clause 3.3?**

If the answer to this question is yes, the councillor will not have a conflict of interest in the matter for the purposes of clause 3.1.

(e) **Has the councillor received or knowingly benefitted from a political donation of or above $1,000 in New South Wales or in another jurisdiction in the previous four years from the person who has the matter before the council?**

If the answer to this question is yes, the councillor will have a conflict of interest in the matter for the purposes of clause 3.1.

Management of conflicts of interest

3.9 If a councillor has a conflict of interest in any matter being considered at a council or committee meeting, they must disclose the nature of the interest to the meeting as soon as

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practicable and must not be present at any time while the matter is being considered or vote on the matter, nor discuss the matter with another councillor.

3.10 A disclosure made at a meeting of the council or a council committee must be recorded in the minutes of the meeting.

3.11 A councillor is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because they have an interest in the matter of a kind referred to in clause 3.16.

3.12 A councillor will not breach clause 3.9 if they did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a conflict of interest.

3.13 Despite clause 3.9, a councillor may participate in a decision to delegate consideration of a matter in which they have a conflict of interest to another body or person.

3.14 A councillor must also disclose conflicts of interests they have in any matters they deal with outside of council and committee meetings in writing to the general manager as soon as practicable by identifying the nature of the interest.

3.15 Where a councillor has a conflict of interest in a matter that arises outside of a council or committee meeting, they must not have any involvement in the matter but may refer the matter to another councillor or to the general manager. A councillor should not seek to influence any action by the person the matter is referred to.

What interests do not have to be disclosed?

3.16 A councillor does not have to disclose the following interests for the purposes of this Part:

(a) their interest as an elector,

(b) their interest as a ratepayer or person liable to pay a charge,

(c) an interest they have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code,

(d) an interest they have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to their relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code,

(e) an interest they have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

(f) an interest they have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because their relative is a shareholder (but not a director) of the corporation, or is a

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member (but not a member of the committee) of the association, or is a partner of the partnership,

(g) an interest they have arising from the making by the council of any contract or agreement with their relative, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area,

(h) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),

(i) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,

(j) an interest arising from the payment of the remuneration of a council employee who is a councillor's relative,

(k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor,

(l) an interest arising from an appointment to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable.

Avoidance of loss of quorum as a result of compliance with this Part

3.17 A councillor may participate in the consideration of a matter at a meeting in which they have a conflict of interest for the purposes of this Part if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

(b) the conflict of interest arises only because of an interest the councillor or another person have/has in their principal place of residence, and

(c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in writing before the commencement of the meeting.

3.18 A written disclosure made under clause 3.17(c) must be laid on the table at the meeting as soon as practicable after the disclosure is made and the council notified of the disclosure at the meeting. The information contained in the disclosure is to be recorded in the minutes of the meeting.

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3.19 The Minister for Local Government may, conditionally or unconditionally, allow a councillor who is precluded from participating in the consideration of a matter because of a conflict of interest to take part in the consideration of the matter if the Minister is of the opinion:

(a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

(b) that it is in the interests of the electors for the area to do so.

Note: Clause 3.19 reflects the power conferred on the Minister under section 370A of the LGA to permit councillors with a pecuniary interest in a matter to participate in consideration and voting on the matter in certain circumstances and expands that power to include all types of conflicts of interest.

3.20 Where the Minister exempts a councillor from complying with a requirement under this Part under clause 3.19, they must still disclose any interests they have in the matter the exemption applies to in accordance with this code.

Disclosure of interests in written returns

3.21 Within 1 month of their election, a councillor must lodge an interest disclosure return with the general manager in the form set out in Schedule 2 to this code containing the disclosures required by Schedule 1.

3.22 A councillor must lodge a further interest disclosure return with the general manager within 1 month if:

(a) a matter disclosed, or required to be disclosed by Schedule 1 changes, or

(b) a matter required to be disclosed by Schedule 1 arises, or

(c) they become aware of a mistake in an interest disclosure return they have lodged.

3.23 When lodging a further interest disclosure return under clause 3.22 about a matter or mistake, a councillor must complete only the part of the interest disclosure return that relates to the matter or mistake.

3.24 A councillor may also lodge an interest disclosure return with the general manager if they wish to make a discretionary disclosure.

3.25 A councillor must not lodge an interest disclosure return that they know or ought reasonably to know is false or misleading in a material particular.

3.26 The general manager must keep an electronic register of the disclosures made by councillors under clauses 3.21, 3.22 and 3.24 and update the register as soon as practicable after an interest disclosure return is lodged.

3.27 The register is to be kept in 2 parts, being:

(a) a part (the publicly available part) containing disclosures relating to councillors made in Part A of an interest disclosure return,

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(b) a part (the confidential part) containing disclosures made in Part B of an interest disclosure return relating to the addresses of parcels of real property relating to councillors that are the principal or secondary places of residence of a councillor or a relative or tenanted real property.

3.28 The general manager must publish a searchable copy of the publicly available part of the register on council's website.

3.29 The confidential part of the register must be kept confidential to protect the privacy and safety of persons occupying real property required to be disclosed under this code.

3.30 A councillor must, within 1 month of each 30 June, lodge an annual declaration with the general manager in the form set out in Schedule 3 to this code, stating that the register as at 30 June, to the best of their knowledge:

(a) accurately compiles the information lodged in their interest disclosure returns, and

(b) contains all the information required to be disclosed under Schedule 1 of this code.

3.31 A councillor is not required to lodge an annual declaration with the general manager under clause 3.30 if they lodged their first interest disclosure return under clause 3.21 in the 6 months before 30 June in the same year.

Personal dealings with council

3.32 A councillor may have reason to deal with the council in their personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). A councillor must undertake any personal dealings they have with the council in a manner that is consistent with the way other members of the community deal with the council.

3.33 A councillor must not expect or request preferential treatment from the council in relation to any matter in which they have a private interest because of their position.

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Part 4.

Personal benefits

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What is a gift or benefit?

4.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a councillor, or someone personally associated with them, for personal use and enjoyment.

4.2 A reference to a gift, benefit or hospitality in this Part does not include:

(a) items or hospitality of token value,

(b) a political donation for the purposes of the Electoral Funding Act 2018,

(c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of a councillor or someone personally associated with them,

(d) a benefit or facility provided to a councillor by the council,

(e) attendance by a councillor at a councillor-related event or function substantially in their capacity as a councillor, or

(f) free or subsidised meals, beverages or refreshments provided to councillors in conjunction with the performance of their official duties such as, but not limited to:

(i) the discussion of official business,

(ii) councillor-related events, (whether council-sponsored or a community event), training, education sessions or workshops,

(iii) conferences,

(iv) council functions or events,

(v) social functions organised by community groups such as, but not limited to, sporting, social, religious, cultural, political, educational or business organisations.

How are offers of gifts and benefits to be dealt with?

4.3 A councillor may be offered gifts, hospitality and other benefits. While gifts, hospitality and other benefits may be offered as an expression of gratitude, they may also be offered to improperly influence a councillor in the exercise of their functions.

4.4 A councillor must not:

(a) intentionally solicit any gift, benefit or hospitality,

(b) accept any gift, benefit or hospitality that may create a sense of obligation or that may be perceived to be intended or likely to influence them in carrying out their functions,

(c) accept gifts, benefits or hospitality with a market value that exceeds $300,

(d) accept an offer of cash or a cash-like gift, regardless of the amount,

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(e) accept a gift, benefit or hospitality from a property developer within the meaning of Division 7 of Part 3 of the Electoral Funding Act 2018 or a close associate of a property developer within the meaning of section 53 of that Act.

4.5 Where a councillor receives a gift, benefit or hospitality of any value other than one referred to in clause 4.2, they must disclose this promptly to the general manager in writing, in a form agreed to between the councillor and the general manager.

4.6 Where a councillor receives a gift or benefit that exceeds $300 in value that cannot reasonably be refused or returned without causing offence, they must donate the gift or benefit to a charity, or benevolent institution, or a community not for profit organisation, or surrender it to the council, (unless the nature of the gift or benefit makes this impractical), and report the action they have taken to the general manager in writing.

Improper and undue influence

4.7 A councillor must not use their position to obtain a personal benefit for themselves or seek to improperly influence another council official to obtain a private benefit for themselves or for someone else.

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Part 5.

Interactions with council staff

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Councillor interaction with staff

5.1 A councillor must not:

(a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA or any other functions delegated to them by the council,

(b) seek to improperly or unlawfully influence a member of staff or a delegate of the council in the exercise of their functions,

(c) improperly contact a member of staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff approved by the council in consultation with the general manager,

(d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor exercising their functions under section 226 of the LGA or any other functions delegated to them by the council.

5.2 Clause 5.1 does not apply to an administrator who has been appointed to the council where they are lawfully exercising their functions under the LGA.

5.3 Despite clause 5.1, a councillor may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

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Part 6.

Access to information and resources

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Councillors' access to information

6.1 The mayor and general manager must ensure councillors receive all the information necessary to effectively perform their official functions.

6.2 Councillors who have a private interest only in council information have the same rights of access to that information as any member of the public.

6.3 Subject to clause 6.4, information provided to a councillor in the performance of their official functions must also be made available to any other councillor who requests it and must be provided to all councillors if it concerns a matter being considered at a meeting of the council or a council committee.

6.4 A councillor who has a conflict of interest in a matter the council is dealing with must not request or be provided with information relating to that matter unless the information is otherwise available to members of the public or where it is requested in accordance with clause 6.2.

6.5 Where the mayor, general manager or a member of staff refuses to provide information requested by a councillor, they must give reasons for their decision in writing.

6.6 Councillors must:

(a) only access council information that is not otherwise publicly available that is needed to perform their official functions,

(b) not use council information that is not otherwise publicly available for private purposes,

(c) not seek or obtain, either directly or indirectly, any financial benefit or other unlawful or improper advantage for themselves, or any other person or body, from any information to which they have access by virtue of their office with council,

(d) only release council information that is not otherwise publicly available in accordance with established council policies and procedures and in compliance with relevant legislation or according to law,

(e) only use confidential information for the purpose for which it is intended to be used,

(f) not permit the disclosure or improper use of confidential information in their possession,

(g) not intentionally disclose any confidential information discussed in a closed part of a council or committee meeting or any other confidential forum unless the information has previously been made publicly available by the council.

Personal information

6.7 When dealing with personal information a councillor must comply with:

(a) the Privacy and Personal Information Protection Act 1998,

(b) the Health Records and Information Privacy Act 2002,

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(c) the Information Protection Principles and Health Privacy Principles,

(d) the council's privacy management plan,

(e) the Privacy Code of Practice for Local Government.

Use of council resources

6.8 A councillor may use council resources provided for their civic duties as determined by the councillor.

6.9 Intermingling of council and private use of resources cannot always be easily avoided. Private use of resources can only occur if it is incidental to civic use.

6.10 The council may recover the cost of private use from a councillor should the council determine to do so.

6.11 A councillor must not improperly permit the misuse of council resources by any other person or body.

6.12 Despite clause 6.8, a councillor must not use council resources (including council staff), property or facilities for the purpose of assisting an election campaign unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

Internet access

6.13 A councillor must not use council devices contrary to law or council policies.

Council record keeping

6.14 A councillor should be mindful of their obligation to manage all information created, sent and received in accordance with the requirements of the *State Records Act 1998*.

6.15 A councillor must not destroy, alter, or dispose of council information or records contrary to the requirements of the *State Records Act 1998*.

Councillor access to council buildings

6.16 Councillors are entitled to have access to the council chamber, committee rooms, councillors' rooms, and other areas that the council may from time to time determine.

6.17 Councillors other than the mayor must only enter staff-only areas of council buildings where permitted to do so by the policy and procedures governing the interaction of

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councillors and council staff approved by the council in consultation with the general manager.

6.18 Clause 6.17 does not apply to an administrator who has been appointed to the council where they are lawfully exercising their functions under the LGA.

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Part 7.

Maintaining the integrity of this code

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Complaints made for an improper purpose

7.1 A councillor must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

7.2 For the purposes of clause 7.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

(a) to bully, intimidate or harass another council official,

(b) to damage another council official's reputation,

(c) to obtain a political advantage,

(d) to influence the council or a council official in the exercise of their functions or to prevent or disrupt the exercise of those functions,

(e) to avoid disciplinary action,

(f) to take reprisal action against a person who has made a complaint alleging a breach of this code or who has dealt with a complaint.

7.3 A breach of clause 7.1 may constitute "misconduct" for the purposes of the LGA. Section 435(2) of the LGA allows the Departmental Chief Executive of OLG to surcharge a councillor, the general manager or any other member of staff the amount of any deficiency or loss incurred by the council as a consequence of their making a complaint for an improper purpose in breach of clause 7.1.

Disclosure of information about code of conduct complaints

7.4 All allegations of breaches of this code or the code of conduct for council staff, delegates and committee members must be made and dealt with in accordance with the applicable procedures. A councillor should not allege breaches of this code or the code of conduct for council staff, delegates and committee members other than by way of a complaint made or initiated under the applicable procedures.

7.5 A councillor must not disclose or publish information about alleged code of conduct breaches until such time as they have been determined in accordance with the applicable procedures except for the purposes of seeking legal advice or in accordance with the law.

7.6 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 2022*.

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Schedule 1.

Interests and other matters to be disclosed in an interest disclosure return

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Part 1 Preliminary

1.1 Interpretation

(a) A reference in this Schedule to a disclosure about real property, income, a corporation or another thing includes a reference to a disclosure about real property situated, income derived, a corporation incorporated, or another thing arising or received outside New South Wales.

(b) For this Schedule, gifts or contributions to travel given, loans made, or goods or services supplied to a councillor by two or more corporations that are, for section 50 of the *Corporations Act 2001* of the Commonwealth, related to each other, are taken to have been given, made or supplied by a single corporation.

(c) A reference in this Schedule to a description that is reasonably sufficient to identify a matter is a reference to a description that would enable a reasonable person to identify the nature or kind of matter.

1.2 Dictionary

For the purposes of the schedules to this code, the following terms have the following meanings:

address	in relation to a person other than a corporation, the last residential or business address of the person known to the councillor disclosing the address, or in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no office in New South Wales, the address of the principal office of the corporation in the place in which it is incorporated, or in relation to real property, the street address of the property.
debt	a debt arising from a loan of money or the supply of goods or services.

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disposition of property	a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes the following: (a) the allotment of shares in a company, (b) the creation of a trust in relation to property, (c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in relation to property, (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in relation to property, (e) the exercise by a person of a general power of appointment over property in favour of another person, (f) a transaction entered into by a person with the intent to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
donor	a person who makes a gift.
gift	a disposition of property by a person to another person, otherwise than by will, that is a disposition without consideration in money or money's worth or with inadequate consideration but does not include a financial or other contribution to travel.
immediate family member	the spouse, de facto partner or a dependent child of the person making a return.
income	assessable income within the meaning of the *Income Tax Assessment Act 1936* of the Commonwealth or the *Income Tax Assessment Act 1997* of the Commonwealth but does not include the payment of a councillor's fee, or an expense or facility under the LGA.
interest	(a) in relation to property, an estate, interest, right or power, whether at law or in equity, in or over the property, or (b) in relation to a corporation, a relevant interest, within the meaning of the *Corporations Act 2001* of the Commonwealth, in securities issued or made available by the corporation.
listed corporation	a listed corporation within the meaning of the *Corporations Act 2001* of the Commonwealth
occupation	includes a trade, profession or vocation

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political party	a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the election of a candidate or candidates endorsed by it or by a body or organisation of which it forms part.
professional or business association	a body or organisation, whether incorporated or unincorporated, having as one of its objects or activities the promotion of the economic interests of its members in an occupation.
property	includes money.
relative	has the same meaning as in the dictionary to this code.
securities	has the same meaning as in section 92(1) of the *Corporations Act 2001* of the Commonwealth.
tenanted	occupied under a residential tenancy agreement.
tenanted real property	a parcel of real property that is occupied by a tenant under a residential tenancy agreement.
travel	includes accommodation incidental to a journey.
water access licence	an access licence within the meaning of the *Water Management Act 2000*.

Part 2 General disclosures

2.1 Real property

(a) A councillor must disclose:

(i) the address of each parcel of real property, in or outside of Australia, in which they have an interest, and

(ii) the nature of the interest in the parcel of real property.

(b) A councillor may provide the following information about a parcel of real property in which they have an interest as an alternative to disclosing the address of the parcel if the parcel is used by them or a relative for residential purposes or it is tenanted:

(i) a statement that the parcel is, for the councillor or their relative, the principal place of residence, or a secondary place of residence, or

(ii) a statement that the parcel is tenanted, and

(iii) the location of the parcel by suburb or area.

(c) If a councillor discloses the location of a parcel of real property in which they have an interest by suburb or area instead of the address, they must disclose the address of the parcel in Part B of the interest disclosure return.

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(d) A councillor is not required to disclose an interest in a parcel of real property if:

(i) they have the interest only in their capacity as the executor or administrator of the estate of a deceased person, and they are not a beneficiary under the will or intestacy, or

(ii) they have the interest only in their capacity as a trustee, and acquired the interest in the ordinary course of their occupation that is not related to their duties as a councillor, or

(iii) the interest in the parcel of real property is disclosed under clause 2.2 of this schedule.

2.2 Trusts

(a) A councillor must disclose a trust if they or an immediate family member has a beneficial interest in the trust, including a mere expectancy as a beneficiary of a discretionary trust, or are a trustee of the trust.

(b) The following information must be disclosed about the trust:

(i) the name of the trust,

(ii) a description of the activities of the trust,

(iii) the nature of the interest the councillor or their immediate family member has in the trust,

(iv) the interests held by the trust, including interests in real property and investments.

(c) A councillor is not required to disclose a trust if they or their immediate family member are a trustee:

(i) as the executor or administrator of the estate of a deceased person and are not a beneficiary under the will or intestacy, or

(ii) in the ordinary course of their occupation that is not related to the councillor's duties as a councillor.

(d) To avoid doubt:

(i) trusts that are superannuation funds, whether public or self-managed, and listed investment trusts must be disclosed under this clause, but

(ii) for a public superannuation fund where the councillor or their immediate family member has not elected to invest the interest in particular assets or classes of assets, a councillor is not required to disclose a description of the activities of the trust under paragraph (b)(ii) or the interests held by the trust under paragraph (b)(iv).

(e) A councillor may give the following information about a parcel of real property in which a trust has an interest as an alternative to disclosing the address of the parcel if the parcel is used by them or a relative for residential purposes or is tenanted:

(i) a statement that the parcel is, for the councillor or their relative the principal place of residence, or a secondary place of residence, or

(ii) a statement that the parcel is tenanted, and

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(iii) the location of the parcel by suburb or area.

(f) If a councillor discloses the location of a parcel of real property in which a trust has an interest instead of disclosing the address, they must disclose the address of the parcel in Part B of the interest disclosure return.

2.3 Interests and positions in corporations

(a) A councillor must disclose the following:

(i) the name and address of each corporation in which they have an interest or hold a position, whether remunerated or not,

(ii) the nature of the interest, or a description of the position held, in each named corporation,

(iii) except for a listed corporation, a description of the principal objects of each named corporation.

(b) A councillor is not required to disclose an interest or position held in a corporation if the corporation is:

(i) formed to provide recreation or amusement, to promote commerce, industry, art, science, religion or charity or for another community purpose, and

(ii) required to apply its profits, if any, or other income in promoting its objects, and

(iii) prohibited from paying dividends to its members.

(c) A councillor is not required to disclose a matter they would otherwise be required to disclose under this clause if they have already made a disclosure about the matter when making a disclosure for another clause in this Schedule.

2.4 Positions in trade unions and professional or business associations

(a) A councillor must disclose:

(i) the name of each trade union and each professional or business association in which they hold a position, whether remunerated or not, and

(ii) a description of the position held in each named union or association.

2.5 Debts

(a) A councillor must disclose the name and address of each person to whom they are liable to pay a debt.

(b) A councillor must disclose a liability to pay a debt whether or not the amount, or a part of the amount, to be paid is immediately due and payable or is due and payable at another time.

(c) A councillor is not required to disclose a liability to pay a debt if the amount to be paid is not greater than $500 during the current term of council unless:

(i) the debt is one of two or more debts they are liable to pay to one person, and the amounts to be paid are greater than $500 in total, or

(ii) they are liable to pay the debt to a relative, or

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(iii) for a debt arising from a loan of money, they are liable to pay the debt to a bank, building society, credit union or other person whose ordinary business includes lending money, and the loan was made in the ordinary course of business of the lender, or

(iv) for a debt arising from the supply of goods or services, if the period since the goods or services were supplied is not greater than 12 months, or the goods or services were supplied in the ordinary course of the councillor's occupation that is not related to their duties as a councillor.

2.6 Sources of income

(a) A councillor must disclose the following sources of income exceeding $500 in a financial year:

(i) each source of income they have received since the last ordinary council election,

(ii) each source of income they reasonably expect to receive during the remainder of the council term.

(b) In paragraph (a), a reference to each source of income is a reference to:

(i) for income from being an employee of another person, including an employee of a corporation:

I. the name of the occupation in which the councillor is engaged, and

II. a description that is reasonably sufficient to identify the kinds of services provided, or to be provided, for the income, and

III. the name and address of the councillor's employer, and

(ii) for income from being the holder of another office, including the holder of an office in a corporation or other body:

I. the name or title of the office the councillor holds, and

II. a description that is reasonably sufficient to identify the kinds of services provided, or to be provided, for the income, and

III. for an office held in a corporation or other body, the name and address of the corporation or body, and

(iii) for income from a partnership the councillor has entered into with other persons:

I. the name of the occupation, if any, in which the councillor is engaged, and

II. a description that is reasonably sufficient to identify the kinds of services provided, or to be provided, for the income, and

III. the name, if any, under which, and the address from which, the partnership is conducted, and

(iv) for income for a service provided under another kind of contract, agreement or arrangement:

I. the name of the occupation, if any, in which the councillor is engaged, and

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II. a description that is reasonably sufficient to identify the service provided, and

III. the name and address of the person from whom the income was, or is reasonably expected to be, received, and

(v) for income from a trust, the name and address of the settlor and the trustee, and

(vi) for other income, a description that is reasonably sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

(c) Without limiting paragraph (b), a disclosure required by paragraph (a) must include a description that is reasonably sufficient to identify the business carried on by the employer, body or other party to the contract or agreement if:

(i) the source of income was, or is reasonably expected to be, received:

I. from the councillor's employer, including if the employer is a corporation, or

II. for an office the councillor holds in a body, including if the body is a corporation, or

III. under a contract or another agreement, and

(ii) the councillor knows the source of income was, or is reasonably expected to be, received for the provision of a service involving the use of their position as a councillor.

2.7 Gifts

(a) A councillor must disclose a description of each gift they have received and the name and address of the donor of each gift.

(b) A councillor is not required to disclose a gift if:

(i) the amount of the gift was not greater than $500, unless the gift was one of two or more gifts made by one person during a 12-month period, and the amount of the gifts was greater than $500 in total, or

(ii) the gift was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or

(iii) the donor was the councillor's relative.

(c) For this clause, the amount of a gift comprising property other than money is an amount equal to the value of the property.

2.8 Contributions to travel

(a) A councillor must disclose:

(i) the name and address of each person who made a financial or other contribution to travel they have undertaken during the current council term, and

(ii) the dates on which the travel was undertaken, and

(iii) the name of each State, Territory and foreign country in which the travel was undertaken.

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(b) A councillor is not required to disclose a financial or other contribution to travel they have undertaken if:

(i) the contribution was made by the council for purposes related to the councillor's duties as a councillor, or

(ii) the contribution was made from public funds, including a contribution arising from travel on free passes issued under an Act or from travel in government vehicles, or

(iii) the contribution was made by a relative, or

(iv) the contribution was made in the ordinary course of the councillor's occupation that is not related to their duties as a councillor, or

(v) the amount of the contribution was not greater than $250, unless the contribution was one of two or more contributions made by one person during a 12-month period, and the amount of the contributions was greater than $250 in total, or

(vi) the contribution was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or

(vii) the contribution was made by a political party the councillor is a member of, and the travel was undertaken for the political activity of the party in New South Wales, or to enable the councillor to represent the party in Australia.

(c) For this clause, the amount of a contribution, other than a financial contribution, is an amount equal to the value of the contribution.

2.9 Dispositions of certain interests

(a) A councillor must disclose particulars of each disposition of a relevant interest by them if they kept, wholly or in part the use and benefit of the interest, or the right to reacquire the interest at a later time.

(b) A councillor must disclose particulars of each disposition of property by another person under arrangements made by them if they kept, wholly or in part, the use and benefit of the property.

(c) In this clause, a "relevant interest" means an interest the councillor has that would, but for the disposition of the interest, be required to be disclosed under this code.

2.10 Water access licences

(a) A councillor must disclose the water access licence number of each water access licence in which they have an interest, and the nature of the interest in the water access licence.

(b) A councillor is not required to disclose an interest in a water access licence if they have the interest only in their capacity as the executor or administrator of the estate of a deceased person, and they are not a beneficiary under the will or intestacy.

2.11 Interests as a property developer or a close associate of a property developer

(a) A councillor must disclose whether they are a property developer, or a close associate of a corporation that, or an individual who, is a property developer.

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(b) In this clause:

(i) "close associate", in relation to a corporation or an individual, has the same meaning as in section 53 of the Electoral Funding Act 2018, and

(ii) "property developer" has the same meaning as in Division 7 of Part 3 of the Electoral Funding Act 2018.

Part 3 Discretionary disclosures

3.1 Discretionary disclosures generally

(a) A councillor may, at their discretion, disclose in an interest disclosure return a direct or indirect benefit, advantage, liability or other matter, whether pecuniary or not, that:

(i) is not required to be disclosed by another provision in this schedule, and they consider may appear to raise a conflict between their private interest and their public duty as a councillor, or

(ii) otherwise wish to disclose.

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Schedule 2.

Interest disclosure return form

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Important information

The information collected in this return will be kept by the general manager in an electronic register in two parts:

- a publicly available part containing disclosures made in Part A of the return, and
- a confidential part containing disclosures made in Part B of the return relating to addresses of parcels of real property used by you or a relative for residential purposes or that are tenanted.

A searchable copy of the publicly available part of the register will be published on council's website. The confidential part of the register must be kept confidential to protect the privacy and safety of persons occupying real property disclosed in the return.

You have an obligation to keep the information contained in this return up to date. You must lodge a further interest disclosure return with the general manager within 1 month if:

- a matter disclosed, or required to be disclosed in the return changes, or
- a matter required to be disclosed in the return arises, or
- you become aware of a mistake in an interest disclosure return you have lodged.

You may also lodge an interest disclosure return with the general manager if you wish to make a discretionary disclosure.

When lodging a further interest disclosure return, you must complete only the part of the interest disclosure return that relates to the matter or mistake.

You must not lodge an interest disclosure return that you know or ought reasonably to know is false or misleading in a material particular.

Directions

1. This return must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
3. If there are no relevant interests or other matters of the kind required to be disclosed under a heading in this return, the word "NIL" is to be placed in an appropriate space under that heading.

Disclosure of interests and other matters by:

_____	**as at**	_____
(full name of councillor)		**(return date)**
		_____
		(councillor's signature)

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Part A – Disclosures relating to councillor – to be made publicly available

Section 1. Real Property

Address of parcel of real property	Nature of interest

Direction

You may provide the following information about a parcel of real property in which you have an interest as an alternative to disclosing the address of the parcel if the parcel is used by you or a relative for residential purposes or is tenanted:

- a statement that the parcel is, for you or your relative, the principal place of residence, or a secondary place of residence, or
- a statement that the parcel is tenanted, and
- the location of the parcel by suburb or area.

If you disclose the location of the parcel by suburb or area instead of the address, you must disclose the address in Part B of this return

Section 2. Trusts

Name of trust	Description of activities of trust	Nature of interest in trust	Interests held by trust

Direction

You may provide the following information about a parcel of real property in which a trust has an interest as an alternative to disclosing the address of the parcel if the parcel is used by you or your relative for residential purposes or is tenanted:

- a statement that the parcel is, for you or your relative, the principal place of residence, or a secondary place of residence, or
- a statement that the parcel is tenanted, and
- the location of the parcel by suburb or area.

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If you disclose the location of the parcel by suburb or area instead of the address, you must disclose the address in Part B of this return.

Section 3. Interests and positions in corporations

Name and address of corporation	Nature of interest or description of position held	Description of principal objects of the corporation, if the corporation is not a listed corporation

Section 4. Positions in trade unions and professional or business associations

Name of union or association and description of position held

Section 5. Debts

Disclosure of information about debts

Section 6. Sources of income

6.1 Income from employment, offices, partnerships and services

Table 6.1.1 Income received as employee

Name of occupation	Description of kinds of services provided	Name and address of employer	Description of business carried on by employer, if services provided relate to your position as a councillor

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Table 6.1.2 Income received as a holder of office

Name or title of office and description of kinds of services provided	Name and address of corporation or body, if any, in which office is held	Description of business carried on by entity, if services provided relate to your position as a councillor

Table 6.1.3 Income from partnership

Name of occupation, if any	Description of kinds of services provided	Name and address of partnership	Description of business carried on by partnership, if services provided relate to your position as a councillor

Table 6.1.4 Income from services provided under another contract, agreement or arrangement

Name of occupation, if any, and description of services provided	Name and addresses of parties to contract, agreement or arrangement to provide services	Description of business carried on by other parties, if services provided relate to your position as a councillor

6.2 Income from trust

Name and address of settlor	Name and address of trustee

6.3 Other income

Disclosure of information about other income

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Section 7. Gifts

Description of gift received	Name and address of donor

Section 8. Contributions to travel

Name and address of person who made contribution to travel	Dates of travel	Places of travel (name State, Territory or country)

Section 9. Dispositions of interests

Disclosure of dispositions of interests

Section 10. Water access licenses

Water access license number	Nature of interest

Section 11. Are you a property developer or a close associate of one?

☐ Yes	☐ No

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Section 12. Discretionary disclosures

Disclosures that are discretionary - general

Part B – Disclosures relating to real property that is used for residential purposes or tenanted

Section 1. Real property

Address of parcel of real property	Nature of interest

Direction

If in Part A of this return, you have disclosed the location of a parcel of real property in which you have an interest that is used by you or a relative for residential purposes or that is tenanted by suburb or area as an alternative to disclosing the address of the parcel, you must disclose the address of the parcel in this section.

Section 2. Trusts

Name of trust	Description of activities of trust	Nature of interest in trust	Interests held by trust

Direction

If in Part A of this return, you have disclosed the location of a parcel of real property in which a trust has an interest that is used by you or a relative for residential purposes or that is tenanted by suburb or area as an alternative to disclosing the address of the parcel, you must disclose the address of the parcel in this section.

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Schedule 3.

Annual declaration form

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Annual declaration form

Important information

Councillors have an obligation to continuously update the register of their interests kept by the general manager. The following declaration must be lodged with the general manager within 1 month of each 30 June.

Annual declaration – councillor

The register maintained by the general manager of **[insert name of council]** as at 30 June this year, to the best of my knowledge:

(a) accurately compiles the information lodged in my interest disclosure returns, and

(b) contains all the information required to be disclosed by me under [insert name of council]'s code of conduct.

_____	**as at**	_____
(full name of councillor)		**(declaration date)**
		_____
		(councillor's signature)

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Department of Planning, Housing and Infrastructure
Office of Local Government

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