

Register of Interests

A councillor's Register of Interests is important for transparency.

Under Section 171B of the *Local Government Act 2009*, councillors are required to inform their Chief Executive Officer of their interests, and any changes to those interests, within 30 days. It is also a councillor's responsibility to inform the CEO of their related person's interests.

Failure to comply with this obligation is an offence, which the OIA has jurisdiction to prosecute in the Magistrates Court.

The OIA has identified a number of risk areas for councillors in relation to their Register of Interests:

Item 12 of the approved form - total value of gifts more than \$500

- Item 12 of the approved form requires the particulars of each gift, or all gifts totaling, more than \$500 in amount or value.
- Councillors should be aware that this requires councillors to consider the cumulative effect of gifts given by the same donor at different points in time.
- A gift which is less than \$500 in amount or value would not be required to be disclosed in this part of the form, however, if the same donor gives another gift and the total value then exceeds \$500, the particulars of those gifts, must be disclosed in Item 12. Gifts from a previous term of office must be included in the calculation.

Item 17 of the approved form – other financial or non-financial interests

- Item 17 relates to interests, which are financial or non-financial, of which the person is aware and that raises, appears to raise, or could raise, a conflict between the person's duty under the Act and the holder of the interest.
- Item 17 has a broad scope. For this reason, councillors are urged to carefully consider whether they have any interests, which fall outside other narrow categories of the approved form, which could, at the very least, appear to raise a conflict between the interest and their duties as a councillor. If an interest could appear to raise a conflict between your duties as a councillor and the interest, and falls outside the other items of the form, it should be disclosed in this part of the form.

When should an approved form be completed for a councillor's related person?

- Under Section 171B, councillors have an obligation to inform the CEO of their related person's interests.
- Related person is defined in Section 171B(3). Importantly, a related person is not restricted to a councillor's spouse. A person may also be a 'related person' if they are totally or substantially dependent on the councillor and the person is the councillor's child or the person's affairs are so closely connected with the affairs of the councillor that a benefit derived by the person or a substantial part of it, could pass to the councillor.
- If a councillor's interests are the same as their related persons, there is no requirement for the councillor to complete a separate form for the related person.
- Where the related person's interests are different from the councillor's, another approved form must be submitted to the CEO.



For example: A councillor's 20-year-old child attends university full-time and works 10 hours per week at a local café. The child is substantially dependent on the councillor. A Register of Interests is required to be completed disclosing the interests of the child as they are a related person as defined in Section 171B(3).

