



KEMPSEY
Shire Council

GENERAL MANAGER'S REPORT

12th June 2007

GM3

DECLARATION OF INTERESTS

FILE: 68

AVB

{Folio No. *}

SUMMARY:

To advise Council of the advice of the Department of Local Government regarding a Councillor's obligation to leave the Chamber when discussing matters pertaining to an organisation to which they belong.

◇◇◇◇◇◇

DESCRIPTION:

At the March Council meeting Councillor Gribbin moved a Notice of Motion to delete Clause 5.11 from the Code of Meeting Practice. Clause 5.11 deals with non-pecuniary interests and reads: -

"Members of a Council or of a Committee once having declared an interest in the matter must depart from the Committee Room or area and be out of sight of other Councillors / members while such matter is under consideration".

Council resolved that the provision of financial assistance to non-profit organisations be referred to the Department of Local Government for clarification. The belief that a decision to provide financial assistance to a non-profit group or association to which a Councillor belongs is a pecuniary interest was put to the Department by letter dated 26th March 2007. A copy of the Department's response is attached [Appendix B – Page K25](#).

The Department has pointed out that Section 448(e) of the Local Government Act 1993 provides that such an interest is not one that needs to be disclosed unless the Councillor is the holder of an office in the club or association.

In regard to non-pecuniary interests to which Clause 5.11 applies Council's Code of conduct (Policy C24.9) does not require a Councillor who has a non-pecuniary interest to leave the Chamber but only to disclose such interest as soon as practicable and have such disclosure recorded. The Code of Conduct and the Code of Meeting Practice are inconsistent so Council should either amend or delete Clause 5.11 from its Code of Meeting Practice or amend its Code of Conduct to require that a Councillor must leave the Chamber if they have a non-pecuniary interest in a matter.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Changes either need to be made to the Code of conduct or the Code of Meeting Practice.

- *General Manager's Review*

Nil

RECOMMENDATION:

That Clause 5.11 of the Code of Meeting Practice be amended to "Members of Council or of a Committee who have a non-pecuniary interest should disclose such interest as soon as practicable and have such interest recorded".

.....
A V Burgess
GENERAL MANAGER