

Local Government (General) Regulation 2005

Schedule 3A Form of special disclosure of pecuniary interest

(Clause 195A)

Section 451 of the Local Government Act 1993

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests

by _____
[full name of councillor]

in the matter of _____
[insert name of environmental planning instrument]

which is to be considered at a meeting of the

[name of council or council committee (as the case requires)]

Report No. _____ to be held on the _____ day of _____ 201

| Pecuniary interest | |
|---|--|
| Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>) ¹ | |

| | |
|---|--|
| Relationship of identified land to councillor [Tick or cross one box.] | <input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land. |
| Matter giving rise to pecuniary interest | |
| Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ² [Tick or cross one box] | <input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land. |
| Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land] | |
| Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land] | |
| Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"] | |

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

(This form is to be retained by the Council's general manager and included in full in the minutes of the meeting.)

- Section 443 (1) of the [Local Government Act 1993](#) provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative 4 or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
Section 442 of the [Local Government Act 1993](#) provides that a "**pecuniary interest**" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the [Local Government Act 1993](#) has a proprietary interest-see section 448 (g) (ii) of the [Local Government Act 1993](#).
- "**Relative**" is defined by the [Local Government Act 1993](#) as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.