

# Registers of interests notes

## *Local Government Act 2009/City of Brisbane Act 2010*

This document provides additional information to help councillors, councillor advisors, chief executive officers (CEOs) and senior executive employees complete registers of interests.

For each section on the form, add extra rows or an extra sheet of paper if needed. If you have nothing to list in any section, write NIL. Make sure that you sign and date every page, including pages where you have listed NIL for all sections.

Councils will keep a copy of all councillors' registers of interests at their public office for any member of the community to view and publish an extract on the council's website. The registers of interests of councillor advisors, CEOs, senior executive employees and related persons are kept by councils but are not published publicly.

### Your register of interests responsibilities

- Submit a new register of interests within 30 calendar days of the start of your term or appointment.
- Notify of any changes to interests within 30 calendar days.
- Provide an update to the register within 30 calendar days of the end of each financial year (councillors and councillor advisors only).
- Complete separate registers of interests forms for each of your related persons including your spouse, dependent children, or anyone whose affairs are so closely connected to yours that a benefit could pass from them to you.

If you fail to correctly submit or update your register of interests as required you may be guilty of misconduct or an offence and may face significant penalties. When completing your register of interests forms, refer to these notes, the [Local Government Act 2009/Local Government Regulation 2012](#) and [City of Brisbane Act 2010/City of Brisbane Regulation 2012](#).

If you are unsure of your obligations it is strongly recommended that you seek independent legal advice. This document is a guide only. It does not constitute and should not be relied on as legal advice. Councillors must satisfy themselves that they have accurately completed and updated their register of interests.

### Shares in corporations (not including private companies)

List here all corporations in which you own shares.

- You don't need to write the monetary value or number of shares.
- You only need to include corporations where you own shares or have a controlling interest of a shareholding (i.e. if you have a voting power from the shares or are able to sell the shares).
- Share – includes a share in the capital of a corporation, stock, a convertible note, or an option contract.

Examples:

Name of corporation
Harvey Industries Ltd
Telstra Ltd
National Australia Bank Ltd

## Shares in privately owned companies

List here all private proprietary companies (Pty Ltd) in which you own shares, and any subsidiary companies and any other investments of those private companies.

- Proprietary company – this section applies to a private company (Pty Ltd) that has a maximum number of shareholders and is not a public company (Ltd).
- Subsidiary, in relation to a proprietary company – see the [Corporations Act 2001](#) (Commonwealth) section 9.
- Column 2 – provide a description of the company's main business activities.
- Column 3 – list each company's investments, interests in property and subsidiaries (e.g. if you own shares in a manufacturing proprietary company you must also declare the land where its factory is situated).
- If companies in Column 3 have subsidiaries, state their investments, interests in property and the name of any further subsidiaries.
- Don't write the monetary value or number of shares in the company or the value of its investments.

Examples:

Name of company	Nature of company's activities	Company's and subsidiaries' investments and interests in property
McDonald Holdings Pty Ltd	Logistics company	Agricultural land in Bilby Hill McDonald Distribution Pty Ltd (subsidiary) Warehouse in Bilby Hill (owned by subsidiary)
Joe's Beauty Salon Pty Ltd	Beauty salon	Leased shop at Sunshine Shopping Centre

## Positions as executive officer of a corporation

List here positions you hold as an executive officer of a corporation, including for any corporations you have listed under Shares in corporations and Shares in privately owned companies.

- Include appointments to an executive officer role of a corporation even if you were appointed or elected to the position by the council.
- Executive officer of a corporation means:
  - a member of a board or management committee of the corporation
  - a person who is concerned with or takes part in the management of the corporation.
- If you are appointed to an executive officer role on an entity other than a company, include those details under executive officer of an organisation.

Examples:

Name of corporation	Nature of corporation's activities	Nature of person's role
Harvey Industries Pty Ltd	Sheet metal production	Director
Torres Health Indigenous Corporation	Primary health care services	Director
Sunshine Indigenous Health Alliance	Policy development and advocacy	Chairperson

## Beneficial interests in trusts or nominee corporations

List here any beneficial interest in a trust or nominee corporation:

- If providing a description of the trust, make sure the description is sufficient to identify the trust.
- Don't state the monetary value of beneficial interests.
- Where you are a beneficiary of a trust that has land or business interests (e.g. the trust runs a holiday accommodation business), record details of those interests under 'Other interest that appear to raise or could potentially raise a conflict between your interest and the public interest'.
- Trust – includes charitable trusts, as well as implied, resulting, bare, constructive and testamentary trusts, and cases where the trustee has a beneficial interest in trust property, and duties incidental to the office of a representative.
- Trust – does not include the duties incidental to an estate conveyed by way of mortgage.

- Nominee corporation – a corporation whose principal business is holding marketable securities under the [Corporations Act 2001](#) (Commonwealth) as a trustee or nominee.

Examples:

Name of trust or corporation (or description of trust)	Nature of activities	Nature of your interest
Harvey Family Trust	Agricultural activities	Trustee and beneficiary
Western Queensland Community Trust	Support traditional owner initiatives in western Queensland	Beneficiary

### Self-managed superannuation funds

List here self-managed superannuation funds you are a trustee of (or corporations you are a director of if they are trustees of a self-managed superannuation fund).

- Director – see the [Corporations Act 2001](#) (Commonwealth) section 9.
- Column 2 – provide a description of the fund's main investment activities.
- Column 3 – list each fund's investments or other interests in property that you are aware of (for example, if the fund has shares in public companies, private companies or owns property).

Example:

Name or description of fund	Nature of fund's activities	Investments or other interests in property held
Private superannuation fund for Mr and Mrs McDonald	Property investment	Investment property in Greenhill Investment property in Sandy Bay

### Trustee of family or business trusts

List here family or business trusts where you are a trustee.

- Trust – includes charitable trusts of which you are a trustee, as well as implied, resulting, bare, constructive and testamentary trusts, and cases where the trustee has a beneficial interest in the trust property, and the duties incidental to the office of a personal representative.
- Trust – does not include the duties incidental to an estate conveyed by way of mortgage.
- If providing a description of the trust or nominee corporation, make sure the description is sufficient to identify the trust or corporation.

Examples:

Name or description of trust	Nature of trust's activities	Name of each beneficiary or class of beneficiary
McDonald Trust Pty Ltd	Ownership of Harvey Industries Pty Ltd, which undertakes steel manufacturing	Sarah McDonald Jessica McDonald
Western Queensland Community Trust	Support traditional owner initiatives in western Queensland	Identified members of native title group

### Partnerships or joint ventures

List here all business partnerships or joint ventures in which you have an interest.

- Partnership – the legal relationship of persons carrying on some business together.
- Joint venture – business enterprise for which two or more parties join forces (not necessarily in partnership or by the formation of a company).
- If providing a description rather than a name, make sure any description is sufficient to identify it.
- List the partnership's or joint venture's investments and other interests in property (e.g. ownership, lease) that you are aware of.

Example:

Name or description	Nature of activities	Nature of interest (e.g. owner)	Investments or interests in property
Web designs	Website development for local organisations	Partner	Lease of office in Smith Street mall, Oshi Grove

### Land (including houses, rentals and other properties)

List here any land or properties you own or have an interest in that are not identified elsewhere on the form.

- Don't state the full street address of the property (suburb is sufficient).
- Don't write the monetary value of the land or properties.
- Includes any land leased, owned or mortgaged, whether the interest is held alone, jointly or in common with any other person.
- Types of property where you may hold an interest:
  - property you rent, lease, own or have a mortgage for, including your place of residence or business
  - commercial property that you rent, lease, own or have a mortgage for
  - native title land where granted
  - agistment rights
  - easements
  - unincorporated business premises.
- If the lessee is a corporation, state the name of the corporation (individuals do not need to be stated).
- You don't need to include land that has been identified in other sections of the form.

Examples:

Suburb or locality of land	Approximate size	Purpose of which land is used	Nature of interest (e.g. owned, leased, rented)
Sandy Bay	850m2	Residential	Owner-occupier
Greenhill	2550m2	Investment	Owner
Red Hill	890m2	Rental property	Owner/landlord
Elkwood	700m2	Residential	Rented house
Thursday Island	200m2	Commercial workshop	Leased

### Liabilities more than \$10,000 (excluding department store and credit card accounts)

List here any debts or liabilities you, your trusts or your private companies have of more than \$10,000.

- You don't need to disclose liabilities of \$10,000 or less.
- Include debts or liabilities of a trust you are a beneficiary of, or a private company you have a share in.
- You don't need to disclose the debt or liability if it arises from the supply of goods or services supplied in the ordinary course of your business or the business of a trust or private company.
- You don't need to disclose a line of credit until such time as it is used.
- Don't state the monetary value of liabilities.

Examples:

Type of liability (e.g. home mortgage, car loan)	Name of bank or creditor
Mortgage for investment property at Greenhill	Westcorp Bank
Personal loan	Bank of Sandy Bay
Home loan	Perth Bank
Student HELP loan	Australian Government
Business loan for Harvey Industries Pty Ltd	Westcorp Bank

### Debentures and similar investments

List here any debentures, bonds and similar investments you hold.

- May include investments such as a life insurance policy where a return of the policy's premium may occur.
- Don't write the monetary value of the investments.
- Debenture – see the [Corporations Act 2001](#) (Commonwealth), section 9.

Examples:

Name of corporation the investment is in	Nature of the corporation's business	Nature of the investment
Suncorp	Insurance	Life insurance (term policy)
Australian Pensioners Insurance Agency	Insurance	Life and accident insurance

### Savings and investment accounts held with financial institutions

List here all savings or investment accounts you hold with a bank or other financial institution.

- Don't state the account number or current balance.

Examples:

Name of bank or institution	Type of account
Westcorp Banking	Term deposit account
Westcorp Banking	Savings account
Commonwealth Bank	Savings
Bendigo Bank	Election campaign account
Perth Bank	Offset home loan account

### Gifts valued at \$500 or more, or multiple gifts totalling \$500 or more

List here all gifts from donors valued at \$500 or more, or where multiple smaller gifts total \$500 or more, which you have received during your current and immediate previous term as a councillor (or your current and immediate previous contract period for CEOs, senior executive employees and councillor advisors).

- Gift – the transfer of money, property or other benefit (without 'consideration' or for substantially less than full consideration).
- Include multiple smaller gifts or loans once the combined total of all gifts and loans from one donor reaches \$500 or more within your current and previous term/contract period.
- Include loans of money or other property made on a permanent or indefinite basis (not including overdraft facilities).
- You do not need to include refreshments or meals received as part of undertaking your official duties or a gift of free admission to an event associated with undertaking your official duties. Council is responsible for deciding what constitutes official duties for councillors, councillor advisors and chief executive officers. The chief executive officer is responsible for deciding what official duties are for a senior executive employee.
- If known, identify and list the true source of all gifts received, for example where you receive a gift from one person directly but it was gifted on behalf of a company (or vice versa).
- You don't need to disclose gifts received from your spouse, other family members or friends, unless the gift could be perceived as a conflict of interest if a matter came before council for decision in the future. For example, if you receive a \$1000 wedding present from a close friend you generally don't need to disclose this, unless for example the friend does contracting work for council and it may be seen as an attempt to gain favourable treatment when granting future contracts.
- Don't list gifts that were included on your election summary return lodged with the Electoral Commission of Queensland.
- Don't list gifts that you received in an official capacity as councillor if you gave the gift to council.
- Don't list gifts received before you became a councillor (or before you were appointed as a CEO, senior executive employee or councillor advisor).

### Date and value information

Legislation does not require you to disclose small gifts or the date or value of gifts in your register of interests. However, the online electronic form will ask councillors for this optional information to help you determine when the total value of multiple small gifts reaches the \$500 disclosure threshold. The electronic form calculation of gifts function is a tool only: it is strongly recommended that councillors keep their own separate record of gift data as a means of cross-checking the accuracy of details provided.

You must be able to provide the date and value of every gift to your chief executive officer if the value of all gifts, loans, travel or accommodation from a single donor leads to a conflict of interest in a matter being decided by council:

- \$500 or more in total for a declarable conflict of interest
- \$2000 or more in total for a prescribed conflict of interest.

Examples:

Name of donor	Description of the gifts
Mr Paul Kens	Season corporate box tickets (NRL)
West Corporation	Tickets to Women's Day lunch West Symphony Orchestra tickets

### Sponsored travel or accommodation benefits

List here all sponsored travel or accommodation you have received.

- Sponsored travel or accommodation – if you receive a contribution (financial or non-financial) from someone for the cost of travel or accommodation.
- Includes any travel or accommodation paid for by an entity other than council or the State to enable the councillor or officer to undertake their role or official duties (for example, a stakeholder paying for you to travel to meet with them).
- Doesn't include contributions to travel or accommodation paid for by your spouse, other family members or friends, unless it could be perceived as a conflict of interest if a matter came before council for decision in the future.
- Doesn't include travel paid for by your employer as part of your employment outside of council.
- Doesn't include travel or accommodation paid for by entity that you are a board member of.
- Doesn't include travel or accommodation paid for by the Queensland Government, your council or another council.
- Doesn't include travel or accommodation that you have paid for yourself, even if you then receive a free upgrade (e.g. from one class of travel to a higher class or different accommodation such as a larger room).
- Doesn't include sponsored travel or accommodation benefits received before you became a councillor (or before you were appointed as a CEO, senior executive employee or councillor advisor).

### Date and value information

Legislation does not require you to disclose the date or value of travel and accommodations benefits in your register of interests. However, the online electronic form will ask councillors for this optional information to help councils determine when the total value reaches the \$2000 threshold requiring it to be published on council's website.

You must be able to provide the date and value of a benefit to your chief executive officer if the value of all gifts, loans, travel or accommodation from a single donor leads to a conflict of interest in a matter being decided by council:

- \$500 or more in total for a declarable conflict of interest
- \$2000 or more in total for a prescribed conflict of interest.

Examples:

Name of person or source who contributed to your travel or accommodation	Nature and purpose of the benefit received
Ms Karen Smith	Accommodation at Sandy Bay Resort for Sandy Bay Resort Christmas function
Qld Resources Council	Flights and accommodation to attend a meeting in Brisbane with the Qld Resources Council



## Memberships of political parties, and trade or professional organisations

List here any memberships of political parties and trade or professional organisations.

- You don't need to disclose social or ordinary memberships of clubs such as sporting or community clubs or environmental groups.

Examples:

Name of organisation
Sunshine First Party
Queensland Law Society
Engineers Australia
Sunshine Workers Union
CPA Australia
Australian Institute of Company Directors

## Positions as executive officer of an organisation

List here any organisations, bodies or associations where you are an office holder.

- Include appointments to an executive officer role of an organisation even if you were appointed or elected to the position by the council,
- Doesn't include honorary patrons and honorary memberships, unless you hold a position on the board of the organisation.
- Doesn't include social or ordinary memberships of clubs such as sporting or community clubs or environmental groups, unless you are an executive office holder of the organisation.
- Don't list positions in this section if the organisation is a corporation ('incorporated', Inc.). List these under 'Positions as executive officer of a corporation'.
- You do not need to include being an executive officer of a political party, trade union or professional organisation that you have listed in *Memberships of political parties, and trade or professional organisations*.

Examples:

Name of organisation
Sunshine Animal Welfare Association (secretary)
Sunshine Football Club (president)
Sunshine Landcare Group (treasurer)
Sunshine State School P&C
Sunshine Lions Club (committee member)

## Donations made to other people or organisations valued at \$500 or more, or multiple donations totalling \$500 or more

List here any donations valued at \$500 or more that you have made to other people or organisations on or after 12 October 2020, including where multiple smaller donations made to one person or organisation on or after 12 October 2020 reach a total of \$500 or more.

- Do not include donations that you have given your spouse, family members or friends, unless it could be perceived as a conflict of interest if a matter came before council for decision in the future.
- Don't state the value of the donations.
- Don't list donations made before you became a councillor (or before you were appointed as a CEO, senior executive employee or councillor advisor).

## Date and value information

Legislation does not require you to disclose small donations or the date or value of donations in your register of interests. However, the online electronic form will ask councillors for this optional information to help you determine when the total value of multiple small donations reaches the \$500 disclosure threshold.

The electronic form calculation of donations function is a tool only: it is strongly recommended that councillors keep their own separate record of donations data as a means of cross-checking the accuracy of details provided.

You must be able to provide the date and value to your chief executive officer if the value of all donations to a single donor reaches the \$500 threshold and becomes a declarable conflict of interest in a matter being decided by council.

Example:

Person or organisation
St. Mary's Sun End

### Other assets over \$5000

List here any other assets over \$5000 you own or have an interest in.

- Don't state the value of the assets.
- Don't include household and personal effects, motor vehicles used mainly for personal use, or superannuation entitlements.
- Includes assets over \$5000 owned by any unincorporated business you may have.

Examples:

Details of other assets
Refrigeration truck (commercial deliveries)
Excavator (leased for hire)
Racehorse
Lawnmowing equipment (for home-based Johnson's Mowing Services business)

### Other sources of income of \$500 or more per year

List here any other sources of income you, your trusts or private companies receive of \$500 or more per year.

- Don't include your remuneration received for your council role.
- Include income of \$500 or more received from any unincorporated business you may have.
- List details of sources of income worth \$500 or more received from private companies or trusts that could give rise to a perception that a benefit could be passed on. For example, if your family business undertakes contract work solely or mainly on behalf of another company list those details here.

Examples:

Source of income
LGIA Super
Commonwealth Superannuation Administration
Agricultural consultant
Disability pension
Johnson's Mowing Services
North Queensland Sugar Mill (private company sells sugar cane to Mill)
Abstract Homes Pty. Ltd. (family business's main source of subcontracted electrical work)



## Other interests that appear to raise or could potentially raise a conflict between your interest and the public interest

List any interests that you are aware of that could appear to raise a conflict of interest but do not fit into other categories on the register of interests forms.

- Membership of a community or sporting organisation, or involvement as a parent of a student at a school, does not need to be recorded here as it does not give rise to a declarable conflict of interest. See exemptions under Chapter 6, Part 2, Division 5A of the *City of Brisbane Act 2010* and Chapter 5B of the *Local Government Act 2009* for further information.
- Where you are a beneficiary of a trust that has land or business interests in the local government area (e.g. it runs a holiday accommodation business), record details of those interests here.
- List voluntary or unpaid work provided to a person/entity which has dealings with council where no direct benefit may be received (e.g. providing free bookkeeping services for small business run by a family friend or relative).
- List details of non-financial business dealings and interests that could give rise to a perception of a conflict of interest. For example, if your family business is part of a promotional alliance for the industry or region.
- Doesn't include honorary patrons and honorary memberships, unless you hold a position on the board of the organisation.
- You do not need to include business dealings or interests involving normal business transactions. For example, merely buying pencils from the newsagent for your company does not give rise to a conflict of interest that would need to be recorded in this section.

Examples:

Other interests
Smith Lawyers
View Lodge Apartments, Mountain View Road, Range Hill, held in trust by Mountain View Trust Pty Ltd
Burger Joint Cafe, Cottage Point (provision of free bookkeeping services)