Register of Interests Policy

1. PURPOSE

The purpose of this policy is for Council to provide direction for the Register of Interests for employees and Committee members.

This Policy does not apply to Elected Members on the basis that all Elected Members are required to submit a return under the *Local Government Act 1999*.

2. POLICY

In order to identify any potential private interests that may conflict with an employee or Committee members public duties, this Policy establishes the employees and independent Committee members that Council has determined will complete a ***Primary Return*** or ***Ordinary Return*** for the purposes of a Register of Interests pursuant to sections 72(1) and 111(b) of the *Local Government Act 1999.*

2.1 Council Officers

A Register of Interests is not legislated for employees (with the exception of the CEO), although Council recognises it as good practice for those positions that can influence certain types of decisions. These are referred to as ***Prescribed Officers***.

For the purpose of this section, the following ***Prescribed Officers*** will be subject to these provisions:

a. All General Managers
b. Any corporate leader or similar position, responsible for overseeing the administration of Council's tender practices
c. Any corporate leader or similar position, responsible or with direct influence and oversight/decision making for a substantial part of Council's budget spend with contracts or projects.
d. Any corporate leader or similar senior position responsible for Council planning or building assessment decisions (eg. Manager, Team Leader and Senior Planning Officers).

The CEO is authorised with identifying and adding additional staff to this list from time to time between policy reviews, as appropriate.

2.2 Committee and Panel Members

The *Local Government Act 1999* also provides for Council to extend the Register of Interest provisions to members of a Committee. The Register of Interests provisions will apply to all Independent Members of section 41 Committees, with the exception of the publication of the Register for Independent Members on Council's website. Elected Members can inspect the return upon request. This Policy does not apply to Agency Representatives or Community Representatives on Committees, unless Council resolves otherwise.

All Council Assessment Panel (CAP) members (who are not Elected Members) must also disclose their financial interests under the *Planning, Development & Infrastructure Act 2016*.

2.3 Management of Register of Interests

Members and / or relevant employees may seek assistance from the CEO in completing their return, and where necessary legal advice may be obtained through the CEO regarding whether certain information must be disclosed.

The relevant Acts determine the requirements for lodging returns, form and content of returns, and inspection of returns.

The CEO will manage the Register of Interests and ensure that access to information contained within the Register is accessed in accordance with the provisions of the *Local Government Act 1999* and the *Planning, Development & Infrastructure Act 2016*.

3. DEFINITIONS

For the purposes of this policy the following definition applies.

Agency Representatives

Representatives who are members of Committees from appropriate South Australian Government agencies or departments

CAP

Council's Assessment Panel

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully

Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

Community Representatives

Members of the community who may be selected to participated as a member of Committee.

Ordinary Return
The subsequent return (after the primary return) that each person submits each year for inclusion in the Register of Interests.

Prescribed Officers
An employee or agent of Council that is required to complete and ordinary or primary return by direction of the Council.

Primary Return
The first return that each person to whom this policy applies (after they are elected or appointed) submits for inclusion in the Register of Interests.

Register of Interests
A Register where information submitted via the Primary and Ordinary Returns process is maintained.

4. LEGISLATIVE FRAMEWORK
There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

Local Government Act 1999
Chapter 5, Part 4, Division 1, Subdivision 2 'Register of Interests' of this Act provides that Elected Members must lodge an annual return to disclose particular private interests required under the Act.

Elected Members and Committee Members - Sections 64 to 72 of this Act covers the lodging of returns, form of returns, requirements for the Register of Interests, inspection of returns as it relates to Elected Members, and also provides for Council to extend the Register of Interest provisions to members of a council committee.

Council Staff - Sections 111 to 119 of this Act covers the lodging of returns, form of returns, and restrictions on inspection and disclosure. Section 111 requires the Chief Executive Officer (CEO) and any other officer declared by a Council to complete such a return.

Planning, Development and Infrastructure Act 2016
Schedule 1 'Disclosure of financial interests' of this Act provides that a prescribed member of a designated entity submit a return in the prescribed form.

4.1 Other references

Council's document including:

a. Council's Fees and Charges Register
b. Local Government Association Guidelines for Primary and Ordinary Returns

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

This policy has no alignment to the Strategic Plan.

5.2 Organisation Plan

This policy has no alignment to the Organisation Plan.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio General Manager and managed in accordance with Council's scheme of delegations.

Record number	D24/58844
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	Manager City Development
Last reviewed	15 October 2024
Adoption reference	Governance and Policy Committee
Resolution number	65
Previous review dates	18/1/22, 17/04/19, 19/10/16, 13/08/13, 11/05/10
Legal requirement	N/A
Due date next review	2028
Policy Delegations	Y