

Register of Interests Policy



Record number	D21/103110
Responsible Manager	Manager Governance & Policy
Other key internal stakeholders	Manager City Development
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1. PURPOSE

The purpose of this policy is to provide direction in maintaining a Register of Interests, and to identify the employees and independent members in relation to whom the Council has resolved to apply the register of interest provisions under the *Local Government Act 1999*.

2. POLICY

The City of Tea Tree Gully is committed to:

- a. Open, transparent and accountable governance practices
- b. Recognising its responsibilities to current and future communities with regard to minimising and managing risks
- c. Promoting community trust and confidence in Council

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.

Section 111(b) of the *Local Government Act 1999* allows Council to apply the Register of Interests provisions to relevant Council employees (in addition to the CEO). For the purpose of this section, the following employees will be subject to these provisions:

- a. All Directors
- b. Any corporate leader or similar position, responsible for overseeing the administration of Council's tender practices
- c. Any corporate leader or similar senior position responsible for Council planning or building assessment decisions (eg. 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 Elected Members and Committee Members

All Elected Members are required to submit a return under the *Local Government Act 1999*. All Council Assessment Panel (CAP) members (who are not Elected Members) must also disclose their financial interests under the *Planning, Development & Infrastructure Act 2016*.

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 Member 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, unless Council resolves otherwise.

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

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.

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 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

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

6. POLICY IMPLEMENTATION

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