


STRATHFIELD COUNCIL

RETURNS DISCLOSING THE INTEREST OF COUNCILLORS & DESIGNATED PERSONS POLICY



	Returns Disclosing the Interest of Councillors and Designated Persons Policy		
RESPONSIBILITY	Corporate and Community		
DATE ADOPTED	5 September 2023	MINUTE	221/23
REVISED		REVIEW	2025
CM10 No	SC205		
ASSOCIATED POLICIES	IPC Guideline 1 – Disclosure of Information contained in the returns disclosing the interests of councillors and designated persons developed under GIPA Code of Conduct		
ASSOCIATED LEGISLATION	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2021</i> <i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i>		

1.0 Introduction

Clause 4.21 of Council's Code of Conduct requires Councillors and Designated Persons to completed annual disclosure returns in the form provided in Schedule 2 of that code.

Under section 6(1) of the *Government Information (Public Access) Act 2009* Council must make the government information that is its 'open access' information publicly available unless there is an overriding public interest against disclosure of the information.

On 26 September 2019, the Information & Privacy Commission (IPC) issued *Guideline 1: For local councils on the disclosure of information contained in returns disclosing the interests of councillors and designated persons*.

(Guidelines 1) requires the publication of Disclosure Returns on Council's website unless there is an overriding public interest against disclosure.

1.1 Title and Commencement

This policy is titled "Returns Disclosing the Interest of Councillors and Designated Persons Policy". This policy was adopted by Council resolution.

1.2 Background and Purpose of Policy

The purpose of this policy is to ensure compliance of our legislative requirements as provided in the *Government Information (Public Access) Act 2009*. Council is required to adopt a Policy and provide a procedure to better manage the process of collecting and making available as "open access

information” completed returns on Council’s webpage after due consideration of a “public Interest test”.

1.3 Objectives of the policy

To provide a clear and succinct policy to ensure Council meets its legislative responsibilities relating to disclosure returns and to produce:-

- suitable procedures for the determination of “designated officers” within the meaning of the *Local Government Act 1993*, and
- a process for taking into consideration “the public interest” for each disclosure return prior to publishing on Council’s webpage.

1.4 Coverage of the Policy

The policy applies to all Councillors and Designated Persons as determined by the General Manager.

1.5 Definitions

- Designated Person – Those positions that exercise functions or decision-making that involve the potential for significant risk to the Council, including damage to the Council’s reputation, where conflicts of interest are not disclosed and appropriately managed (refer Clause 4.8 of Council’s Code of Conduct).

2.0 Policy Statement

Determination of Designated Persons

Key Decision Makers

- 2.1 It has been determined that key decisions in the organisation are made at General Manager, Director and Manager level and that Council’s significant delegations (including significant expenditure delegations) are also largely limited to Directors and Managers. For this reason it has been determined that all Directors and all Managers are classified as “designated persons” for the purpose on completing annual disclosure returns.

Functions involving the potential for significant risk

- 2.2 It has been determined that the following functions involve the potential for significant risk to the organisation, including damage to the Council’s reputation, where conflicts of interest are not disclosed and appropriately managed and, for that reason, any positions exercising any of the following functions are defined as “designated persons” :-

- Development assessment
- Regulatory functions
- Purchasing and contracts; and
- Managing significant contracts.

Council's list of designated persons, including the reason for inclusion on the list is contained in **Appendix A**.

Public Interest Test (publication of Disclosure of Interest Returns on Council's Website)

- 2.3 Under section 6(1) of the *Government Information (Public Access) Act 2009* Council must make the government information that is its 'open access' information publicly available unless there is an overriding public interest against disclosure of the information. On 26 September 2019, the Information & Privacy Commission (IPC) issued Guideline 1: For local councils on the disclosure of information contained in returns disclosing the interests of councillors and designated persons (Guidelines 1) which requires the publication of Disclosure Returns on Council's website unless there is an overriding public interest against disclosure.

Decision

- 2.4 Council has undertaken a 'public interest test' under the *Government Information (Public Access) Act 2009*. The findings and outcome of the 'public interest test' conducted in relation to publication of Disclosure Returns on Council's website can be found in the "Returns Disclosing Interest of Councillor and Designated Person Procedure". Council's Executive Leadership Team (ELT) considered that public interest test and determined the matter as follows:

"That Council publish the Disclosure Returns on its website, subject to all information being redacted apart from the names and positions of Councillors, senior staff and designated persons along with a document providing the general nature of the information redacted."

APPENDIX A – LIST OF DESIGNATED PERSONS AND REASON FOR INCLUSION

POSITION	REASON FOR INCLUSION
General Manager	General Manager
Director Corporate and Community Director Planning and Environment Director Engineering and Operations	Senior Staff Senior Staff Senior Staff
Manager, Financial Service and Chief Financial Officer Manager Governance and Risk Manager Library and Community Manager People and Culture Manager Digital Information and Customer Manager Communication and Events Manager Planning, Place and Development Manager Environment, Sustainability & Compliance Manager Engineering Manager, Capital Works Manager, Planning, Place and Development	Manager Manager Manager Manager Manager Manager Manager Manager Manager Manager Manager Manager
General Counsel Coordinator Waste Services Coordinator, Compliance and Regulatory Services Development Compliance Officer Senior Development Compliance Officer Development Compliance Officer Senior Regulatory Officer Regulatory Officer - Ranger Regulatory Officer - Parking Regulatory Officer – Parking Development Control & Flooding Engineer Senior Traffic Engineer Executive Planner Place Planning Coordinator Senior Planner Senior Planner Heritage Planner Planner Senior Planner Contributions Planner Senior Compliance Officer Environmental Projects Officer - Biosecurity	Staff exercising functions that could give rise to a conflict of interest

Tree Management Officer Strategic Procurement and Fleet Coordinator Strategic Property Officer Governance and Corporate Support Officer Procurement Officer Senior Risk and Insurances Officer Community Development Officer Community Development Officer Customer Service Team Leader Coordinator Finance Administration Coordinator Finance Operations Coordinator Revenue Fleet and Plant Officer Manager, Communications and Events Planner Student Planner Senior Regulatory Officer Regulatory Officer - Ranger Regulatory Officer - Ranger Regulatory Officer - Ranger Regulatory Officer - Ranger Regulatory Officer - Parking Regulatory Officer - Parking Regulatory Officer – Parking Regulatory Officer - Night Ranger Regulatory Officer - Night Ranger Regulatory Officer - Night Ranger Regulatory Officer - Night Ranger Regulatory Officer - Night Ranger Regulatory Officer - Night Ranger Regulatory Officer - Night Ranger	
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3.0 Version Control

Date	Type	Minute
5 September2023	Draft Policy Adopted by Council	221/23