

Name of policy:	Councillor and Designated Person Disclosure of Interests		
Adoption by Council:	22 May 2024	Minute number:	193/2024
Last review date:	April 2024		
Review timeframe:	4 years		
Next scheduled review date:	April 2028		
Related legislation:	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2021</i> • <i>Government Information (Public Access) Act 2009 (GIPA Act)</i> • <i>Government Information (Public Access) Regulation 2018 (GIPA Regulation)</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>The Office of Local Government’s Guidelines for Risk Management and Internal Audit for Local Government in NSW</i> • <i>The Information and Privacy Commission’s Guideline 1: For local councils on the disclosure of information contained in returns disclosing the interests of councillors and designated persons</i> 		
Associated policies/documents:	<p>MidCoast Council Code of Conduct</p> <p>MidCoast Council Privacy Management Plan</p>		
Responsible division:	Corporate Services		

Policy objective

- to ensure Council complies with relevant legislation, the Code of Conduct, the Office of Local Government’s *Guidelines for Risk Management and Internal Audit for Local Government in NSW* and the Information and Privacy Commission’s *Guideline 1* with regards to Councillors’ and Designated Persons’ disclosure of interests written returns.
- to define Council’s “designated persons” required to submit a return disclosing interests under clause 4.8 of the Code of Conduct.

Policy statement

The pecuniary interests and other matters to be disclosed in the Disclosures by Councillors and Designated Persons Return are prescribed under Schedule 1 of the Code of Conduct. The information contained in these written returns is defined as ‘open access information’ under the GIPA Act and as such are required to be made publicly available on Council’s website unless there is an overriding public interest against disclosure.

Council has decided that there is an overriding public interest against disclosure of the personal information contained in these returns and will only publish edited copies on its website with signatures and residential addresses redacted. Unredacted versions of the returns will be available for inspection as ‘view only’ on a case by case basis.

Coverage of the policy

This policy applies to MidCoast Council Councillors and Designated Persons.

Strategic plan link

Community Outcome 4: Strong leadership and good governance

<i>4.2 Council demonstrates good governance and financial management to ensure decisions and transactions are ethical, efficient, safe and fair</i>	<i>4.2.1: Use governance frameworks and processes to guide our decisions and to ensure council is accountable to the community</i>
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Policy content

Under the Code of Conduct, Councillors and Designated Persons are required to complete and submit returns of interests within three (3) months of:

- Becoming a councillor or designated person
- 30 June of each year, and
- Becoming aware of a new interest that must be disclosed in the return.

Designated persons

MidCoast Council has identified the following positions as being Designated Persons:

Designated persons under sub-cl 4.8(a) of the Code of Conduct:

- General Manager

Designated Persons under sub-cl 4.8(b) of the Code of Conduct:

- Director Corporate Services
- Director Infrastructure and Engineering Services
- Director Liveable Communities

Designated Persons under sub-cl 4.8(c) of the Code of Conduct:

- Executive Manager Sustainable Development
- Executive Manager Public Spaces
- Executive Manager Community Development and Engagement
- Executive Manager Water and Systems
- Executive Manager Transport and Engineering
- Manager Governance

- Manager Finance
- Chief Strategy and Performance Manager
- Manager Communication, Engagement and Marketing

Designated Persons under sub-cl 4.8(d) of the Code of Conduct:

- Audit Risk and Improvement Committee (ARIC) Chair
- Audit Risk and Improvement Committee (ARIC) Independent Member

Public interest test

MidCoast Council Governance staff have conducted a public interest test and balanced the public interest considerations both for and against disclosure. It has been determined that Council will release all the information other than the signature and residential address, which will be redacted, in order to release the remaining information.

If redaction of any other information supplied is requested, the Governance department will conduct a separate public interest test on an individual basis.

Responsible officer

Manager Governance