

# THE BAROSSA COUNCIL REGISTER OF INTERESTS POLICY



## 1. Purpose

- 1.1 The purpose of this Policy is to provide a framework to assist The Barossa Council's ("Council's") Elected Members and Prescribed Officers undertake the registering of their interests in accordance with the *Local Government Act 1999*.
- 1.2 The framework will enhance transparency to the community and as a result enhance community trust and confidence in Council.

## 2. Scope

- 2.1 This Policy applies to:
- Elected Members of Council, including the Mayor;
  - The Chief Executive Officer, including anyone acting in that role; and
  - Prescribed Officers (as defined in clause 3.3.1 of this Policy).
- 2.2 This Policy does not apply to the Independent Members of those committees of Council established under Section 41 of the *Local Government Act 1999*. Independent Members of the Barossa Assessment Panel should refer to clause 3.2.3 of this Policy as well as the *Barossa Assessment Panel Register of Interests Process*.

## 3. Policy Statement

- 3.1 Council is committed to transparent and accountable governance practices which seek to minimise the risk of conflicting interests, fraud and corruption, and in turn promote community trust.
- 3.2 **Elected Member Interests**
- 3.2.1 The Register of Interests provisions within the *Local Government Act 1999* ("the Act") apply to the Mayor and all Elected Members of Council.
- 3.2.2 Elected Members are required to register their Interests in accordance with the *Registering of Elected Member Interests Process*.
- 3.2.3 There are also Register of Interests provisions under the *Planning, Development and Infrastructure Act 2016* which will apply to the Elected Member representative(s) on the Barossa Assessment Panel. That Member(s) will additionally register their Interests under the *Barossa Assessment Panel Register of Interests Process*.
- 3.3 **Council Officer Interests**
- 3.3.1 Council's Employees are required to register their Interests in accordance with Council's *Registering of Officer Interests Process* where Council has declared them to be in a Prescribed Officer class or an individual Prescribed Officer. Council will declare Employees' positions to be prescribed where they undertake one or more of the following:

- Hold delegated powers to enter into contracts which are \$50,000 or more;
- Undertake assessment and advisory services pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016*;
- Exercise significant influence over their direct reports;

3.3.2 The following meet one or more of the criteria in the above clause 3.3.1 and so are declared Prescribed Officers or class of Officers pursuant to Section 111(b) of the Act:

- Chief Executive Officer and Directors (including the Project Director, The Big Project)
- Managers
- Development Services Team, including contractors employed, hired or contracted to provide cover for existing positions, but excluding administrative support officers

### 3.3.3 Employees acting in a Prescribed Position

Where any Employee temporarily acts in a Prescribed Position as a result of performing higher duties for a period of:

- More than 90 days - they will be required to register their interests;
- Between 30 and 90 days - they will be required to register their interests *only* if their Director determines that it is appropriate in all the circumstances having regard to the conditions and limitations of the higher duties arrangement;
- Less than 30 days - they will not be required to register their interests.

### 3.3.4 Further Transparency

In addition to the above requirements, all Employees continue to be bound by Section 120 of the *Act* as regards conflicts of interest and Schedule 2A of the *Local Government (General Regulations) 2013* as regards the Code of Conduct for Council Employees.

### 3.3.5 Delegations

- (i) The Chief Executive Officer is delegated the power to identify and add additional officers or class of officers to this list in clause 3.3.2 from time to time between Policy reviews, as appropriate.
- (ii) Council Directors are delegated the power to determine who must register their Interests when acting in a Prescribed Position by way of higher duties for a period of between 30 and 90 days.

## 4. Supporting Process

Registering of Elected Member Interests Process  
 Registering of Officer Interests Process  
 Barossa Assessment Panel Register of Interests Process

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## 5. Related Policies and Codes

Code of Conduct for Council Employees  
Code of Conduct for Council Members

## 6. Legislation and References

Local Government Act 1999  
(Elected Members) Chapter 5, Part 4, Division 2  
(Council Officers) Chapter 7, Part 4, Division 2

Local Government (General) Regulations 2013:  
Schedule 2A: Code of Conduct for Council Employees  
Form 3 - Register of Interests – Members (Primary Return)  
Form 4 – Register of Interests - Members (Ordinary Return)  
Form 5 – Register of Interests – Officers (Primary Return)  
Form 6 – Register of Interests – Officers (Ordinary Return)

Planning, Development and Infrastructure Act 2016  
Planning, Development and Infrastructure (General) Regulations 2017

## 7. Review


This Policy shall be reviewed by Council in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council needs change.

## 8. Further Information

This Policy is available on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au). It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

Any complaints in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council, PO Box 867, Nuriootpa SA 5355.

## 9. Document Control

<b>Community Plan Link:</b>		6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
<b>Document Owner:</b>	Chief Executive Officer		<b>Document Control Officer:</b>	Governance Advisor
<b>Consultation Rating:</b>	A	<b>Audience:</b>	External	<b>Next Review Date:</b> 20/07/2021
<b>Version history</b>				
<b>Version No.</b>	<b>Date</b>		<b>Description of Change</b>	
7	20/07/2021		Policy review following changes to leadership framework	
6	17/09/2019		Policy reviewed as part of periodic review	
5	20/3/2018		Policy reviewed	

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4	19/9/2017	Policy reviewed
3	19/4/2016	Policy reviewed
2	21/10/2015	Policy reviewed
1	17/9/2013	Policy reviewed

## 11. Definitions

Employee	Permanent full-time, part-time, casual or fixed-term contract Employees of The Barossa Council.
Interest	A stake or involvement in an undertaking, especially a financial one.
Prescribed Officer	An Employee who holds a Prescribed Position.
Prescribed Position	Any position across Council administration which the Elected Body has declared, by resolution, or the CEO has approved, under delegated authority, must register their interests.
Register	Confidential containers in the Electronic Document Records Management System (EDRMS) which contain the following records for each Elected Member and each Prescribed Officer: <ul style="list-style-type: none"> <li>• Primary Returns</li> <li>• Ordinary Returns</li> <li>• Updates to Returns</li> <li>• Schedule of Primary Returns</li> <li>• Schedule of Ordinary Returns</li> <li>• Schedule of Updated Returns</li> <li>• Extracts of the Elected Member Interests published on Council's website</li> <li>• Related correspondence to and from Elected Members and Prescribed Officers</li> <li>• Records of Inspection for the Register of Elected Member Interests and Register of Officer Interests</li> </ul> and any other information required by legislation.
Return	Includes the Primary and Ordinary Return which are prescribed forms under the <i>Local Government Act 1999</i> , which outline an Elected Member's, or a Prescribed Officer's Interests.



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