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# Returns Disclosing the Interest of Councillors & Designated Persons) **Policy**

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# Background

In 2020 the Information and Privacy Commission (IPC) undertook an audit on the Local Government sectors compliance with annual Disclosure of Interests Returns and, in particular, IPC Guideline 1 (which requires the Returns to be published on Councils' websites).

*IPC Audit Disclosure of Information (Return Disclosing the Interest of Councillors and Designated Persons)*

*IPC Guideline 1: For local councils on the disclosure of information contained in returns disclosing the interests of councillors and designated persons (Guideline 1).*

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## 1. Definition of Designated Persons

Council's list of 'designated persons' for the purpose of annual Disclosure of Interests Returns, was reviewed by the Executive Leadership Team (ELT) in October 2019, in light of the release of IPC Guideline 1, which states that *"councillors' and designated persons' returns of interest must be made publicly available free of charge on councils' websites, unless there is an overriding public interest against disclosure of the information contained in them"*.

Prior to making a decision in relation to the definition of 'designated persons' the ELT had regard to Office of Local Government (OLG) Circular No 19-21 (26 September 2019), which states:

*"The requirement to publish returns of interests is designed to operate as a transparency mechanism to ensure that **key decision makers** in councils appropriately disclose and manage pecuniary interests they may have in matters they are dealing with."*

*"Positions.....involving the performance of low-level administrative or regulatory functions that carry limited or no discretion or financial delegations, should not be identified as positions of designated persons."*

*The types of positions.....that should be identified as designated persons are those that **exercise functions or decision-making that involve the potential for significant risk to the council, including of damage to the council's reputation**, where conflicts of interest are not disclosed and appropriately managed."*

### 1.1. Key decision makers

It has been determined that key decisions in the organisation are made at General Manager, Director or 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 of annual disclosure returns.

### 1.2. Functions involving the potential for significant risk

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
- Managing significant contracts
- In-house legal functions; and
- Internal audit.

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

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## 2. Public Interest Test (publication of Disclosure of Interests Returns on Council's website)

### 2.1. Introduction

Under section 6(1) of the GIPA Act, 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.

### 2.2. Decision

Council has undertaken a 'public interest test' under the GIPA Act. 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 resolved 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 officers, along with advice that unredacted Returns may be viewed free of charge at the Council Administration Office.

## A. List of Designated Persons and reason for inclusion

Position	Reason for inclusion on list of designated persons
General Manager	General Manager
Director Community & Culture	Senior staff
Director Corporate Services	Senior staff
Director City Planning	Senior staff
Director City Services	Senior staff
Chief Financial Officer	Manager
Manager Change Management	Manager
Manager Communications	Manager
Manager Community Development	Manager
Manager Customer and Compliance	Manager
Manager Development Assessment	Manager
Manager Economic Development & Place Making	Manager
Manager Health Bldg. & Reg. Services	Manager
Manager Human Resources	Manager
Manager IMT Services	Manager
Manager Infrastructure Services	Manager
Manager Integrated Transport	Manager
Manager Library Services	Manager
Manager Business Recreation Services	Manager
Manager Ranger Services	Manager
Manager Strategic Planning	Manager
Manager Sustainability	Manager
Manager Technical Services	Manager
Manager Waste, Cleansing & Public Safety	Manager
Compliance Officers	Regulatory function
Coordinator Building Cert & Fire Safety	Regulatory function
Coordinator Compliance	Regulatory function
Coordinator Environmental Health	Regulatory function
Coordinator Ranger Services	Regulatory function
Coordinator Regulatory Projects	Regulatory function
Environmental Health Officer	Regulatory function
Senior Building Surveyors	Regulatory function
Senior Environmental Health Officers	Regulatory function
Senior Swimming Pool Compliance Officer	Regulatory function
Swimming Pool Compliance Officer	Regulatory function
Coordinator Development Assessment	Development assessment
Coordinator Development Engineering	Development assessment
Coordinator Fast Track	Development assessment
Customer Service Planning & Development Officer	Development assessment
Development Engineers	Development assessment
Environmental Planning Officers	Development assessment
Executive Planner	Development assessment
Landscape Development Officer	Development assessment
Senior Environmental Planning Officers	Development assessment
Student Environmental Planning Officers	Development assessment
Coordinator Engineering Services	Manage significant contracts
Coordinator Major Projects (City Serv)	Manage significant contracts
Coordinator Projects (City Services)	Manage significant contracts
Coordinator Property	Manage significant revenue
Coordinator Purchasing & Contracts	Purchasing & contracts

Coordinator Waste Management  
Major Projects Planning Project Manager  
Open Space Assets Coordinator  
Procurement specialists  
Project Managers (City Services)  
Senior Project Manager  
Special Counsel  
Principal Internal Auditor

Manage significant contracts  
Manage significant contracts  
Manage significant contracts  
Purchasing & contracts  
Manage significant contracts  
Manage significant contracts  
In-house legal functions  
Internal audit

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1300 722 542  
[council@randwick.nsw.gov.au](mailto:council@randwick.nsw.gov.au)  
[www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)

**Randwick City Council**  
30 Frances Street  
Randwick NSW 2031