

Register of Interest Policy

1. Document control

Policy Number:	15/35750	Council Resolution Number:	2022-26/1046
Document Owner:	Chief Executive Officer	Document Author:	Manager Governance and OMCEO
Approval Date	18 August 2026	Next Review Date:	18 August 2030

2. Statement of Intent

- 2.1. The purpose of this Policy is to identify The Barossa Council's (Council's) Prescribed Officers who are required to submit a Register of Interest in accordance with the *Local Government Act 1999* (the Act).
- 2.2. Elected Members and Independent Members of the Barossa Assessment Panel (BAP) also have Register of Interest requirements in accordance with the Act and the *Planning, Development and Infrastructure Act 2016* (PDI Act) accordingly.
- 2.3. 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. Policy Statement

3.1. Elected Member Interests

- 3.1.1. The Register of Interests provisions within the Act apply to the Mayor and Councillors.
- 3.1.2. A Primary Return is mandated on initial election to Council and an Ordinary return after 30 June each year.
- 3.1.3. While there are also Register of Interests provisions under the *Planning, Development and Infrastructure Act 2016* Elected Member representatives on the Barossa Assessment Panel will not be required to submit any additional forms.

3.2. Chief Executive Officer and Prescribed Officer Interests

- 3.2.1. The Register of Interests provisions within the Act applies to the Chief Executive Officer and Prescribed Officers.
- 3.2.2. A Primary Return is required on initial appointment to Council and an Ordinary return after 30 June each year.
- 3.2.3. Council declare an Employees' position to be classed as a Prescribed Officer 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.

- 3.2.4. Where an Employee is appointed in an acting capacity to a Prescribed Position, the following conditions will apply based on duration:
- Excess of 90 days - Register of Interest required;
 - Between 30 and 90 days - Register of Interest required *only* if the Executive Leadership Team 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 – no action required.
- 3.3. Delegations
- 3.3.1. The Executive Leadership Team 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.
- 3.4. **Barossa Assessment Panel Independent Members Interests**
- 3.4.1. The Register of Interests provisions within the PDI Act apply to Independent Members Sitting on the Barossa Assessment Panel.
- 3.4.2. A Primary Return is mandated on initial appointment to the Panel and an Ordinary return after 30 June each year.

4. Scope

- 4.1. This Policy applies to:
- 4.1.1. Elected Members;
 - 4.1.2. Barossa Assessment Panel Independent Members and
 - 4.1.3. Employees in a Prescribed Officer role.
- 4.2. This Policy does not apply to Independent Members of Committees established under Section 41 of the *Local Government Act 1999*.

5. Responsibilities

- 5.1. **Chief Executive Officer**
- 5.1.1. Maintain and make available Registers of Interest in accordance with the Act and PDI Act.
 - 5.1.2. Submit returns in accordance with requirements of the Act.
 - 5.1.3. Provide notice of any change or variation to current information held in the register.
 - 5.1.4. Maintain Register confidentiality.
 - 5.1.5. Determine additional Prescribed Officers under s111(b) of the Act.
- 5.2. **Governance Team**
- 5.2.1. Facilitate the completion of Returns for Council Members, the Chief Executive Officer, Prescribed Officers and the Barossa Assessment Panel Independent Members.
 - 5.2.2. Publish Member returns to the Council website in accordance with the Act.
 - 5.2.3. Maintain Register confidentiality.
- 5.3. **Council Members, BAP Independent Members and Prescribed Officers**
- 5.3.1. Submit returns in accordance with requirements of the Act or PDI Act.
 - 5.3.2. Provide notice of any change or variation to current information held in the register.

6. Legislation and References

Legislation

- Local Government Act 1999
 - Elected Members - Chapter 5, Part 4, Subdivision 2
 - Council Officers - Chapter 7, Part 4, Subdivision 2
- Local Government (General) Regulations 2013
- *Planning, Development and Infrastructure Act 2016*
 - Section 83
 - Schedule 1
- Planning, Development and Infrastructure (General) Regulations 2017
 - Schedules 1 and 2

Supporting Documents

- Register of Interests

7. Definitions

Barossa Assessment Panel (BAP)	The current name of the Barossa Council's Assessment Panel established under section 83 of the <i>Planning, Development and Infrastructure Act 2016</i> .
Employee	a person employed by the Organisation on an ongoing or fixed term full-time or part-time basis, or employed on a casual basis.
Executive Leadership Team	any member of the Executive Leadership and defined by the Terms of Reference comprising executive appointed officers of CEO, Deputy CEO, Directors or other such persons appointed from time to time.
Interest	A stake or involvement in an undertaking, especially a financial one.
Prescribed Officer	means an officer with in the ambit of a declaration under Section 111(b) of the <i>Local Government Act 1999</i> , being any other officer, or any other officer of a class, declared by a Council to be subject to the operation of this division.
Register	means a Register of Interests kept for the purposes of the <i>Local Government Act 1999</i> , Chapter 5 Part 4 (Members of Council) and Chapter 7 Part 4. (Council Staff)
Return	Includes the Primary and Ordinary Return which are prescribed forms under the <i>Local Government Act 1999</i> and <i>Planning Development and infrastructure Act 2016</i> , which outline a Council Member's, Barossa Assessment Panel Independent Member's, or a Prescribed Officer's Interests.

8. Version History

This Policy will be reviewed by the Policy Author in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

Version No.	Date.	Summary of Changes
1	17/09/2013	Policy reviewed
2	21/10/2015	Policy reviewed
3	19/04/2016	Policy reviewed
4	19/09/2017	Policy reviewed
5	20/03/2018	Policy reviewed
6	17/09/2019	Policy reviewed as part of periodic review
7	20/07/2021	Policy review following changes to leadership framework
8	28/11/2022	Reviewed in line with <i>Statutes Amendment (Local Government Review) Act 2021</i>
9		Transferred into corporate template. Responsibilities section added. Definitions aligned with Policy Definition Glossary, unused definitions removed. Added Barossa Assessment Panel requirements. Supporting Forms under the LG General Regulations no longer exist.

9. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa during ordinary business hours. A printed copy of this Policy can be obtained upon payment of a fixed fee.

Feedback regarding this Policy or its application can be made to the Customer Service Team on 8563 8444 or barossa@barossa.sa.gov.au in the first instance, who will refer you to the most appropriate officer.