



City of Ryde

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A horizontal bar composed of 20 vertical rectangular segments in various colors: shades of pink, purple, blue, green, yellow, orange, and red.

Pecuniary Interest Returns Procedure

Pecuniary Interest Returns Procedure

Document Version Control

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Change History

Version	Review Date	Author	Reason for Change
1.0	01 February 2023	Corporate Governance	Initial draft of procedure resulting from audit by the Information and Privacy Commission
2.0	12 June 2024	Business Assurance and Governance	Minor amendments, the reduction of the number of Designated Officers and inclusion of all relevant attachments

Title of Procedure		
Owner: Business Assurance and Governance	Accountability: Business Assurance and Governance	Endorsed: Manager Business Assurance and Governance
CM Reference: D24/77766	Last review date: February 2023	Next review date: June 2025

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1. Related Resources

Internal References

- Code of Conduct
- Conflicts of Interest Policy
- Privacy Management Plan

External References:

- *Local Government Act 1993 (The Act)*
- *Government Information (Public Access) Act 2009 (GIPA)*
- *Government Information (Public Access) Regulation 2018 (GIPA)*
- *Privacy and Personal Information Protection Act 1998 (PPIPA)*
- Office of Local Government - Model Code of Conduct for Local Councils in NSW
- Information and Privacy Commission - Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons (Guideline 1).
- Information and Privacy Commission – Factsheet - What is the Public Interest Test?

2. Procedure

2.1 Background

Part 4 of Council's *Code of Conduct* (the Code) states that Councillors and designated persons must complete and lodge a Pecuniary Interest Return with the Chief Executive Officer.

Pecuniary Interest Returns must be lodged:

- 2.1.1 Within the first three months of being elected as a Councillor
- 2.1.2 Within the first three months of becoming a designated person
- 2.1.3 Annually within the first three months of the start of each financial year*
- 2.1.4 Within three months of a Councillor or designated person becoming aware of any new interests that need to be disclosed

* Not required if a Return has been submitted in the three months preceding 30 June, or if a person ceases to be a councillor or a designated person in the three months preceding 30 June.

2.2 Designated Persons

As per Clause 4.8 of the *Code of Conduct*, 'designated persons' include:

- 2.2.1 The Chief Executive Officer;
- 2.2.2 Council's Senior Staff (*i.e. Executive Team*);

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- 2.2.3 A staff member who exercises regulatory or contractual functions that could give rise to a conflict between the person's duty as a staff member and their private interest; and
- 2.2.4 A Council committee member who exercises contractual or regulatory functions that could give rise to a conflict between their duty as a committee member and their private interest (*i.e. Audit, Risk and Improvement Committee and the Ryde Local Planning Panel*)

Council's list of designated persons can be found in *Attachment 1*.

2.3 Management of Returns

- 2.3.1 Council must maintain a register of returns required to be made and lodged with the Chief Executive Officer.
- 2.3.2 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) of the Code must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 2.3.3 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) of the Code where a Councillor or designated person becomes aware of an interest not tabled previously, must be tabled at the next council meeting after the return is lodged.

2.4 Open Access Information

- 2.4.1 Information contained in returns made and lodged under clause 4.21 of the Code are to be made publicly available on Council's website (*unless there was an overriding public interest against disclosing the information*) in accordance with the requirements of the *Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

2.5 Application of the Public Interest Test

- 2.5.1 Returns may contain personal information of the person to whom the Return relates and potentially, of third parties such as family members.
- 2.5.2 Personal information includes the information or an opinion (*including information or an opinion forming part of a database and whether or not recorded in a material form*) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
- 2.5.3 Section 13 of the GIPA Act states there is an overriding public interest against disclosure of government information if (and only if):
 - There are public interest considerations against disclosure and
 - On balance, those considerations outweigh the public interest considerations in favour of disclosure

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- 2.5.4 In accordance with Section 739 of the Act, a Councillor or designated person may request that any material that is made publicly available be amended to remove details that will disclose the person’s place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person’s family at risk.
- 2.5.5 The Chief Executive Officer applied the public interest test and has determined that a request to redact any information with the exception of the designated officer’s signature, full place of residence and the number/street name of any other interested properties outside of the City of Ryde, a request is to be made in writing to the Chief Executive Officer.
- 2.5.6 In order to decide whether there is an overriding public interest against disclosure of additional information held in Returns, the Chief Executive Officer will apply the public interest test prescribed under Division 2 of the GIPA Act. The Chief Executive Officer will weigh the public interest considerations in favour of and public interest considerations against disclosure of the personal information held within each Return. When determining public interest considerations against disclosure, the Chief Executive Officer will determine which information is to be redacted from a person’s Return and will notify the person of the decision.
- 2.5.7 The procedure for requesting the suppression of additional personal information in Returns is detailed in *Attachment 2*.

2.6 Publication of Pecuniary Interest Returns

- 2.6.1 Council’s Business Assurance & Governance team are responsible for the following:
- Preparing the report to Council for the tabling of the Returns;
 - Preparing the Returns in the approved redacted format; and
 - Coordinating the publication on Council’s website

2.7 Record-keeping

- 2.7.1 Redacted and unredacted versions of all Returns will be saved within Council’s Records Management System, Content Manager.

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3. Attachments

<i>Number</i>	<i>Title</i>	<i>CM Reference</i>
1.	City of Ryde Designated Persons	D24/77766
2.	Suppression of Additional Information Process	D24/77766
3.	Statutory Declaration Template	D24/77766
4.	Initial Disclosure of Pecuniary Interest Return Template	D24/77787
5	Annual Disclosure of Pecuniary Interest Return Template	D24/77789

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Pecuniary Interest Returns Procedure

ATTACHMENT 1

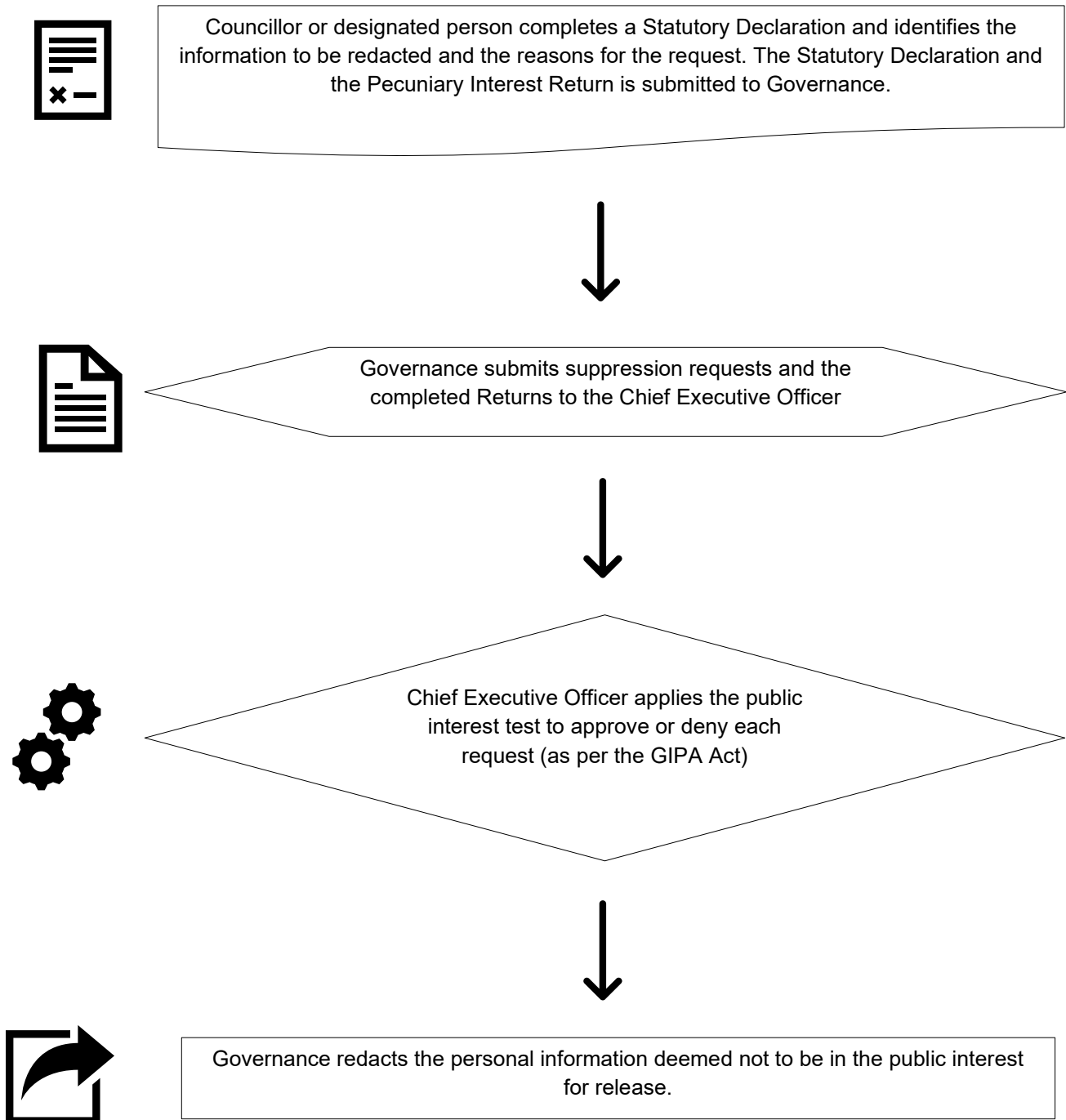
City of Ryde Designated Persons

19 x Staff	
1	Chief Executive Officer
2	General Manager Business & Operations
3	General Manager City Shaping
4	Chief Financial Officer
5	General Counsel
6	Manager Business Assurance & Governance
7	Chief Property Officer
8	City Architect
9	Executive Officer City Places
10	Executive Officer City Spaces
11	Executive Officer City Transport
12	Executive Officer City Resilience
13	Executive Officer City Fabric
14	Executive Officer City Economy
15	Executive Officer Social & Cultural Planning
16	Executive Manager People & Business
17	Executive Manager City Development
18	Executive Manager City Infrastructure
19	Executive Manager City Life
13 x Councillors	
12 x Local Planning Panel Members	
3 x Audit, Risk and Improvement Committee Members (excl. Councillors)	

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ATTACHMENT 2

Suppression of Additional Information Process



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ATTACHMENT 3

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, , do solemnly and sincerely declare that
[name of declarant]

.....
.....
.....

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: on
[place] *[date]*

.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, , a
[name of authorised witness] *[qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it: *[* please cross out any text that does not apply]*

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification¹ for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document I relied on was.....
[describe identification document relied on]

.....
[signature of authorised witness]

.....
[date]

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