

## CL010 – Register of Interest Policy

### 1. POLICY CERTIFICATION

Policy title:	<b>Register of Interest Policy</b>
Policy number:	<b>CL010</b>
Category:	<b>Policy</b>
Classification:	<b>Council</b>
Status:	<b>APPROVED</b>

### 2. PURPOSE

The purpose of this Policy is to provide direction to Roper Gulf Regional Council (RGRC) Members with regard to compliance with the Register of Interest requirements of the *Local Government Act*.

This Policy is to be used in conjunction with, and as a supplement for the RGRC *Conflict of Interest Policy* (ADM011).

### 3. ORGANISATIONAL SCOPE

This Policy applies to all Members as per the Section 3 Definitions of the *Local Government Act* which includes Members of RGRC, local authorities, and Council committees. This Policy does not apply to RGRC employees as RGRC employees are disqualified from holding office as Members of RGRC whilst employees of RGRC (s37(1)(d) LGA). It should be noted that on certain occasions RGRC employees may be appointed as Members of Council committees (s54(3) LGA), in which case this policy applies to applies to them whilst they are committee Members.

### 4. POLICY STATEMENT

Members of RGRC are required by Section 74(1) of the *Local Government Act* (the Act) to disclose personal or financial interest (*relevant interest*) as soon as practicable after an actual or potential conflict of interest has been identified. The Act further requires the Chief Executive Officer (CEO) of RGRC to maintain a Register of Members' Interests (the Register) (s74(2)) which must be made publicly available (s200(g)).

### 5. DEFINITIONS

<b>RGRC</b>	Roper Gulf Regional Council
<b>Council</b>	Roper Gulf Regional Council
<b>Member</b>	For the purpose of this policy the definition of Member shall be the definition prescribed by Section 3 of the Act, to include Members of RGRC, local authorities, and Council committees.
<b>LGA</b>	<i>Local Government Act</i>
<b>The Act</b>	<i>Local Government Act</i>
<b>Register</b>	Register of Members' Interests which RGRC is required to maintain as per s74(2) of the Act.
<b>CEO</b>	Chief Executive Officer of Roper Gulf Regional Council.
<b>Interest</b>	Personal or Financial Interest ( <i>Relevant Interest</i> as per s74(1) of the Act).

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<b>Conflict of Interest</b>	For the purpose of this Policy, a Conflict of Interest shall have the definition prescribed by Section 73(1) of the Act. A member has a Conflict of Interest in question arising for decision by the council, or local authority, committee if the member or an associate of the member has a personal or financial interest in how the question is decided.
<b>Associate of a Member</b>	For the purpose of this Policy, the definition of an Associate of a Member shall be the definition prescribed by Section 4 of the Act. A person is an associate of another if: they are in a close family relationship; or they are in a partnership; or one is a company and the other is a director or manager of the company; or they are related companies; or one is a private company and the other is a shareholder in the company; or a chain of relationships can be traced between them under one or more of the aforementioned situations.
<b>Staff</b>	Any person, whether in a paid and voluntary capacity, engaged by RGRC to provide a service or carry out a task.
<b>Shall</b>	Will
<b>Website</b>	Roper Gulf Regional Council’s website.

**6. PRINCIPLES**

Roper Gulf Regional Council is committed to the highest standards of integrity, fairness, transparency, and ethical conduct. RGRC shall, maintain and regularly update, a Register of Members’ Interests to ensure compliance with Part 7.2 of the *Local Government Act*, and to promote public confidence in Council, and its Members, staff, services, and activities.

**7. POLICY**

Roper Gulf Regional Council has a statutory obligation to maintain a Register of Members’ Interests. The purpose of the Register is to record actual and potential Conflicts of Interest of Members so as to comply with legislative requirements and good governance principles.

- 7.1 Roper Gulf Regional Council shall keep a Register of Members’ Interests, and this Register shall be publicly available through various methods including the Website so as to comply with Section 200(g) of the *Local Government Act*.
- 7.2 So as to comply with the Section 74(1) of the Act, Members shall, as soon as practicable after the Member becomes aware of an actual or potential Conflict of Interest, disclose that Interest to the CEO, or delegate of the CEO. Failure to disclose an Interest is an offence (s74(5)(a) LGA) which carries a maximum penalty of 100 penalty units (\$15,400 as of F.Y. 2016/17) or imprisonment for six (6) months. Failing disclose an Interest shall be treated as a serious misconduct matter, and dealt with accordingly. Depending on the nature of the matter(s), Members who fail to disclose Interests may have their matter(s) referred onto the Agency.
- 7.3 So as to comply with Section 74(2) of the Act, the CEO, or a delegate of the CEO, shall, upon being notified of an Interest by a Member, record the Interest in the Register. This is to be done as soon as practicable.

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- 7.4 Given the role of Local Government, and the ties which Members have to the local community, it is not unreasonable for Members to on occasion, have an Interest in the matters being discussed, or otherwise dealt with by RGRC. Upon identifying and disclosing an Interest, a Member must not, without Ministerial approval, attend, or otherwise participate in, a meeting of Council, local authority, or Council committee while a question in which the Member has a Conflict of Interest is under consideration, or being decided (s74(3) LGA).
- 7.5 If a Member who has an Interest in a matter being considered or decided by Council, a local authority, or a Council committee, attends the meeting, or participates in the decision pertaining that matter, the Civil and Administrative Tribunal (NTCAT) may, on application by an elector or ratepayer, declare the decision void (s74(6) LGA). Attendance or input in the decision making process by Members who have an Interest in the subject matter, shall be treated by RGRC as serious misconduct carried out by that Member and dealt with accordingly.
- 7.6 The onus of disclosure of Interests lies with individual Members, however, RGRC shall be proactive in identifying potential Conflicts of Interests which its Members may have, and, upon discovery, shall discuss these potential Conflicts of Interests with relevant Members to ascertain whether or not they are indeed actual, and thus enable both RGRC and Members to comply with the Part 7.2 of the *Local Government Act*.

### 8. REFERENCES

Related Policies	<ul style="list-style-type: none"> <li>• ADM011 – Conflict of Interest Policy.</li> <li>• ADM014 – Good Governance Policy.</li> <li>• ADM015 – Legislative and Regulatory Compliance Policy.</li> <li>• CL001 – Code of Conduct Policy.</li> <li>• CL002 – Members’ Disciplinary Policy.</li> <li>• CL003 – Elected Member Gift Policy.</li> <li>• CL005 – Council Meeting Procedures Policy.</li> <li>• LA001 – Local Authority Policy.</li> <li>• LA002 – Local Authority Meeting Policy.</li> </ul>
Related Forms	Conflict of Interests Register
Related Publications	<i>Local Government Act</i>

### 9. DOCUMENT CONTROL

Policy Number	<b>CL010</b>
Policy Owner	<b>Council</b>
Endorsed by	<b>SLT 06 February 2017</b>
Date Approved	<b>OCM 02 March 2017</b>
InfoXpert ID	<b>688954</b>
Amendments	<b>Nil</b>
Next Revision Due	<b>March 2020</b>

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### 10. CONTACT PERSON

Position	<b>Manager Governance, Corporate Planning and Compliance</b>
Contact number	<b>(08) 8972 9000</b>