



Circular Details	23 -13 / 30 October 2023 / A871320
Previous Circular	Circular No 22 – 15 Guidance for Councils on the publication of disclosure of interest returns
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance / olg@olg.nsw.gov.au / (02) 4428 4100
Action required	Information / Council to Implement

Release of the Information and Privacy Commission’s follow up audit of councils’ compliance with open access requirements in relation to returns of interests

What’s new or changing

- The Information and Privacy Commission (IPC) has issued a report on the outcome of its follow-up audit undertaken on councils’ compliance with the requirement to publish information in returns of interest lodged by councillors and designated persons on their websites. The IPC’s recent audit follows an earlier audit conducted in July 2021 which identified significant compliance failures.
- The IPC’s report is available [here](#).
- The IPC has made a commitment to develop further guidance to assist councils to comply with the “open access” requirements of the *Government Information (Public Access) Act 2009* (the GIPA Act).

What this will mean for your council

- The IPC’s report found that while there has been significant improvement in councils’ compliance with their obligations under the GIPA Act to publish information in returns of interests submitted by councillors and designated persons on their websites, some councils continue to be non-compliant.
- The report makes seven recommendations for councils to implement to promote openness, transparency, and accountability in relation to the disclosure of information in returns of interests.
- The IPC will continue to monitor compliance by the local government sector and, where relevant, assist the sector in its implementation of the recommendations set out in the report.

Key points

- The Model Code of Conduct for Local Councils in NSW requires councillors and designated persons to complete, and lodge returns of their interests with the general manager.
- The GIPA Act designates returns of interests as open access information. The public disclosure of information in returns of interests facilitates the identification and management of potential conflicts of interest that might arise where councillors and other key staff participate in decisions from which

they may directly or indirectly derive, or be perceived to derive, personal or financial benefit.

- The IPC's report found improvements in compliance with:
 - public availability of returns of interests by councillors and designated persons - a significant increase from 61% to 88% (46) fully compliant (+27%)
 - the ease of accessibility of returns of interests - significant improvements from 52% (27) to 88% (46) (+36%)
 - making returns of interests fully accessible without conditions - a significant increase from 65% to 88% (46) (+23%).
- The report also identified that the returns of interest of 19% (10) of councils were either not up to date or had not been published at all.

Where to go for further information

- The IPC's Guideline 1 assisting local councils to determine public interest considerations for and against disclosure of information contained in returns of interests is available [here](#).
- The IPC's video animation providing guidance to councils on the requirement to publish returns of interests is available [here](#).
- The IPC's Fact Sheet explaining to agencies that they are required to make a range of open access information publicly available under the GIPA Act and the *Government Information (Public Access) Regulation 2018* unless there is an overriding public interest against disclosure of the information is available [here](#).
- The IPC has developed a toolkit titled, 'The Essential Guidance Toolkit on information access and privacy fundamentals' which is available [here](#).
- For more information on these requirements contact the IPC at 1800 472 679 or by email at ipcinfo@ipc.nsw.gov.au.
- The Office of Local Government (OLG) has issued guidance on the completion of returns of interests which is available [here](#).
- For more information on these requirements, contact OLG's Council Governance Team by telephone on 4428 4100 or by email at olg@olg.nsw.gov.au.



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