

## ANNEXURE A

**Council Name:** PENRITH CITY COUNCIL

Your Council is requested to complete the following table outlining its response to the recommendations made in the report. Table 2 provides the explanation for the ratings. The completion of Table 1 should include details of any remediation actions including the date that those remediations will be completed by.

In respect of recommendation 1, for those Councils that did not make returns available on a website in accordance with section 6(2) of the GIPA Act your remediation actions should include your Council's response to address the requirement to make the returns publicly available on a website.

**Table 1 – Response to implementation of recommendations**

Recommendation	Status				Details of Remediation Actions
	Adopted in full	Adopted in Part	Alternate action adopted	Not Adopted	
<p><b>Recommendation 1</b> Councils should ensure that the disclosure of interest by Councillors and designated persons are complete and publicly available.</p>	<b>Yes</b>				Council already does so. Pecuniary Interest Returns are readily available on Council's website (from 2018-19 onwards).
<p><b>Recommendation 2</b> Councils would benefit from promoting consistency and accessibility in relation to returns of interest by establishing a single readily identifiable open access pathway. This should include meaningful labelling of returns by year, type and relevant links. The returns should be easily and prominently located on a Council's website and able to be located from a single search from the main page.</p>	<b>Yes</b>				Council already does so. Pecuniary Interest Returns are readily available and easily accessible on Council's website.

Recommendation	Status				
	Adopted in full	Adopted in Part	Alternate action adopted	Not Adopted	Details of Remediation Actions
<p><b>Recommendation 3</b> Councils should ensure that the disclosures are updated as required consistent with clause 4.21 of the Model Code of Conduct for Local Councils in NSW – 2020.</p>	Yes				Council already does so. Pecuniary Interest Returns are sent under cover of a memorandum. That memorandum advises the relevant designated person of their requirements to update the return in accordance with the Code of Conduct.
<p><b>Recommendation 4</b> The IPC commits to the development of further guidance to inform the local government sector on the interface of the silent elector” requirements of the Electoral Act NSW and the GIPA Act.</p>	N/A	N/A	N/A	N/A	
<p><b>Recommendation 5</b> Councils should ensure that systems, policies and practices are developed to support application of the public interest test. Those aids should reflect the requirement to establish by cogent and probative evidence that the personal and privacy considerations arising under ss 57 and 58 of the PPIP Act provide a relevant public interest consideration and not a mere personal or private consideration to operate against disclosure.</p>	Yes				<p>Council already does so. Any decision Council’s Right to Information Officer makes in accordance with the GIPA Act is recorded through a ‘record of decision document’. That document supports the application of the public interest test in accordance with the GIPA Act.</p> <p>The second part of the recommendation is already contained within the GIPA Act and does not need to be reflected in further material.</p>

<p><b>Recommendation 6</b> Councils should maintain a central record of all open access information that has been withheld due to an overriding public interest against disclosure and embed policies and procedures to ensure compliance with section 6(5) of the GIPA Act.</p>	<p><b>Yes</b></p>				<p>Council already does so. The information which is withheld due to an overriding public interest against disclosure is apparent from the redacted form. Auditable, un-redacted copies of those records are maintained by Council.</p>
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Recommendation	Status				
	Adopted in full	Adopted in Part	Alternate action adopted	Not Adopted	Details of Remediation Actions
<p><b>Recommendation 7</b> Councils should have a clear and specific policy or procedure for the completion, collection and publication of the returns of interest within 12 months of this report.</p>	<p><b>Yes</b></p>				<p>Council proposes to document the procedure related to the collection of public interest returns.</p> <p>The completion and collection of the pecuniary interest returns is documented within Council's adoption of the Model Code of Conduct.</p> <p>The publication of pecuniary interest returns is contained within the GIPA Act.</p>
<p><b>Recommendation 8</b> The policy or procedure should include appropriate guidance to assist officers within the council to carry out the obligations with respect to the returns of interests. In particular, Councils should ensure that the policy or procedure includes adequate information including:</p> <ul style="list-style-type: none"> <li>• a clear definition of 'designated persons'</li> <li>• guidance about making redactions or withholding information on a case by case basis following consideration of the public interest test</li> <li>• setting out the clear authorisation process for the approval and publication of returns, and</li> <li>• ensuring that there is a clear process for the publication, review and updating of returns.</li> </ul>				<p><b>Yes</b></p>	<p>This recommendation is superfluous.</p> <p>The definition of 'designated persons' is contained within the Mandatory Code of Conduct that applies to all Councils.</p> <p>Guidance about making redactions is not necessary. The GIPA Act creates the public interest test and any further guidance is available through case law, and IPC fact sheets and guidelines.</p> <p>There is no 'approval' of the returns. Their publication is dealt with by the GIPA Act. That is, there is an obligation to make open access information available on the Council's website. Council complies that obligation to publish the Pecuniary Interest Returns on its website (for returns for the period 2018-2019 onwards).</p> <p>Council already advises designated persons of their responsibility to update Pecuniary Interest Returns.</p>

**Table 2 – Explanation of ratings**

<b>Rating</b>	<b>Description</b>
Adopted in full	The agency has accepted the recommendation in its entirety and will implement in full.
Adopted in part	The agency has accepted the recommendation in part. However, it has not fully realised the intent of the recommendation or only proposes to implement part of the recommendation.
Alternate action adopted	The agency has addressed the underlying issue by taking action different to the recommended action and that action is deemed acceptable to the IPC.
Not accepted	The agency has not accepted the recommendation.