

Managing conflicts of interest of councillors

Framework proposal/discussion paper



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Introduction

Background

The Tasmanian Government is committed to supporting and strengthening Tasmania's local government sector and ensuring that our local councils are equipped to serve their communities. In 2020 following extensive public consultation, 51 legislative reforms were approved by the Tasmanian Government as part of the Local Government Legislation Review. Two of the proposed reforms directly address conflict of interest issues.

On 29 September 2022, the Integrity Commission released a summary report of its own-motion Investigation Fisher. The report presented its findings into alleged misconduct of a councillor surrounding undeclared conflicts of interest.

An additional research paper produced by the Integrity Commission, based on the findings from Investigation Fisher, highlighted gaps in the current regulatory framework for managing the interests of councillors in local government and recommended potential reforms.

Early in 2023 the Office of Local Government convened a local government sector working group to develop a proposal for an effective and contemporary framework for managing conflicts of interests. The working group has informed the development of this framework proposal and endorsed its release for consultation. The Premier's Local Government Council (PLGC) met on 27 July 2023 and endorsed the outline of the draft framework that is now presented for consultation.

Changes to legislation will be required to give effect to the proposed reforms. Accordingly, this document is presented as a "framework proposal". Consequently, throughout this document, references to future legislation are subject to consideration by Government, which will be informed by this engagement.

Making a submission

Submissions on this framework proposal are welcome from members of the community, stakeholders, councils, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback. Submissions might consider the following:

- Do the provisions of the proposed framework reflect the guiding principles?
- Does the proposed framework support public confidence and trust in local government?
- Are the proposed exemptions to conflicts of interest comprehensive, practical, and suitable for adoption in Tasmania?
- When determining what information contained in a Personal Interest Return should be exempt from publication, are the examples provided appropriate for adoption in Tasmania?

Submissions by email to lgconsultation@dpac.tas.gov.au are preferred. Alternatively, submissions may be provided by mail, addressed to:

Attention: Managing interests framework
Office of Local Government
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions must be received by 5:00pm on 12 January 2024.

Submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this. Please consult the [Tasmanian Government's Public Submission Policy](#) for further information. Submissions will be published after consideration by Government.

Proposed changes to managing conflicts of interests of councillors

Proposed change	Page
<p>1. This framework introduces six guiding principles:</p> <ul style="list-style-type: none"> 1) integrity 2) impartiality 3) transparency 4) accountability 5) proactivity and responsiveness 6) consistency. 	9
<p>2. Currently in Tasmania, pecuniary (financial) conflicts of interest are regulated through the <i>Local Government Act 1993</i> (the Act). Non-pecuniary interests are regulated through the Code of Conduct. Under this proposed framework, all conflicts of interest will be regulated through the Act and will be classified either as actual, perceived or potential conflicts of interest. For this reason, the Code of Conduct Panel would no longer assess alleged conflicts of interest and all types of conflicts of interest may be either pecuniary or non-pecuniary.</p>	11
<p>3. Councillors will be required to disclose both the fact that they have a conflict of interest and the nature of the conflict of interest before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed.</p>	14
<p>4. After disclosing an actual conflict of interest, councillors must exclude themselves from meetings, workshops, agenda briefings or other forums during discussion on the matter. Councillors with an actual conflict of interest will have restricted or no access to deliberative material and information on those matters.</p>	14
<p>5. After disclosing a perceived or potential conflict of interest, councillors must exercise their own reasonable judgment as to whether or not to participate. In certain circumstances, it may be appropriate for the Council to overturn a councillor's decision to participate.</p>	14
<p>6. The management of perceived and potential conflicts of interest needs to be flexible to reflect the variety and broad scale of conflicts that could be included. Changes to the Act will be considered to empower the Minister to introduce guidance around how assessments and judgements are made and the types of management options that are available, especially if a perceived or potential conflict of interest is disclosed.</p>	14

<p>7. This proposed framework introduces new arrangements for submitting and managing personal interest returns. Councillors will be required to submit an initial personal interest return shortly after being elected to council. Councillors will also be required to submit an annual personal interest return on a fixed date, through their term.</p>	<p>15</p>
<p>8. Where a personal interest return discloses an interest that will foreseeably give rise to a conflict in the council, councillors will be required to develop a Proactive Management Plan including pre-arranged actions and strategies to manage the foreseeable conflict.</p>	<p>15</p>
<p>9. In the interests of accountability and transparency, this framework proposes that Personal Interest Returns and Proactive Management Plans (or summaries providing agreed details) should be publicly available.</p>	<p>16</p>
<p>10. Updated penalties under this framework may include fines, dismissal from office, and prison terms.</p>	<p>17</p>

Objectives

Any perception that local governments may be unable to make fair and unbiased decisions has the capacity to erode their legitimacy and have negative impacts on their functioning.

This framework sets out a contemporary approach for identifying, managing, and mitigating councillors' personal interests and conflicts of interest, while ensuring that councillors' decisions and actions are guided by ethical principles. It is aligned with the *Good Governance Guide for Local Government in Tasmania* published by the Department of Premier and Cabinet.

Two key objectives of good governance in local government (and all decision making of public officials) are to:

1. Ensure that decisions are made in the best interests of the community and free from bias arising from the personal interests of decision-makers.
2. Promote trust in decision-making in local government by managing perceptions of bias arising from perceived personal interests of decision-makers.

These are the primary objectives of this framework for managing conflicts of interest of councillors.

Guiding Principles

Implementing a principles-based framework encourages a culture of ethical behaviour, professional conduct, and good governance, while also fostering trust and confidence among constituents and other stakeholders.

Councillors should uphold the following six principles when managing their personal interests in the course of their duties. All councils and councillors should bear these principles in mind when managing interests and deciding how legislation and regulations should be interpreted and applied.

Integrity

Integrity is a value that underpins all councils' trustworthiness. Having integrity as a foundational principle demonstrates a commitment to ethical conduct and responsible governance. Integrity underscores the importance of self-awareness and self-regulation while encouraging councillors to recognise and disclose conflicts of interest that arise in the course of their duties. Integrity serves as a guiding principle for councillors to navigate conflicts responsibly and make decisions in the best interests of the council and its constituents.

Impartiality

Impartiality is a fundamental principle of ethical conduct. Councillors committed to acting impartially will prioritise their duties as a councillor, and the welfare of their constituents, over their personal interests. Impartiality promotes fair and unbiased decision-making and fosters trust among stakeholders and constituents.

Accountability

Accountability is a fundamental requirement of good governance. Accountability ensures that councillors are responsible and answerable for their actions and decisions. It promotes transparency by requiring councillors to disclose their interests. When councillors demonstrate that they are accountable for identifying and managing conflicts of interest, it enhances confidence in council's decision-making processes and governance.

Transparency

The community should be able to follow and understand council's decision-making process. Transparency promotes accountability, trust and fairness within local government and ensures that councillors are aware of their obligation to disclose conflicts of interest. A culture of transparency and openness will minimise the occurrence of undisclosed conflicts of interest and ensure decision-making processes are fair and unbiased, safeguarding the integrity of decisions. Transparency serves as a vital foundation for the success of this framework and the maintenance of trust among constituents.

Proactivity and Responsiveness

Councillors should proactively disclose and manage conflicts of interest at the earliest possible stage. Simultaneously, the requirement to be responsive promotes a dynamic approach to managing conflicts of interest and ensures that they are promptly and appropriately addressed.

Consistency

This framework increases clarity surrounding the management of interests, which in turn will promote a consistent approach across the State in line with community expectations of good governance. Consistency is reinforced by adopting the Integrity Commission's classification system of conflicts of interest, introducing best practice principles used across Australia, and updating penalties so that they are commensurate with those in other jurisdictions. When councillors collectively disclose and manage their interests in line with this framework, they help maintain high standards, setting a strong example as leaders in their community.

Classifying Interests

Introduction

In Tasmania, interests for councillors in Local Government are currently categorised as either pecuniary (financial) or non-pecuniary (non-financial). Pecuniary conflicts of interest are regulated through the *Local Government Act 1993* (the Act). Non-pecuniary interests are regulated through the Code of Conduct (the Code).

The Local Government Act Legislation Review identified the current arrangements as confusing for councillors and difficult to manage, especially as pecuniary and non-pecuniary interests operate with different regulations and sanctions.

The Act, while managing actual pecuniary conflicts of interest, is silent on how perceived pecuniary interests should be managed. Under the Code, non-pecuniary interests are not clearly defined making the Code difficult to interpret and enforce. The most severe sanction for a councillor participating in council meetings with a serious undeclared non-pecuniary conflict of interest is a three-month suspension from duties without allowances, after which they resume their position on the council.

Under this proposed framework, a conflict of interest arises when a councillor has an interest in any matter with which the Council is concerned that may impact on their ability to make an impartial decision. All conflicts of interest will be regulated through the Act and will be classified as either actual, perceived, or potential conflicts, following the Integrity Commission classifications.

For this reason, the Code of Conduct Panel would no longer assess alleged conflicts of interest and all types of conflicts of interest may be either pecuniary (financial) or non-pecuniary.

Actual conflict of interest

A councillor has an actual conflict of interest in respect of a matter if an impartial, fair-minded person would consider that the councillor **would** gain a benefit or suffer a loss from a decision made by the council. The benefit gained or loss incurred may arise directly (ie directly to them) or indirectly (ie through a close associate) or be of a pecuniary or non-pecuniary nature.

A pecuniary benefit or loss is one that can be measured in money. However, a benefit or loss does not have to be pecuniary.¹ Non-pecuniary benefits or losses might include:

- an impact on a person's social or community standing;
- an impact on a person's residential amenity; or
- a permit allowing a person to conduct an activity.

¹ *Managing Personal Interests in Local Government - A manual for council managers and governance officers*, p 13, Local Government Victoria, October 2020.

Perceived conflict of interest

A perceived conflict of interest is when a councillor may appear – to a reasonable person familiar with the facts of the situation – to be influenced in a manner that is contrary to their public duty to impartially perform the role of a councillor. It is still a perceived interest even if it is not occurring.

Perceived conflicts of interest may be either pecuniary (financial) or non-pecuniary.

Potential conflict of interest

A potential conflict of interest occurs when a councillor is in a position where they may be influenced in the future by their personal interests when fulfilling their duties. Importantly, under a potential conflict of interest, there is no intimation of a current conflict of interest but rather, a recognition of one that may occur in the future.

Potential conflicts of interest may be either pecuniary (financial) or non-pecuniary.

Examples

- Councillor A is a member of the committee of a local not for profit sports club that is applying to the council for a grant. The Councillor's status as a committee member gives rise to an actual (non-pecuniary) conflict of interest.
- Councillor B owns a business that is submitting a tender for a contract with the council. Councillor B has an actual (pecuniary) conflict of interest in the matter as they will gain an immediate and tangible financial benefit if their company is successful in being awarded the contract.
- Councillor C used to work for the business that is applying for the tender for the contract with council and maintains close personal friendships within the company. Councillor C has a perceived conflict of interest in the matter because an impartial, fair-minded person may consider that Councillor C's previous employment and friendships could influence their decision-making and result in them acting in a manner that is contrary to their public duty.
- Councillor D has an intimate relationship with the owner of a local construction company. The Councillor's private interests are currently not relevant to their official duties, but they could be in the future if their spouse submits a tender for works. This is a potential conflict.
- Councillor E has a property that will be served by the tendered contract. Because this benefit is held in common with a substantial proportion of residents and does not exceed the interest held by the other residents, Councillor E does not have a conflict of interest.

Exemptions

As illustrated by the Councillor E scenario, some situations should not give rise to a conflict of interest. These will be established in legislation to give effect to this framework proposal.

Based on exemptions currently in force in Victoria, below are examples of the types of exemptions that could apply for this framework:

- the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the councillor in relation to the matter;
- the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- the councillor does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- the interest only arises because the councillor is the representative of the council on a not-for-profit organisation that has an interest in the matter and the councillor receives no personal advantage from the not-for-profit organisation;
- the interest only arises because a family member of the councillor is a member but not a committee/board member of a not-for-profit organisation;
- the interest only arises because the councillor is a member, but not a committee/board member, of a not-for-profit organisation – even where that organisation has expressed an opinion or advocated for an outcome in regard to the matter;
- the interest arises in relation to a decision by a councillor on a matter or in a circumstance that is prescribed to be exempt.

Exemptions do not discharge an obligation to disclose an interest required under a Personal Interest Return, and appropriate actions and strategies should be proactively developed, as discussed later in this document.

Disclosure and management of conflicts of interest

Disclosure

Actual, perceived and potential conflicts of interest must be disclosed whenever a councillor is called on to perform a public duty that could affect their personal interests.

Under this framework proposal, councillors will be required to disclose both the fact that they have an interest in a matter, and the nature of the interest, before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed. Depending on the nature of a councillor's interest, they may be prohibited from attending or participating in forums while the matter is discussed, as well as receiving information on the matter in which they have disclosed an interest.

Councils will appoint a Principal Officer (General Manager or their delegate), to ensure that councillors have a clear point of contact to discuss and disclose conflicts with. This will assist in clearer direction to councillors on how to manage a conflict and also allow for council to record and manage conflicts.

A councillor must not take actions that are contrary to a previous declaration, effectively giving rise to a conflict of interest after the fact. For example: if a councillor has a business that could compete for a tender that the council has to approve, the councillor cannot say that they do not have a conflict of interest on the basis that their business will not apply for the tender, and then later, after they have received information and participated in the decision to release the tender, disclose a conflict of interest and compete for the tender.

Management

Actual conflicts of interest

After disclosing an actual conflict of interest, councillors must exclude themselves from attending meetings, workshops, agenda briefings or other forums while the matter is being discussed. Councillors with an actual conflict of interest shall have restricted or no access to deliberative material and information on those matters. Changes to legislation will be considered to automatically classify such material and information confidential in respect of an actual conflict of interest.

Perceived and potential conflicts of interest

After disclosing a perceived or potential conflict of interest, councillors must exercise their own reasonable judgment as to whether or not to participate. In certain circumstances, it may be appropriate for the Council to overturn a councillor's decision to participate. In a workshop setting, agenda briefing or other forum, the Mayor would be empowered to exercise an interim decision to overturn a councillor's decision to participate. The matter will then be brought to the next council meeting for a decision.

The management of perceived and potential conflicts of interest needs to be flexible to reflect the variety and broad scale of conflicts that could be included in this category. Changes to legislation will be considered to empower the Minister to introduce guidance around how assessments and judgements are made and the types of management options that are available if a perceived or potential conflict of interest is disclosed.

Personal Interest Returns

Tasmania is the only Australian jurisdiction that does not require councillors to lodge a Personal Interests Return (PIR) that discloses and records interests held by councillors in property, corporations and business partnerships, membership of organisations, as well as sources of income. In Victoria, a PIR is described as “a record of the private interests of a person in public office that assists in improving probity. It helps to ensure transparency and reduce conflicts of interest.”

This proposed framework addresses this by introducing arrangements for submitting and managing PIRs.

Councillors will be required to submit an initial PIR to the General Manager or a delegated officer shortly after being elected to council.

Councillors will also be required to submit an annual PIR by a fixed date to the General Manager or a delegated officer throughout their term.

Throughout the year, councillors will be required to disclose new or emerging personal interests by updating their annual PIR.

The information that a councillor must disclose relating to the nature of different types of interests will be prescribed in legislation developed to give effect to this framework.

A councillor may be reported to the Director of Local Government if the councillor:

- knowingly fails to provide a PIR within the allotted time frame;
- knowingly fails to notify of any alteration of those interests within 28 days of the change occurring, or
- knowingly provides false or misleading information.

Examples of the types of interest that must be disclosed in the PIR, based on the Registration of Members' Interests applied to Members of the Federal House of Representatives, are included in Appendix A.

Proactive Management Plan

After completing, or updating their PIR, councillors will be required to develop a Proactive Management Plan including pre-arranged actions and strategies to manage foreseeable conflicts.

These actions and strategies should be developed collaboratively with input and advice from the council's mayor and the Principal Officer (General Manager or their delegate). If the mayor has an interest that must be proactively managed, the General Manager should assume the mayor's role for this purpose.

If a councillor does not voluntarily propose pre-arranged actions and strategies, or the mayor considers that the proposed actions and strategies are unlikely to effectively prevent foreseeable conflicts in the council, the mayor will be able to request the councillor develop appropriate pre-arranged actions and strategies that, in the mayor's reasonable opinion, will effectively manage a conflict of interest in foreseeable scenarios.

Proactive Management Plans must be developed within 28 days from the submission of a PIR.

Publication of Personal Interest Return and Proactive Management Plan

In the interests of accountability and transparency, this framework proposes that PIRs and Proactive Management Plans (or summaries providing agreed details) should be publicly available. This would be consistent with current arrangements in most other Australian jurisdictions.

In developing legislation to give effect to this framework, provisions will be included to exempt appropriate details from publication. For example, in Victoria, information exempt from publication includes:

- the monetary value or amount of any income, shares, other beneficial interests and debt;
- the street address and number of any land owned by the specified person, or in which the specified person has a beneficial interest, if the land is the principal place of residence of any person;
- information which, if released, would be reasonably likely to place the personal safety of any person at risk;
- private commercial information.

Complaints, penalties and deterrents

Initially, a complaint should be lodged with the General Manger of the council. After assessing the complaint to ensure it addresses a breach of the Act or Regulations, and that it is in the correct format, the General Manager should refer the complaint to the Director of Local Government.

Penalties or sanctions will be imposed for:

- failing to declare an interest;
- failing to declare an interest with an intent to dishonestly obtain a benefit;
- intentionally or recklessly lodging a personal interests return that contains false or incomplete information;
- failing to update a personal interests return in the required time;
- failing to develop and agree to pre-arranged actions and strategies to proactively manage foreseeable conflicts of interest;
- acting inconsistently with a previous declaration or giving rise to a conflict of interest after the fact.
- attending a meeting, workshop, agenda briefing or other forum where a matter relating to a known conflict of interest would be discussed without disclosing a conflict of interest.

Penalties under this framework may include fines, dismissal from office, and prison terms. These will be set through the development of legislation.

Penalties should be proportionate to legislation and penalties in other States. Tasmania currently has penalties that are significantly lower than elsewhere.

Impact of undeclared conflict of interest on a council decision

Under this framework, a councillor's participation in a council decision while having an undeclared conflict of interest would not automatically invalidate the council's decision. However, if the conflicted councillor's vote or conduct appears to be material to the outcome of the council's decision, it is proposed that this information may be used as grounds to appeal the decision where such an avenue exists.

This process would be an administrative appeal.

Further support and guidance

To support the implementation of this framework, the Office of Local Government will develop support materials including:

- a Guide to the management of actual, perceived and potential conflicts of interests, including case studies;
- a Personal Interest Returns template;
- a Proactive Management Plan template;
- information on implications for the Code of Conduct framework; and
- a module to be included in the Local Government Learning and Development Framework.

Definitions

The following definitions are derived from contemporary managing interests frameworks across Australia. They will be refined as a result of this submissions received in response to this consultation draft, and through the development of legislation to give effect to the draft framework.

actual conflict of interest: A councillor has an actual conflict of interest in a matter if, in respect of a matter a councillor would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise, or the loss may be incurred, directly or indirectly or in a pecuniary or non-pecuniary form.

annual personal interests return means a return lodged annually by a councillor, after the initial personal interests return, while they continue to be a councillor.

close associate means:

- a family member of the councillor;
- a body corporate of which the councillor or their spouse or domestic partner is a director or a member of the governing body;
- an employer of the councillor, unless the employer is a public body;
- a business partner of the councillor;
- a person for whom the councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the councillor is a trustee;
- a person from whom the councillor has received a disclosable gift.

family member means:

- a spouse or domestic partner of the councillor; or
- a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the councillor or of their spouse or domestic partner; or
- any other relative that regularly resides with the councillor.

initial personal interests return means the first return lodged by a councillor.

matter means a matter with which a council will require a power to be exercised, a duty or function to be performed, or a decision to be made, by the Council.

perceived conflict of interest: A perceived conflict of interest is when a councillor may appear – to a reasonable person familiar with the facts of the situation – to be influenced in a manner that is contrary to their public duty to impartially perform the role of a councillor. It is still a perceived interest even if it may not be occurring. A perceived conflict of interest may be either pecuniary or non-pecuniary.

personal interest means any direct or indirect interest of a councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

potential conflict of interest: A potential conflict of interest occurs when a councillor is in a position where they may be influenced in the future by their personal interests when fulfilling their duties.

public duty means the responsibilities and obligations that a councillor has to members of the public in their role as a councillor.

Appendix A – Information included in personal interest returns

The detail that must be provided by a councillor in a personal interest return varies between jurisdictions that require returns to be submitted.

Below is an example of the type of interests, and level of detail about those interests, that Federal Members of the House of Representatives are required to disclose and declare. This information is published online as soon as possible after the commencement of each Parliament and is updated as required to include any alteration of their interests by a Member.

Federal Registration of Members' interests – Requirements of the House of Representatives

Within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide a statement of:

- (a) the Member's registrable interests; and
- (b) the registrable interests of which the Member is aware (i) of the Member's spouse/partner and (ii) of any children who are wholly or mainly dependent on the Member for support.

The statement of a Member's registrable interests shall include the Member's registrable interests as well as those of their spouse/partner and any children who are dependent on the Member.

Declarations/disclosures shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies—
 - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
 - (ii) in which the Member, the Member's spouse/partner, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse/partner or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;

(i) the nature of any other assets (excluding household and personal effects) each valued at over \$7,500;

(j) the nature of any other substantial sources of income;

(k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse/partner or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;

(l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;

(m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and

(n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.

Appendix B – Interjurisdictional comparison

State	Act	Regulations	Code	Types of interest	Declaring interests	Managing interests
Tasmania	<u>Local Government Act 1993</u>	<i>Local Government (General) Regulations 2015</i>	Prescribed <i>Model Code of Conduct</i>	Pecuniary (legislation) Non-pecuniary (regulation - code of conduct)	Pecuniary and non-pecuniary interests must be declared only before matter discussed at meeting. No requirement for councillors to complete return of interests.	Pecuniary – non-participation in meeting and decisions. Non-pecuniary – councillor decides if they have a conflict of interest and whether it requires non-participation in meeting.
Victoria	<u>Local Government Act 2020</u>	<i>Local Government (Governance and Integrity) Regulations 2020</i>	Yes, (but not prescribed)	General – if reasonably presumed to be a conflict between councillor's personal interests and the public duty. Material – if would gain benefit of loss (either pecuniary or non-pecuniary)	Yes, lodge a written personal interests return after election, then biannually. Disclose conflict of interest before matter discussed at council meeting. Summary of interests made publicly available.	General and material – non-participation in meeting and decisions.
NSW	<u>Local Government Act 1993</u>	<i>Local Government (General) Regulation 2005</i>	<u>Model Code of Conduct for Local Councils in NSW</u>	Pecuniary Non-pecuniary	Yes, lodge a written personal interests return after election, then annually. Register of interests not public.	Pecuniary – non-participation in meeting and decisions. Non-pecuniary – assess, non-participation if deemed significant.
Queensland	<u>Local Government Act 2009</u>	<i>Local Government Regulation 2012</i>	<i>Code of Conduct for Councillors in Queensland</i>	Prescribed – mostly relates to supply of goods and services and lease or sale of assets. Declarable - conflict between councillor's personal and public	Yes, lodge a written financial and non-financial interests return after election, then annually.	Prescribed – non-participation in meeting and decisions. Declarable – participation or non-participation as voted on by council.

				interests where decision might not be in public interest. Personal interest	Register of interests made publicly available.	Personal – council to decide if personal interest is declarable.
Northern Territory	<u><i>Local Government Act 2019</i></u>	<i>Local Government (General) Regulations 2021</i>	Code of Conduct (Schedule 1 of the Act)	A direct interest, an indirect financial interest, an indirect interest by close association and an indirect interest due to conflicting duties.	Written return on election, then annually, disclosing a range of financial interests, membership of political party, and organisation for which a conflict of interest with the person's duties could foreseeably arise. Register of interests made publicly available.	All interests – non-participation unless permission granted by Minister.
South Australia	<u><i>Local Government Act 1999</i></u>	<i>Local Government (General) Regulations 2013</i>	<i>Code of Conduct for Council Members</i>	General – if reasonably presumed to be a conflict between councillor's personal interests and the public duty. Material – if would gain benefit of loss (pecuniary or non-pecuniary)	Yes, lodge a written personal interests return after election, then annually. Must include pecuniary interests, and non-pecuniary interests that might raise a material conflict of interest. Register of interests made publicly available.	Material – non-participation (except with Minister's approval). General – participation or non-participation as decided by the councillor with the declared interest.
Western Australia	<u><i>Local Government Act 1995</i></u>	<i>Local Government (Rules of Conduct) Regulations 2007</i>	<i>Local Government (Model Code of Conduct) Regulations 2021</i>	Financial (primary legislation) Non-financial (interest that might affect impartiality including kinship, friendship or membership of an association (regulations).	Financial – written return after election, then annually. Non-financial interests – must be declared before matter discussed at meeting. Register of interests not public.	Financial - non-participation, unless permitted by other members present or permission granted by Minister. Non-financial – allowed to participate.



Tasmanian
Government

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