



CIRCULAR HEAD COUNCIL

Submission to Councillor Conflicts of Interest Consultation

By email: lgconsultation@dpac.tas.gov.au

Dear Sir

Thank you for the opportunity to comment on the discussion paper 'Managing Conflicts of Interest of Councillors'.

Circular Head Council wishes to submit the following comments and concerns:

Disclosure of Interests by Councillors

The proposal that personal interest returns are submitted by councillors soon after they are elected and annually thereafter and that these are publicly available, gives rise to significant concern around privacy and potential impact on business dealings in a small rural community.

In discussion elected representatives expressed significant concern about the potential level of detail required and which would then become public.

A number of the Elected Representatives in Circular Head run businesses, some hiring contractors or sub-contractors and there is a concern that should the knowledge and detail of customers and contracts be made public, this would lead to unfair competition and pricing and conceivably, to a lack of contractors willing to associate with an Elected Representative who owns a local business.

There was also concern about the extent of the definition of 'family member'. Again, in a small rural community where family relationships can be extensive, a wide definition of 'family member' is likely to become unduly onerous in terms of Disclosures of Interest.

If the proposal for a publicly available Personal Interest Return proceeds, it must include the details on p 16 of the discussion paper which sets out the Victorian model (where certain details are exempt from publication). These include:

- 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.

Elected Representatives expressed concern that these broad Disclosures of Interest as currently proposed would deter people from standing for Council.



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Management of Conflicts of Interest

The proposal that when a councillor has an actual conflict of interest (pecuniary or non-pecuniary) they should exclude themselves from any official council discussion (formal or informal) of the matter and should not have access to any relevant background material, also gave rise to concern.

Noting that where the conflict is perceived or potential it is proposed that the councillor exercises their own reasonable judgement as to whether to participate or not and that the framework proposes to give a council leeway to override a councillor in this situation, Circular Head Elected Representatives overall considered that having no access to information and being barred from all debate will act to diminish the value that an individual can add.

Elected Representatives were broadly in agreement that they had a strong preference for inclusion in discussion and debate on a matter even potentially when there was a pecuniary interest.

To clarify the last point, it is accepted that when a councillor or close relative would benefit from a decision they should be excluded from discussion. However, when a councillor has had business dealings in the general community (e.g., trading cattle or buying merchandise) there is a feeling that they should at least be part of discussion, as an individual Elected Representative might have information that could be valuable to the discussion.

There was broad agreement that there should be the option to hear everyone's input, after which the conflicted Representative (s) would leave the room and not vote.

Yours faithfully

Vanessa Adams MBE
GENERAL MANAGER

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