

From: [Clr Carole McQueeney](#)
To: [Consultation, LG](#)
Subject: Submission: Managing conflicts of interest of Councillors - Framework proposal/discussion paper
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Attention: Managing interests framework, Office of Local Government

Please accept this personal submission regarding the Managing conflicts of interest of Councillors Framework proposal/discussion paper

I write this submission as a current Councillor with the Glamorgan Spring Bay Council, and with a strong interest in strengthening the Tasmanian local government conflict of interests arrangements. I note that all other jurisdictions have moved in this direction, and am pleased that it is now being progressed here.

I have extensive governance experience and am both used to, and comfortable with, modern conflict of interest models and the critical part that they play in supporting transparency, accountability, fostering public confidence and minimising potential corruption. I fully support efforts to modernise the conflict of interest arrangements for Tasmania's local government, in terms of establishing greater alignment with: local government conflict of interest arrangements across other jurisdictions; other levels of government; and the broader private, not for profit and community sectors.

Elected representatives (ER) are responsible a range of decisions that can and do impact members of their community, from how funds are spent, establishing strategic priorities, shaping opportunities and processes for how their communities are developed and engaged. I believe it is critical that all ERs understand and accept the reality that modern conflict of interest management requires robust, structured and transparent responsibilities and arrangements. I also believe that it will be critical that the changes are accompanied by structured ER training, to ensure an improved knowledge and understanding of modern Col management. So too that there be structured monitoring/reporting of compliance (e.g. timeframes, content etc.) from the point of commencement of the new arrangements, rather than leaving implementation arrangements to individual Councils to implement individual approaches, that may represent varying degrees of understanding/acceptance/uptake/management.

In terms of the specific proposed changes ...

Change 1 – important change, fully support.

Change 2 – important change, fully support.

Change 3 – I support the intent but am concerned that declaration requirement could be clearer. I would like to see Tasmania adopt the Victorian wording of “nature **and circumstances**” to ensure that there is real transparency. There is ample evidence in current Col management that ‘nature’ is simply understood as nothing more than stating

that a conflict is actual or pecuniary or potential, without providing enough detail so that others involved in the matter/decision are afforded the opportunity of really understanding the weight of/appropriateness of contributions in decision making discussions. I think this is particularly important if the approach that an ER must determine how they propose to manage the conflict. ERs collective decision making is reliant on transparency, and a process that does not allow for even the most cursory real understanding of a Col, is unlikely to result in improved Col for the Tasmanian community and other ERs who want to feel comfortable that robust Eol is undertaken, especially as it relates to formal decisions.

Change 4 – important and fully support.

Change 5 – In the absence of “and circumstances” being added to the disclosure requirement, I do not believe that any approach that calls for Councillors to exercise their ‘own reasonable judgement’ in classifying a Col or how they propose to manage a Col will deliver even basic transparency/rigour. There is evidence across Tasmanian Councils that a range of ERs (in their own reasonable judgement) do not consider that husbands/wives circumstances should be considered in Col considerations. The addition of the Victorian ‘and circumstances’ would provide the level of transparency. Alignment with the Victorian requirement, would ensure that Council (collectively) is better placed to, as suggested in the explanation, potentially overturn an ERs decision to participate in the discussion. If the capacity to overturn is introduced for formal Council meetings, then there should be a clear process/procedure for this – one that includes the capacity to for any ER to initiate, and resolution ahead of further discussion occurring. An arrangement for other Council meeting discussions (e.g. workshops) should also be determined – particularly as workshop matters (often upcoming meeting items) are often discussed in more detail and as such Col should also apply.

Change 6 – Any Ministerial engagement in Col matters must have full transparency and have rigorous, clear processes and clear powers, including requirements on the scope and nature of engagement on such matters. I do not believe that a Minister should be given power to determine a Col matter or override a decision that Council (collectively) has made regarding any Col. Any and all instances of Ministerial involvement (be it guidelines or specific intervention) must be made public, from the point at which they have been issued or have influence.

Change 7 – Important change and fully supported. I believe that PIRs should be public/published, just as other levels of government. I believe that robust PIRs, and related reporting requirements, are central to modern governance, and that anyone entering public life should accept that ERs must accept a degree of transparency about their circumstances as central to ensuring public confidence in public decision making. I do not believe that what is proposed is an overreach, or intrusive or onerous. I support the arrangements to suggested level of detail and proposed privacy (e.g. not identifying personal residence).

Change 8 - Important and fully supported. I believe that ERs should be required to declare the Col at the point at which they become aware of the interest (not just when a matter

might be discussed), and that there should be stipulated timeframes for submission of a Management Plan (MP). There may also be value in providing a format that leads ERs through the potential MP actions/areas e.g. proposed meeting considerations, access to related information, administrative considerations etc.. to assist ERs in considering the strategies.

Change 9 – Important change and fully supported. Along with MPs and PIRs being publicly accessible I believe, given ERs collective decision making, that ERs must be made aware of any new/updated Col and MPs as they occur, so that ERs have the capacity, in real time, to remain aware of Col matters as it relates to Council decision making. Without some form of administrative alert, the process for ERs to ensure awareness could be an onerous, futile exercise checking for updates.

Change 10 – Important change and supported.

Please feel free to contact me for clarification or should you wish to discuss further.

Thank you for the opportunity to comment.

Kind regards

Carole

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I acknowledge the Palawa people as the traditional custodians of the land that I live and work on, and pay my respects to elders past, present and emerging, and to members of the community within our municipality.

Pronouns: she/her



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