



20 December 2023

The Director
Office of Local Government
Department of Premier and Cabinet
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Hobart Tas 7001

Email: lgconsultation@dpac.tas.gov.au

Dear Sir/Madam

Managing conflicts of interest of councillors

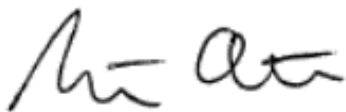
Thank you for the opportunity to provide feedback on the discussion paper relating to the proposed Managing conflicts of interests of councillors framework proposal. Below are the comments from the Devonport City Council endorsed during its meeting on 18 December 2023.

Proposed Change	Devonport City Council Comment
Classifying Interests as either actual, perceived or potential	<p>Increased clarity and greater definition regarding the types of conflicts of interest is supported and will be a significant improvement on the status quo.</p> <p>Aligning all conflicts under the Local Government Act (the Act) and excluding regulation through the Code of Conduct is supported.</p> <p>Clarity is required regarding lag time in relation to conflicts of interest. For example, if a Councillor resigns from a Board, does that conflict no longer exist from that date?</p>
Disclosure and management of conflicts of interest	<p>The practicalities of restricting deliberative material and information to councillors with an actual interest would be difficult. The requirement to restrict material should be limited and only occur where it is not publicly available (i.e. closed session item) and only where access to the information would provide an advantage or gain.</p> <p>Powers allowing the council to overturn a councillors decision to participate are supported.</p>



Personal Interest Returns	<p>The introduction of a requirement for councillors to lodge a Personal Interest Return (PIR) is supported in principle, however further consideration as to the extent of items required for disclosure should occur, with the current list considered overly excessive (i.e. the personal debts of a spouse).</p> <p>The requirement to disclose gifts, travel, hospitality etc. as noted in Appendix A should be excluded as this information is captured with requirements in existing legislation.</p> <p>Proactive Management Plan (PMP) model templates should be produced by the Office of Local Government to ensure consistency across the sector.</p> <p>Specific details of the PIR & PMP, regarding monetary values, income details etc. as suggested in the discussion paper must be exempt from public disclosure.</p>
Complaints, penalties & deterrents	<p>The role of the General Manager in the complaint process should be like that which currently occurs for a Code of Conduct complaint. The General Manager's assessment should be limited to the complaint process and not require determination on the merit of the complaint.</p>
Other Comments	<p>A definition on "deliberative material" would be beneficial.</p>

Please don't hesitate to contact me if you require any further clarification.



Matthew Atkins
GENERAL MANAGER