

8 December 2024

Office of Local Government

Lgconsultation@dpac.tas.gov.au

Dear Office of Local Government

CONFLICT OF INTEREST FRAMEWORK

Managing conflicts of interest in an effective and ethical way is vital for local government to be trusted and to continue to support the community, however the framework for management needs to be balanced. The framework for managing conflicts of interest needs to be clear, simple and have a low administrative burden. This is because it will apply not just to large well-resourced Councils, but also smaller less resourced Councils. There is a significant difference in the resources available for administration between Councils and also in the time that Councillors are funded to spend on Council matters. Councillors in large Councils in many cases, receive a significant allowance that allows them to spend a large amount of time on Council business including compliance with administrative requirements, this is not the case in small Councils. Yet administrative requirements fall equally on all. Therefore, it is important that the framework is suitable for all.

In small communities a model that solely relies on pre-disclosure of conflicts of interest is not realistic. Councillors are members of a community with many strong inter-connections and the existence of a conflict may not become apparent until the meeting or discussion commences. Additionally creating an administrative burden for staff to maintain full and extensive lists of the large number of conflicts that may arise in a small community is not realistic. Therefore, it should be a fundamental part of the framework that Councillors are the ones primarily responsible to identify conflicts, disclose conflict and manage them, whenever that may arise. This will be more effective than creating an overly burdensome pre declaration administrative framework.

There is also a greater need for flexibility in the management of actual conflicts of interest. In particular, Councils should be able to determine alternative frameworks other than Councillors leaving a meeting or workshop. In a small community, conflicts, particularly non-pecuniary conflicts, arise extremely regularly as Councillors and their family members are highly integrated into the community and play significant roles as volunteers in many organisations. This is valuable and we work hard to support our volunteer organisations and try and keep these important community services going. The requirement for Councillors to always leave discussions will have a negative impact on volunteering and Councillors will be forced to choose between participating fully in Council meetings and being committee members or, having family that are committee members. In small communities this has the potential to significantly hit community

Enquiries to: Executive Officer
P: (03) 6471 4700
E: ea@westcoast.tas.gov.au

PO Box 63 Queenstown TAS 7467
11 Sticht Street Queenstown TAS 7467

groups and volunteering and will be a negative in our community. It will negatively impact Council discussions particularly in workshops where those with a conflict of interest may have significant information that can support or inform other Councillors in an appropriately managed way where others are aware of the conflict. Further, it may in some cases lead to Council not having a quorum for decisions. For this reason, we request the framework be amended to provide greater flexibility for Council to determine alternative conflict management procedures that include allowing Councillors to remain present and to participate in workshop discussions. We also request a system for what occurs if a quorum is not present due to conflicts. If this is not possible in the overall framework it should be included as an exemption for our small remote Councillors, which rely heavily on volunteer organisations to provide the services that governments provide in other places.

There is a need to alter the framework of provision of information to Councillors with a conflict. Given the conflict may not be clear until agendas are provided, and Councillors should have the primary responsibility to identify a conflict, there should be an exemption for the provision of agendas to Councillors, unless they request an item not come to them. This means that agendas should be exempt from the non-disclosure requirements as this will allow Councillors to determine if a conflict exists.

Yours Sincerely



Shane Pitt

MAYOR

Enquiries to: Executive Officer
P: (03) 6471 4700
E: ea@westcoast.tas.gov.au

PO Box 63 Queenstown TAS 7467
11 Sticht Street Queenstown TAS 7467