

# News releases - Geoff Brock

## New regulations prescribed for council informal gatherings and conflicts of interest

Geoff Brock November 1, 2016

The State Government has moved to clarify reforms made to the Local Government Act in March this year concerning councils' informal gatherings and conflicts of interest.

Local Government Minister Geoff Brock says councils are being advised that the new regulations will come into effect on November 24 this year.

These regulations will clarify the application of the conflict of interest provisions following requests from the local government sector to address some procedural matters.

The regulations will also require councils to include a number of elements in their policies that determine how they conduct informal gatherings to ensure they do not replace debate and decision making at formal council meetings.

Councils will be required to:

- Open their informal gatherings to the public whenever possible
- Publish notification of these meetings on their websites to ensure interested members of the public can attend
- Make decisions to hold them in-confidence on a case-by-case basis, and
- State a reason on their websites if they decide to hold an informal gathering in-confidence.

The pause in the start of the new regulations is in response to a request from the Local Government Association to allow councils that have not yet amended their informal gatherings policies sufficient time to do so and be compliant with the regulations.

### Background

A strong package of governance and accountability measures were added to the Local Government legislative framework in March this year through the *Local Government (Accountability & Governance) Amendment Act 2015*.

These changes included measures aimed at ensuring greater public access to council deliberations and new ways to assist council members in transparently managing a range of conflicts of interest.

An audit of the new provisions relating to the new provisions relating to council informal gatherings policies was conducted by the Office of Local Government.

The audit indicated that while some councils had met the Minister's expectations, 34 had adopted policies that continued to allow the practice of habitually closing their informal gatherings to the public.

The Amendment Act's reform of the conflict of interest provisions was undertaken in response to repeated recommendations from the Ombudsman to improve transparency and provide greater disclosure of actual and perceived conflicts of interest.

The new regulations clarify several procedural matters which have arisen since proclamation of the Act, largely relating to the operation of council committees and subsidiaries ensuring those bodies can continue to operate as intended.

### **Quotes attributable to Regional Development Minister Geoff Brock**

It's my strong belief that council processes should be as accountable and transparent as possible.

It's essential that council members do not, and are not seen to, use informal gatherings to debate and decide matters that should be discussed in full council meetings.

That's why I wrote to councils before the new provisions came into force to let them know I expected their policies to ensure that informal gatherings were made open and accessible wherever possible.

Despite widespread consultation with local government sector over a lengthy period, it's extremely disappointing that many councils chose to continue their practice of allowing closed informal gatherings without appropriate notice being provided to the public.

It's also critically important for public confidence in council processes that councillors and staff can manage conflicts of interest in an effective and transparent way by being able to have conflicts publicly recorded.