

Elected Member Developer Contact Register

Tuesday, 14 June 2022
Council

Council Member
Councillor Snape

Public

Contact Officer:
Ilia Houridis, Director City
Shaping

MOTION ON NOTICE

Councillor Snape will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Supports the regular disclosure of elected member contact with developers on an online register to improve transparency and community trust in decision making.
2. Request that administration provide a report on how this might occur, considering in particular, the City of Vincent's on 'Council Members Contact With Developers.'

ADMINISTRATION COMMENT

1. Council resolved to investigate a similar initiative at the 30 July 2019 meeting.
2. Subsequently, Members were provided an update on the outcome of the investigation via eNews, including a summary of the legal advice obtained.
3. The position outlined in 2019 remains much the same today.
4. In summary, the advice sought in 2019 highlighted that:
 - 4.1 While such a register could be applied within the South Australian legal context and planning framework, the City of Vincent's model within the Western Australia context is quite different.
 - 4.2 Elected Members, aside from those nominated to sit on Council's Assessment Panel (CAP), are not involved within the decision making of development applications, and contact with developers is already dealt with by the comprehensive statutory conflict of interest regime (Code of Conduct) that applies to Council Members.
 - 4.3 Additionally, Council Assessment Panel (CAP) members are also required to adhere to a Code of Conduct which covers contact with developers that will be the subject of a decision by the CAP.
5. Following this communication in 2019, City of Adelaide advocated for increased transparency requirements as part of the Local Government reform project lead by the State Government.
6. Council submitted formal feedback as part of the comprehensive consultation process undertaken, with legislative changes made to the Register of Interest process to ensure that the document is a 'living document' updated over time with information from relevant returns provided by Members.
7. The purpose of the register of interests under the Local Government Act is to inform Members and the public about the ongoing interests of Elected Members, and to ensure Members are managing conflicts of interests and making critical decisions in the public interest.
8. While there may be some advantages relating to increasing public confidence, these advantages may be outweighed by the administrative burden of administering such a register, and the lack of enforceability.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Previous advice on this topic was requested in 2019, and it is not envisaged that further advice would be required.
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	The upfront report will take a small amount of resources to develop, however it is expected there would be ongoing resources required to maintain such a register. The amount of resources required for ongoing maintenance is difficult to gauge prior to developing the initial report.
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -