

Our ref: Code of Conduct Review
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2 September 2022

Attention: Local Government Amendment (Code of Conduct) Bill 2022 feedback
Office of Local Government
Department of Premier and Cabinet

By email: lgconsultation@dpac.tas.gov.au

Dear Director

COMMENTS ON LOCAL GOVERNMENT CODE OF CONDUCT FRAMEWORK

Thank you for the opportunity to comment on the proposed new framework.

This matter was discussed by Council at its meeting on 29 August 2022. Our Aldermen are strongly in support of efforts to strengthen the Code of Conduct with a new uniform approach.

Council previously made submission via LGAT on 21 December 2021. A copy of that submission is also attached.

Revised Code of Conduct

A review of the Code of Conduct is timely.

The current approach is somewhat piecemeal.

There is benefit in learning from the LGAT review of elected member Work Health and Safety that is currently underway.

We have found it difficult to make detailed comments at this time since the detail of key documents, such as a draft of the proposed Regulations are not yet ready. This makes it difficult to brief Aldermen to comment on the likely changed behavioural requirements that might flow from a revised Code of Conduct.

Penalties and sanctions

We note there are no plans at this time to further discuss public comments on sanctions and penalties, including the possible impact on eligibility for nomination. We look forward to providing comment on this aspect at a later time.

Sanctions need to be practical and effective. The changes will be ineffective unless they have some teeth. Unless there are serious repercussions, the Code of Conduct will continue to be ineffectual in its impact on poor behaviour.

Behaviour standard policy

The behaviour code should be compulsory and uniform across Councils, not optional.

Is there any sound reason why it ought not simply be a part of the Code of Conduct?

Threshold for complaints accepted by the Panel.

We have previously observed that the Panel is being used as a forum for interpersonal issues, which would be better resolved through conflict resolution processes.

We believe that the Panel should be reserved for matters of a more serious nature pertaining to breaches of governance standards, serious cultural issues or loss of public confidence in local government. We would support the proposed measures to vet these complaints more rigorously by a legally trained person.

Strengthened informal dispute resolution

We also support dispute resolution procedures for breaches of the behaviour policy or Code of Conduct.

We are of the view that mediation should be by an external party who is seen as independent arbiter and participation should be mandatory not optional.

Accountability is important and Aldermen are concerned that the poor behaviour of a minority of people is tainting perceptions of the entire sector.

Please do not hesitate to contact me should you require further clarification of the matters raised herein

Yours sincerely,



Tony McMullen
General Manager