

## “Have Your Say”

### Draft Local Government Amendment (Code of Conduct) Bill 2022 and related matters

The Tasmanian Government is committed to providing open and transparent public consultation processes. We are seeking your input on the draft Local Government Amendment (Code of Conduct) Bill 2022 (the draft Bill) and related matters.

Following prior public consultation about potential targeted legislative changes to the Local Government Code of Conduct Framework between July and August 2021, the Tasmanian Government committed to reform across six key areas in December 2021. The draft Bill progresses some of these reforms by amending the *Local Government Act 1993* (the Act).

The main changes proposed in the draft Bill are a standard code of conduct for councils, voluntary adoption of a behaviour standard policy for councillors, mandatory local dispute resolution policy in councils, an improved process for the initial assessment of complaints, and the disclosure and management of interests by Panel members.

Councils will be required to adopt a dispute resolution policy within 12 months after the commencement of the amendments. The draft Bill provides that a dispute resolution policy is to contain the prescribed information and include the processes to be followed in respect of prescribed matters.

In anticipation of the commencement of the amendments, the Government has prepared a draft of the prescribed information to be included in every council's dispute resolution policy (the draft prescribed information) and is seeking public feedback on both the draft Bill and the draft prescribed information.

The feedback on both documents will inform concurrent amendments to the Act and the *Local Government (General) Regulations 2015*.

#### HOW TO MAKE A SUBMISSION

All written submissions on the draft Bill and the draft prescribed information must be received by **Monday, 5 September 2022**.

You can make your submission either by email or by post:

**Email:** [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au) with the subject heading as 'Local Government Amendment (Code of Conduct) Bill 2022 feedback'

**Mail:** Attention: Local Government Amendment (Code of Conduct) Bill 2022 feedback  
Office of Local Government  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

#### PUBLISHING SUBMISSIONS

Other than as indicated below, submissions will be treated as public information and will be published on the website at [https://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct/code\\_of\\_conduct\\_framework\\_review](https://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct/code_of_conduct_framework_review).

Submissions will be published once the Government's consideration of submissions has concluded.

**No personal information other than an individual's name or the organisation making a submission will be published.**

For further information, please read the [Tasmanian Government Public Submissions Policy](#) or contact the Office of Local Government on (03) 6232 7022 or [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au).

## IMPORTANT INFORMATION TO NOTE

Your name (or the name of the organisation) **will** be published unless you request otherwise.

In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), the Department will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission clearly identifying the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department will not publish, in whole or in part, submissions containing defamatory or offensive material. If your submission includes information that could enable the identification of other individuals then either all or parts of the submission will not be published.

## ACCESSIBILITY OF SUBMISSIONS

The Government recognises that not all individuals or groups are equally placed to access and understand information. We are therefore committed to ensuring Government information is accessible and easily understood by people with diverse communication needs

Where possible, please consider typing your submission in plain English and providing it in a format such as Microsoft Word or equivalent.

The Government cannot however take responsibility for the accessibility of documents provided by third parties.

## *The Right to Information Act 2009 and confidentiality*

Information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide any further comment.

## SUBMISSION FORM

### YOUR DETAILS

#### For individuals:

Full Name:	Jillian Mary Taylor
Address:	██
Email:	██
Phone:	████████████████
Date of submission:	21 August 2022
Is this submission confidential?	No

#### For organisations:

Organisation Name:	
Organisation Type: <i>ie not-for-profit, council, Government agencies etc.</i>	
Contact Person:	
Address:	
Email:	
Phone:	
Date of submission:	
Is this submission confidential?	Yes or No

Please ensure this form is submitted by Monday, 5 September 2022

## YOUR SUBMISSION

### a) Draft Local Government Amendment (Code of Conduct) Bill 2022

Please respond in the box provided below.

My comments in respect of the draft bill follow.

**Section 28 JA (1)** – I am curious as to why only some Councils are required to adopt a behaviour standard policy. I would suggest all Councils should have such a policy as a measure of consistency and to strengthen the standard of behaviour required of all elected members.

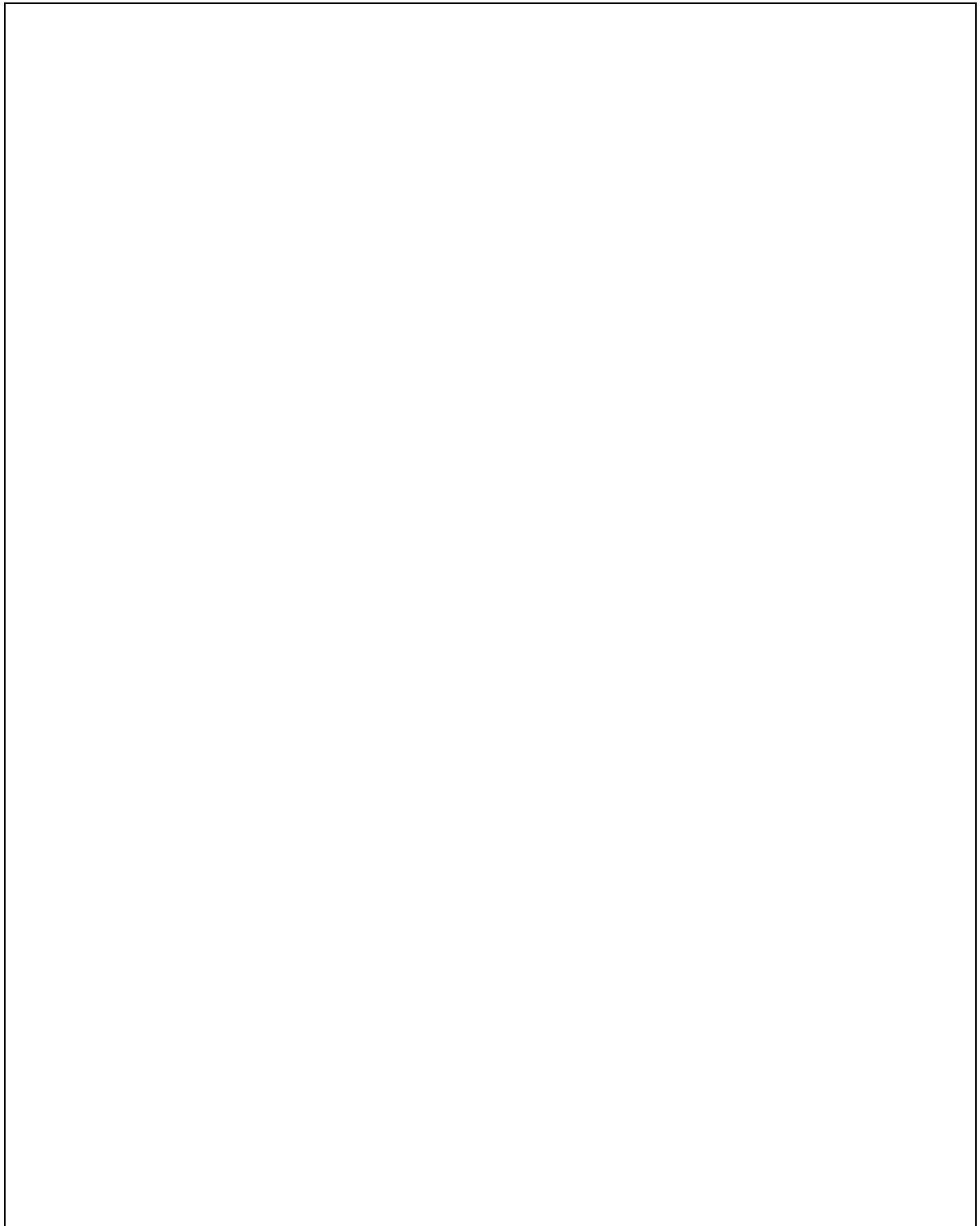
**Section 28 ZA (IAA) (a)** allows for the Executive Officer to appoint an initial assessor who is an Australian lawyer. If the initial assessor determines that the complaint be referred for further investigation, under **Section 28ZCA (1) (a)**, the Executive Officer convenes an investigating Panel. However, the bill is silent on how this arrangement will work in practice. Currently Code of Conduct Panels have a chairperson, and it cannot be underestimated the work that the Chairperson undertakes to ensure legislative compliance and pragmatic and efficient processes. The Chairperson is the conduit between the Executive Officer and the Panel. Communication with parties to a complaint is often drafted by the Chairperson (with input from other Panel members) to ensure that Panel deliberations are accurately reflected. On other occasions when simple messages are to be sent to the parties to the complaint, an email request is sent from the Chairperson to the Executive Officer. Currently the Chairperson also liaises with other Panel members during investigations.

The write-up of the determination is also co-ordinated by the Chairperson. Once Panel members decide on the outcome of a complaint and the rationale, the Chairperson prepares the draft determination to circulate to other Panel members to ensure that their contributions are accurately reflected in the determination.

By just appointing a three-person investigating Panel with no roles prescribed is likely to result in unruly and uncertain processes.

Conceivably, the Executive Officer could play a more active role, but this would require participating in all Panel meetings and a considerably more involvement in documentation including writing the determination. Although it remains to be seen whether these new arrangements will result in a reduction of complaints under the Code of Conduct, recent experience shows that the Executive Officer is often managing several complaints at any one time and would be hard pressed to give this level of support.

Whilst I am in support of the changes the Bill will bring to the Code of Conduct process, my overall concern is the need for a member to plan a coordinating role in the investigating Panel.



**b) Draft prescribed information**

*Please respond in the box provided below.*

I do not have any suggestions to this document in terms of it being a framework for Councils to build their dispute resolution on. However, like many things the "devil will be in the detail". Councils must ensure that policy relating their dispute resolution process is communicated in simple, easy to understand English (and other languages where appropriate). It should ensure that the process is not seen to be adversarial and addresses any perception of a power imbalance between a complainant and an elected member. Complainants should always be aware that they can have a support person with them.

