



# HUON VALLEY COUNCIL

## HUON VALLEY COUNCIL SUBMISSION

### Addressing Councillor Misconduct Discussion Paper March 2023

At the outset neither option should be considered as an alternative to each other and both options have merit in their own right and can effectively work together.

OPTIONS
<p><b>Option: Amendment to the Board of Inquiry provisions of the Act to enable a Board to be established to investigate misconduct of individual Councillors.</b></p>
<p>The outcomes of a Board of Inquiry (BOI) include the Minister providing directions to individual Councillors and to make recommendations to the Governor to dismiss individual Councillors.</p> <p>It makes clear sense to provide clarification that a BOI may be established for the specific purposes of investigating individual Councillors and to provide the opportunity for dismissal of individual Councillors where the BOI has identified serious misconduct or a nature to demonstrate the Councillor is not a fit and proper person to hold that office.</p> <p>This option is supported.</p>
<p><b>Option: Empowering the Director of Local Government to seek dismissal or extend suspension of a Councillor under the Model Code of Conduct by application to the Code or Conduct Panel or; possibly in future, the Tasmanian Civil and Administrative Tribunal (TASCAT)</b></p>
<p>The Director of Local Government performs an objective role in regard to the performance of Councils generally and of individual Councillors and already has a number of powers existing under the <i>Local Government Act 1993</i> to support this role including conducting of investigations, obtaining information and the ability to issue performance improvement directions.</p> <p>The ability of the Director to make an application for the extension of a suspension or the ultimate dismissal of a Councillor based on objective information obtained in their role has considerable merit. This option would also remove any concerns of political interference in the outcome.</p> <p>This option would though only be supported with the proposed involvement of TASCAT. The extension of powers for the Code of Conduct Panel to extend a suspension or for dismissal is not supported as the Panel lacks the legal support structure that is necessary for such serious consequences for an individual Councillor. Any process should include as a matter of right the ability to have legal representations and to have the right to review a decision of TASCAT on the basis of natural justice and error of law.</p> <p>This option is supported.</p>

