

Thank you for the opportunity to make a submission in relation to the Discussion Paper on Councillor Misconduct.

I support the need to improve Councillor misconduct however the discussion paper fails to identify why the misconduct occurs and how behaviours are formed through Council's culture and political climate. A single councillor's misconduct may just be an indication of frustration within the operating of a council or a clash of personalities. I am concerned that the changes proposed will be used to victimise certain Councillors and used to silence detractors on the Council.

The use of mediation between the elected body, departmental intervention and training are powerful tool to improve conduct and this should be done before any Councillor is recommended for dismissal.

Removal of a democratically elected Councillor should only be done on extreme occasions and by the decision of an independent board . The Local Government Act currently has provision for performance improvement direction that could be used to improve conduct. Should a Councillor be recommended for dismissal, a review of Council's performance should be conducted to identify if there are any underlying issues such as corruption, that should be addressed.

The underlying reason for the misconduct should be looked at and it is easy to make assumptions why someone is misbehaving. The death of a relative, mental health issues or bullying by other councillors may have triggered this behaviour. It is important that the behaviour is examined in a broader context.

For the reason above, I support Option 2 that only the Minister or the Director of the Office of Local Government should initiate a suspension or dismissal. In my opinion, removal of a Councillor does not enhance public confidence and trust unless there is blatant behaviour and conduct that warrants this. The removal of a Councillor should only be done by a recommendation to the Minister and ratified by the Parliament.

I am concern that the use of defamation and legal action paid for by the ratepayers does nothing to improve Councillor Conduct and has a detrimental impact on the Council and the community. This should not be encouraged and should result in departmental intervention as it only festers relationships within the elected body and increases misconduct.

Having been a Councillor, in NSW and now Tasmania, I have seen how effective the NSW system has operated in managing misconduct, however the current court delays has seen lengthy periods of time between the misconduct and the ultimate decision by the Tribunal (NCAT). Should option 2 be the preferred option the Minister or Director should have the power to suspend a councillor on a full allowance until the decision of TASCAT is made.

All Councillors must have a Working with Vulnerable People check. Failure to have this should be grounds for dismissal from the Council.

Regards

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