



6 April 2023

The Hon Nic Street MP  
Minister for Local Government  
Department of Premier & Cabinet  
GPO Box 123  
HOBART TAS 7001

Email: [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au)

Dear Minister

**RESPONSE TO DISCUSSION PAPER – PROPOSED REFORMS TO LOCAL GOVERNMENT ACT 1993 – ‘Addressing councillor misconduct’**

Devonport City Council (DCC) welcomes the opportunity to comment on the ‘Addressing councillor misconduct’ discussion paper and submit a number of comments as outlined below:

- DCC supports the intent of strengthening the mechanisms available to dismiss or sanction councillors in the case of serious misconduct. The independent democratic function of Councillors should not be restricted by any changes that are made, and changes should be directed at addressing the very limited instances where the serious misconduct of individual councillors brings the whole sector into disrepute.
- DCC has considered for some time that a review of legislation is required and at its meeting in June 2022, unanimously resolved:  
“That Council write to the Minister of Local Government expressing concern that the existing legislation is inadequate in relation to addressing matters of serious misconduct by elected members and request an urgent review.”  
(res no. 22/113).
- In regard to the two reform options proposed, the second model empowering the Director to refer matters to the code of conduct panel or the Tasmanian Civil and Administrative Tribunal (TASCAT) would be DCC’s preferred direction.  
This model avoids the perceived or actual risk of politicised decision making that could occur under the increased Ministers’ powers proposed in option 1.  
With more councillors aligning with political parties, the potential for perceived political bias in decision making by the Minister under option 1 would undermine community confidence in the process.  
The Director/Code model (option 2) would broadly operate within an existing structure and regulatory framework, which is a logical outcome.  
The disadvantages of option 2 as listed in the discussion paper are largely insignificant.



- Council note the comments in the discussion paper regarding *Registration to Work with Vulnerable People (RVWP)* and the intention of the Government not to mandate this as a requirement to hold the office of councillor. DCC consider this is an important matter and would encourage the Government, as a priority to develop clear guidance and direction on what activities councillors would require registration under the existing *Registration to Work with Vulnerable People Act 2013*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Jarman', with a large loop at the end of the name.

Cr Alison Jarman  
MAYOR, CITY OF DEVONPORT