

From: [REDACTED]
To: [Consultation, LG](#)
Cc: [REDACTED]
Subject: Feedback from Latrobe Council - Proposed reforms to the Local Government Act 1993
Date: Thursday, 13 April 2023 2:10:23 PM
Attachments: [DPAC Discussion Papers Report.pdf](#)

Dear Minister Street,

At their meeting held 12 April 2023, Latrobe Council considered the two discussion papers inviting comment on proposed reforms to the *Local Government Act 1993*, titled:

- Addressing councillor misconduct; and
- Merit-based recruitment in councils

The attached report was considered by Council with the following recommendations being unanimously endorsed:

1. *In relation to the paper 'addressing councillor misconduct', Council submits that:*
 - (a) *it appears to be a reasonable approach to expand the legislative powers to allow the Minister for Local Government to establish a Board of Inquiry to consider the conduct of a single councillor or specified councillors; noting as outlined in the discussion paper it is likely this would only be in the most extraordinary circumstance.*
 - (b) *as democratically elected officials, councillors should only be able to be dismissed from office through a recommendation to the Governor from the Minister of Local Government.*
 - (c) *providing the power for the Director of Local Government to authorise that a matter of alleged misconduct by a councillor/s is referred to TASCAT or a Code of Conduct Panel is supported.*
 - (d) *the findings of TASCAT or the Code of Conduct Panel to suspend a councillor is supported, however dismissal should involve an extra step requiring the Minister for Local Government, if in support of the action, being required to recommend dismissal to the Governor.*
2. *In relation to the paper 'merit-based recruitment in local government', Council submits that:*
 - (a) *Council, through the Municipal Alliance with Kentish Council, already have a number of policies in place which essentially outlines expectations relating to merit-based appointments and therefore it supports the proposed amendment to the Local Government Act 1993 to reinstate merit-based employment principles, and in doing so advise that:*
 - (i) *the merit principle and the principle of equitable access to employment and promotion accords with existing Council policy.*
 - (ii) *the degree of operational separation, namely the requirements be embedded and operationalised through council policy, practices, and procedures, is appropriate and accords with existing Council practices.*
 - (iii) *it is appropriate the focus of the legislative intent is on systemic standards, rather than individual employment decisions.*
 - (b) *Council supports the proposed Ministerial Order content relating to requiring vacancies in the position of general manager being advertised and further*

that appointments are made according to merit.

Please take the above endorsed recommendations as Latrobe Council's feedback to the two discussion papers provided.

Kind regards,

[REDACTED]

EXECUTIVE ASSISTANT

[REDACTED]



Latrobe Council

170 Gilbert Street
PO Box 63 Latrobe 7307

(03) 6426 4444

www.latrobe.tas.gov.au

 www.facebook.com/latrobecounciltas



Kentish Council

69 High Street
PO Box 63 Sheffield 7306

(03) 6491 0200

www.kentish.tas.gov.au

 www.facebook.com/kentishcouncil

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