

Information Sheet

Expressions of interest for appointment to the Local Government Code of Conduct Panel - Persons with local government experience

The Minister for Local Government, the Hon Nic Street MP, is inviting expressions of interest from persons with suitable experience in local government for appointment to the Code of Conduct Panel. The Panel is established under section 28K of the *Local Government Act 1993* (the Act) and is responsible for determining complaints against councillors under the Model Code of Conduct, which has been adopted by all Tasmanian councils.

The Code of Conduct Panel plays an important role in ensuring that Tasmanian councillors behave in a manner that the community expects of them.

The Code of Conduct Panel is established under the Act to assess and, where appropriate, investigate and determine complaints against councillors under the Code. The Panel is made up of a standing pool of members with the requisite local government and legal experience.

The Minister is currently inviting expressions of interest from persons with experience in local government who are not councillors or council employees and have not been councillors or council employees for at least two years.

The period of appointment will be determined by the Minister, up to a maximum of four years.

Expressions of interest close on **Sunday, 17 July 2022**.

How to apply

Please submit:

- A statement (of one-to-two pages), outlining your interest in and suitability for the role. This should include reference to relevant knowledge, skills and experience relating to the role description/s; and
- A copy of your current resume.

Expressions of interest should be emailed to localgovernment@dpac.tas.gov.au by **Sunday, 17 July 2022**.

Please direct any enquiries to Mathew Healey, Executive Director, Office of Local Government on 6232 7137 or email localgovernment@dpac.tas.gov.au.

Role statement

The powers and function of Panel members are set out in Part 3, Division 3A of the Act:

- Assessing complaints against the Model Code and statutory criteria to determine whether they require investigation; and
- Investigating and determining complaints in accordance with the process set out in the Act. This includes obtaining information, analysing evidence, conducting hearings, making findings, determining complaints, and imposing sanctions, where appropriate.

Panel members will also be expected to participate in and contribute to whole-of-Panel activities, including periodic meetings and internal education and awareness sessions. The Panel is supported by a Code of Conduct Panel Executive Officer who is appointed under the Act and provides administrative support to the Panel.

The remuneration and allowances payable to the Code of Conduct Panel and the Executive Officer in respect of a complaint are recoverable from the relevant council. As such, Panel members are required to maintain a written record of the work undertaken on a complaint.

Essential requirements

Local government member: Applicants must be persons with experience in local government who are not councillors or council employees and have not been councillors or council employees for at least two years.

Desirable skills – Local government members

Local government members should have:

- Knowledge and understanding of the local government sector, including practical experience in local government matters, and awareness of the political, social, and organisational environment in which the sector operates;
- High-level judgement on complex and sensitive matters, including the capacity to exercise discretion and make sound decisions within a legal framework;
- Investigation skills and experience, which may include experience on panels, tribunals and other disciplinary bodies, or in investigatory or complaint management roles;
- Strong written and verbal communication skills, including the capacity to prepare clear, accurate and concise documents and communicate effectively with elected officials and other stakeholders;
- Organisation and teamwork skills, including the capacity to complete tasks within statutory timeframes and to liaise and work effectively with other team members.

Applicants who wish to be considered for the role of chairperson of an individual Panel should additionally:

- Possess leadership skills and experience, including relevant experience chairing panels, tribunals, boards, committees, or similar bodies; and
- Be able to prepare a statutory determination report, with input and support from other Panel members, including a summary of the complaint, the Panel's determination, and reasons for the determination.

Remuneration

Panel members are remunerated on an hourly basis in accordance with rates set by the Minister, as provided by the Act.

If you would like further information, please contact Mathew Healey, Executive Director, Office of Local Government on 6232 7137 or email localgovernment@dpac.tas.gov.au.

Code of Conduct Framework

The Local Government Code of Conduct framework was established in 2016 in response to calls for a consistent, statewide set of behavioural standards for councillors. Under the framework, councillors are required to comply with eight sets of behavioural standards set out in the Model Code of Conduct contained in the *Local Government (Model Code of Conduct) Order 2016*. These cover the following areas:

- Decision-making
- Conflicts of interest that are not pecuniary
- Use of office
- Use of resources
- Use of information
- Gifts and benefits
- Relationships with the community, councillors and Council employees
- Representation

Code of Conduct complaints process

Any person may make a Code of Conduct complaint in accordance with the requirements of the Act.

Complaints are referred to a three-member Panel, comprising two local government members (one who acts as Chairperson of the Panel) and a legal member. Complaints are initially referred to the Chairperson who determines whether the matter requires investigation, in accordance with criteria specified in the Act.

Where the Chair determines that an investigation is required, the Panel conducts its investigation in accordance with the requirements of the Act. Under the Act, the Panel:

- is to conduct the investigation with as little formality, and as expeditiously, as possible;
- is not bound by the rules of evidence, and may inform itself on any matter in any manner it considers appropriate;
- must observe the rules of natural justice; and
- may regulate its own procedure.

Complaints are investigated and determined on the basis of written evidence and hearings, although the Panel may dispense with a hearing in prescribed circumstances. The Panel's decision is provided in the form of a written report, which must contain prescribed information. Once provided to the relevant persons, the Panel's report is required to be included as an item within the agenda of the next available ordinary meeting of the relevant council, and is confidential until that time.

The Panel's decision is reviewable in the Magistrates Court (Administrative Appeals Division) on the grounds of a failure to comply with the rules of natural justice.

2022 Reforms to the Code of Conduct Framework

It is anticipated that reforms to the Code of Conduct Framework will be legislated later this year.

These reforms may include amendments to provide that the initial assessment of complaints, as described above, will instead be undertaken by a legal member of the Panel. Where the legal member determines the complaint is to proceed to investigation, the complaint is to be referred to a separate Panel. As proposed, the legal member who undertook the initial assessment does not participate further in the investigation.

Further information

The *Local Government Act 1993* and the *Local Government (Model Code of Conduct) Order 2016* are available on the Tasmanian Government Legislation website at: www.legislation.tas.gov.au/

Further information about the Code of Conduct complaints process is available on the Office of Local Government's website at www.dpac.tas.gov.au/divisions/local_government.