

From: [Bruce Lindsay](#)
To: [Consultation, LG](#)
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Greetings DPAC

Since the draft Bill fails to define "serious misconduct", it is impossible for anybody to provide any meaningful comment on it. The definition is central to any assessment of the need for, or function of, any such Draconian provisions.

That the responsible Minister says "if you do something wrong mid-term ... the public are not accepting this bad behaviour anymore", but cannot define "bad behaviour", any consultation process is destined to be worthless. Cynics may suggest that is the Minister's intention. The Bill and its consultation process should be abandoned until such time as the definition of "bad behaviour" has been established.

For once I agree with Hobart Councillor Marti Zucco, who is quoted on the ABC as saying "He referred to the subsection of Tasmania's constitution that makes a member of either house's seat vacant if they are convicted of a crime and sentenced to at least 12 months in prison." In other words, civil restraints and punishment of elected Members for "bad behaviour" already exist.

At the end of the day, those citizens elected to Council are human beings, and should be expected to display the same human frailties as the next. There would seem to be legal avenues to deal with what society at large deems is 'unacceptable' behaviour, without providing what is effectively an administrative rather than a legal process to fast-track disciplining of elected Members, arising from charges which too easily may be proved to be mischievous.

If the Minister is determined to introduce the means to deal with elected Members not working in the interests of their electors, much recent evidence points to the need for restraining and disciplining mechanisms to include City Managers whose behaviour could be similarly deemed, and capable of much more far-reaching social and municipal damage.

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