

Dear Office of Local Government

Please find below my feedback on the *Local Government (Targeted Reform) Amendment Bill 2025*.

Reduction in councillors

I support the reduction in seats in Hobart from 12 to 9. Nine is sufficient to get a good cross-section of representation. I encourage the State Government to implement this change, approaching each Council case-by-case as required.

Introducing serious councillor misconduct provisions

I support serious misconduct provisions being added but this **must** be accompanied by explicit description of what 'serious' is, leaving as little subject to discretion and interpretation as possible.

The Bill as currently written leaves too much open to interpretation and subjective and inconsistent judgement. For example, 'public interest' and 'extent of risk caused' is very broad.

A fairer and more consistent approach would be possible to list the nature of items rather than relying on judgement and subjective criteria. For example, conduct involving fraud, deceit, violence, breach of Australian law, conflict of interest involving finances, criminal, etc. If the nature of the conduct that constitutes a 'serious' breach is listed, then there is clarity as to whether it had those features or not.

Code of Conduct framework is broken

The Code of Conduct framework is deeply flawed. I believe the fairest and proper action would be to direct **all complaints** through TASCAT **and** reform the Code of Conduct itself so that it is modelled on that which applies to State Parliamentarians.

It is unfair and illogical that Local Government elected officials have their speech far more restrained than State and Federal equivalents.

From experience I can attest that every Code of Conduct Panel operates differently and there is significant variation in terms of how they subjectively interpret terms, especially those related to "offence", "embarrassment", "disrepute", "undermine" and "fairly". In this regard, how a 'reasonable person test' is applied by a Panel differs from panel to panel, which is inherently unjust, unfair and unprofessional.

I have also encountered panels basing decisions on allegations alone, without evidence. I have experienced decisions rest on a suspicion, assumptions or hearsay or mere claim by the complainant. I acknowledge that rules of evidence do not apply in this Code of Conduct, but this must not displace natural justice and legal principles, including the need for credible and relevant evidence. In a recent example, a complainant alleged that other parties (not myself) had made comments on social media that she was not happy with and gave examples of these in her own written complaint, yet no evidence of the actual comments were provided, despite me asking for them and highlighting to the Panel that evidence of these comments was not before them. It is fundamental for decisions to be evidence based.

The Code of Conduct panels frequently do not follow or selectively apply precedent from higher courts or decisions made by fellow panels. Each Panel appears to stand alone with no regard to the precedents set by other decisions. This creates an inherent unfairness as councillors cannot learn from previous decisions and the risk of bias influencing decisions is increased as principles are being redecided each time, rather than the principles formed through previous cases being fairly and consistently applied. The examples of where a precedent has not been followed are numerous.

For instance, I was recently 'cautioned' partly for other people's comments on Twitterer/X, despite me asking for evidence of them and none being provided, despite me having no ability to moderate them, and despite other Code of Conduct complaints for the same situation finding that the Councillor was not responsible. On the other hand, a complaint was dismissed in Anna Sharman against Cr Ben Lohberger, where a complaint was made about a tweet where Cr Lohberger posted a picture of local Tasmanians with the statement that "this is how you treat Nazis". I was in this picture, along with Ms Sharman and dozens of other local Tasmanians and Cr Lohberger referred to us as Nazis. This complaint was dismissed. Local people had their image shared with the reference that they were Nazis. This is bad.

In another situation, the Lord Mayor Reynolds was 'cautioned' for physically grabbing myself in a public meeting that the Council was hosting. Physical conduct is atrocious. With just these two examples, it is shown that calling people Nazis does not breach the Code. And physically grabbing someone results in a mere caution, which is the same sanction as some comments by others and a couple of subjective words on Twitter. This is nonsensical. A systematic review of the Code of Conduct findings would be highly beneficial, and I strongly suspect uncovered questionable findings.

They also often misquote and twist what is said in hearings which is fundamentally unfair and determination reports are issued with no opportunity to correct errors by the Panels.

Most recently, I was held liable for comments on social media (X/Twitter), even though I have no ability to delete the comments on this platform, and despite recent precedents to the contrary. As referred to earlier, a previous Panel determined that a councillor was not responsible for other people's comments, but in my case, the Panel did the opposite, saying I should have moderated Twitter comments, even though it is **impossible** for me to do so. It is blatantly unfair to be punished for something that it is impossible for me to do. To be frank, in my opinion, most Panel members I have encountered are out of touch when it comes to social media, and what functions exist where and the nature of each platform.

I have also experienced highly unprofessional comments being made by Panel members who have made jokes during hearings about the panel trying the best to make the right decision but if they don't then "too bad".

Local government elected officials are politicians, admittedly of a low level but still politicians. The State Code covers personal interests, use of official information, use of office and resources, gifts and benefits and accuracy of statements, outside conduct and parliamentary conduct. Notably, unlike the Local Government Code of Conduct it makes no reference to 'offence' or 'embarrassment' or other highly subjective terms which can be weaponised in a highly political environment in what should be a robust democracy. These terms are especially being used to censor valid political speech to a degree that would be unacceptable at any other level of government.

Charter for Local Government

I urge the State Government to be as explicit as possible when it comes to mapping out what is within Local Government scope and out of it. I have seen firsthand considerable time and money being wasted on matters which most reasonable ratepayers would find to be outside of Council's remit.

Broad statement will be abused – like 'wellbeing'. Examples will be helpful around what is out of scope (e.g. writing letters to Prime Minister and Motions around international conflicts and nuclear disarmament).

Robust performance indicators and metrics will help in this regard. Transparency on how each Council is performing when it comes to core council business will be valuable.

Remote Meetings

In 2025, elected members should be able to attend Council and Committee meetings remotely. It is non-sensical to overly restrict this option. The Meeting Chair should always been 'in person'.

A requirement for at least half of meetings to be attended in-person over a 12 month period would make sense to provide a balance of flexibility within person contact.

Flexibility will help improve attractiveness and viability of people standing for election.

Other amendments

I am supportive of or indifferent to other amendments.

Thank you for the opportunity to provide comment.

Louise Elliot

7 November 2025