

From: [Paul Gardner](#)
To: [Consultation, LG](#)
Subject: FW: Letter from the Minister for Local Government - Local Government Amendment (Targeted Reform) Bill 2025 - Exposure Draft Consultation
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Feedback from Councillor Dabner at Circular Head Council

PAUL GARDNER
CHIEF EXECUTIVE OFFICER
GENERAL MANAGER



The Circular Head Council acknowledges the North West Tasmanian Aboriginal people as the traditional custodians of the country on which we stand, meet and play. We recognise their continuing connection to the land, waters, and community. We pay respect to Elders past, present and emerging.



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No real issue with it all in principal, however the vagaries of 'serious misconduct' would in my view work to the favour of a complainant who understands the importance of individual words in a legal setting.

S13.2.b "actual or potential harm or risk" is the loophole I see being created here. If by me speaking the truth our aforementioned friend felt embarrassed and upset leading to claims of depression with supporting medical documentation which is easily attained – it is possible I could not avoid a determination of serious Councillor misconduct – that fact I was speaking that truth is of no consequence to the matter. This element is a dangerous inclusion in my opinion and needs some qualifying language. I.e. if the overall complaint is deemed to be frivolous or vexatious in nature, claims that satisfy elements such as 'actual or potential harm' should be deemed non consequential and carry no weighting into the judgement or decision. Perhaps there's provision for this buried in it somewhere and I've missed it but unless it explicitly says it – it's up for interpretation. Without this I could see a complainant (or their equally crazy but smarter friend) having effectively lost the case, still ending up with

some sort of victory by making claims in the mental health space in particular that are effectively impossible to disprove and a serious misconduct determination needing to be made still.

Given there's an inclusion of a 50 penalty unit fine (currently \$10,250) + investigative, tribunal and defence costs for a losing Councillor to bear, in my view their attempt to clean up some messy Councillor behaviour has maybe created a new situation that could be weaponised against a Councillor. I don't see any additional measures included to protect Councillors or staff against frivolous complaints.