

Date: 20 August 2024

Our Ref:

The Hon Nic Street MP
Minister for Local Government
Department of Premier & Cabinet
GPO Box 123
HOBART TAS 7001

Via email: lg.consultation@dpac.tas.gov.au

Dear Minister

Submission - Local Government Code of Conduct - draft Regulations and Order

Thank you for the opportunity to provide a submission into the draft amendments to the Local Government (General) Regulations 2015 and the draft Local Government Code of Conduct Order.

This submission is made on behalf of Kingborough Council.

Changes to the General Regulations

Kingborough Council support the mandatory adoption of a dispute resolution policy by all councils. The standardisation and prescribed requirements for all Councils to have included in their dispute resolution policy will create consistency of approach. This includes clarity on how the policy will be used to resolve disputes, the process to the dispute resolution process, the accessibility of the process, how the process is equitable to all parties, and transparency and of process and outcomes.

Code of Conduct updates

Kingborough Council support the updated Code of Conduct. We believe it will provide a strong basis for ensuring that behaviours of Councillors are appropriate and there are accountabilities for adverse behaviours.

Some specific minor feedback follows:

Clause	Content	Recommendation/Comment
Part 1 Point 3	A councillor, in making decisions, must give genuine and impartial consideration to all relevant information known to the councillor, of which the	Recommend removing words 'genuine and'. This is subjective and impossible to quantify whether it has occurred.

	councillor should be reasonably aware.	
Part 2 Point 5	A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.	<p>Recommend removing this clause. This is not always likely to be a practicable option for councillors and will likely create some inconsistency in practice especially as it relates to perceived conflicts.</p> <p>For example a Councillor may be a member of a sports club and therefore may have a conflict of interest as it relates to decisions around that club. However it is not reasonable to expect them to withdraw their membership, while it is possible.</p>
Part 7 Point 2 (b)	A councillor - endeavour to ensure that issues, not personalities, are the focus of debate.	<p>Recommend removing the words 'endeavour to'.</p> <p>This creates subjectivity unnecessarily and could be remove to greater affect.</p>

If you have any questions for clarification on this submission, please do not hesitate to contact me.

Yours sincerely



DAVE STEWART
CHIEF EXECUTIVE OFFICER