

DRAFT SECOND READING SPEECH

HON. PETER GUTWEIN MP

Local Government Amendment (Miscellaneous) Bill 2018

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Madam Speaker, I move that the Bill now be read a second time.

This Bill proposes a number of minor, miscellaneous amendments to the *Local Government Act 1993* (the Act).

These amendments fall into two broad categories:

- the first group of amendments 'fine-tunes' aspects of the local government code of conduct framework, in response to the outcomes of a recent review initiated by the local government sector; and
- the second group of amendments will improve the clarity and effectiveness of the Act in relation to a range of minor drafting and administrative issues.

The amendments proposed by this Bill across both categories have been the subject of substantial and detailed consultation with the sector, and have received broad support.

Madam Speaker, on 26 June 2018, I announced a major review into Tasmania's local government legislation.

I should state at the outset that the amendments contained in this Bill are not part of that Review.

That Review will deliver, in close collaboration with the local government sector, a best practice, 21st century framework that:

- supports greater innovation, flexibility and productivity;
- minimises red tape;
- enhances accountability and transparency; and
- increases community engagement, participation and confidence.

The Review is expected to take approximately two years. The amendments proposed by this Bill will ensure that the current Act remains technically robust, practically workable, and legally effective until such time that the new legislative framework comes into force.

Madam Speaker, Tasmanians need to be confident that the councillors they elect to represent them will uphold and abide by certain standards of conduct and behaviour.

The local government code of conduct framework plays an important role in ensuring that this is the case.

Earlier this year, the Tasmanian Government and the local government sector completed a review of the existing code of conduct framework for elected members - first introduced in 2016 - to ensure that it is operating as intended.

The Review was the subject of substantial and detailed consultation.

The Government supports adjusting and refining the Code of Conduct to address the issues and concerns identified by the sector and Code of Conduct Panel members during consultation.

In responding to the Review, the Government agreed to a package of 19 individual improvements to the code of conduct framework, designed to increase the sector's ownership of, and commitment to, the framework and improve the efficiency of the complaints handling process.

A number of these improvements require legislative amendment. Others will be implemented through amending the Model Code of Conduct and refining administrative processes.

The key legislative changes include:

- a new requirement for complainants to demonstrate that they have undertaken 'reasonable efforts' to resolve an issue that is the subject of a complaint before a complaint is formally accepted. This will place the onus on parties to try and resolve an issue before formal escalation, and reinforce that a code of conduct complaint should be an option of last resort in relation to elected member behaviour.
- a new provision in the Model Code to allow Panel Chairs to dismiss complaints on the basis of 'triviality', as well as frivolous and vexatious complaints. This will improve efficiency by allowing the Panel to focus its time and resources on investigating material behavioural conduct issues.
- a new provision that explicitly prevents all relevant parties from misusing information they obtain as part of a code of conduct investigation. The Act does not currently deal with the misuse of information obtained by Panel members or complainants, only elected members and this needs to be addressed.
- a new requirement that complainants, councillors, witnesses and councils verify the veracity of the information they provide to the Code of Conduct Panel by way of a Statutory Declaration.

The remaining code of conduct amendments are very minor, and are focused on improving the overall procedural fairness, confidentiality and transparency of the complaints handling process more generally.

The second group of general, miscellaneous amendments seeks to address ambiguities and provide clarity in how the Act is administered. These amendments fall broadly into four categories:

- the first are new provisions that enhance the clarity and consistency in the application of existing policy, at a practical level, across different parts of the Act;
- the second are amendments to eliminate current drafting ambiguities, identified by both the Department of Premier and Cabinet's Local Government Division and the Office of Parliamentary Counsel;
- the third are changes to correct minor technical drafting oversights related to changes brought in during 2017; and
- the fourth are minor administrative corrections and updates, including addressing outdated names and inaccurate cross-referencing of sections.

All of these changes have been widely consulted on, with some changes specifically requested by the sector to improve the administration of the Act.

The changes enjoy the broad support of the sector and will ensure the Act is robust and effective in the period until the Government's new legislative framework for local government in Tasmania is implemented in 2020.

Madam Speaker, the amendments proposed by the Bill before the House today are minor, yet important to ensure the Act's continued effective administration.

The amendments are the outcome of a strong and ongoing collaborative relationship between the Government and the sector. They provide necessary clarity and consistency while the Government conducts and implements its broader legislative review.

I commend the Bill to the House.