

Department of Premier and Cabinet

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Alderman Anna Reynolds
Lord Mayor
Hobart City Council
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Dear Lord Mayor

Happy New Year. I trust that 2023 will be a productive and rewarding year for yourself, your fellow councillors/aldemen and for your Council.

As Director of Local Government, I have a statutory responsibility to promote good governance in local government. A key priority for the Office of Local Government in 2023 is to continue to support a positive culture across the sector. This includes striking an appropriate balance between supporting councillors and aldermen to perform their duties well and responding to concerns about behaviour that is impacting negatively on the sector.

Councillors are leaders in their local communities. The Model Code of Conduct adopted by all Councils provides that a councillor must treat all people fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person. A councillor must also listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

Meeting the standard of behaviour prescribed in the Code is not optional. Section 28U of the *Local Government Act 1993* (the Act) provides that, in performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

A significant majority of councillors work within the boundaries of the Code of Conduct and act in the best interests of the council and the community. Unfortunately, however, there have been several examples since the 2022 Local Government elections of behaviour that falls short of the standards set in the Code of Conduct and is impacting negatively on the operation of Councils. This has included:

- I. Outbursts of aggression

Councillors must not use anger or aggression when seeking to make or respond to an issue in debate (during or outside of Council meetings). This includes raising their voice aggressively or throwing or dropping meeting papers or other items in an aggressive manner.

Behaviour can be considered aggressive even when not specifically directed towards an individual. Aggressive behaviour can also include, for example, capitalisation of text in emails and online posts.

2. Acts of intimidation

Councillors must not threaten others with adverse action when debating matters within or outside of Council meetings. Councillors should never use fear of reprisal as a tool to persuade others towards a particular position or view.

3. Bullying and harassment

Councillors must not engage repeatedly and forcefully with others in a way that could be considered bullying and harassment, either verbally, in emails or online. This includes frequent exchanges that involve low levels of aggression or intimidation.

4. Accusations of impropriety

Councillors must not accuse others of impropriety without pursuing their claims through appropriate formal channels.

Councillors must also avoid unreasonably inferring or attaching intent or meaning to the actions of others for the purposes of damaging their reputation or lessening the value of their contribution to a discussion or debate.

5. Disruptive behaviour

Councillors must allow others to speak freely and succinctly without interjection or interruption.

Acting respectfully does not mean always agreeing with others. Indeed, robust debate and inquiry is in the interest of democracy and the communities we serve. I encourage all councillors to hold both fellow councillors and the general manager to account for performing their functions well but reinforce that this must be done constructively and respectfully.

Page 36 of the Good Governance Guide for Local Government outlines the importance of building effective relationships. It encourages all councillors to treat others with respect, to clearly understand their role and the role of others and to follow communication protocols. A copy of the Guide is available on the Department of Premier and Cabinet's website and can be accessed here: [Good-Governance-Guide-4-August-2022](#). A new online module focussed on building respectful relationships is also being developed as part of the new Learning and Development Framework and will be available in February 2023.

Consistent with the recently agreed reforms to the Code of Conduct Framework for Local Government, it is expected that issues associated with behaviour are addressed locally wherever possible. This may include using local dispute resolution processes or, for example, using meeting procedures to address disruptive or unruly behaviour. Regulation 40 of the *Local Government (Meeting Procedures) Regulations 2015* authorises the chairperson to suspend a councillor for all or part of a meeting if a councillor:

- (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or
- (b) interjects repeatedly; or
- (c) disrupts the meeting and disobeys a call to order by the chairperson.

The Code of Conduct process is available to address concerns about negative behaviour that cannot be resolved locally. Any person, elected or otherwise, can lodge a Code of Conduct complaint. A Bill is currently before Parliament to make agreed changes to the code of conduct process to ensure that it can effectively respond to concerns as they arise.

As Director of Local Government, I have a statutory responsibility to use the tools available in the Act to support the efficient and effective operation of local government. I am committed to using these tools to address any ongoing behaviour that cannot be managed through local action. This may include lodging Code of Conduct complaints against offending councillors or alderman. It may also involve recommending to the Minister that a Performance Improvement Direction is issued under Part 12B of the Act. I do not expect to use these tools frequently but will intervene where I consider that negative behaviour is seriously undermining the ability of the Council to function effectively.

It would be greatly appreciated if you could circulate this letter to all councillors/aldermen in your Council for their information and consideration and table a copy of the letter at your next Council meeting.

Kind regards

A handwritten signature in black ink, appearing to read 'Mathew Healey', with a large, stylized flourish at the end.

Mathew Healey

Director

19 January 2023

CC: Ms Kelly Grigsby, General Manager