Local Government Code of Conduct Framework
(*Local Government Act 1993)*

Minister makes **code of conduct** under s.28R.

Minister appoints Code of Conduct Panel Members [s. 28K]

Executive Officer appointed by the Secretary of the Department of Justice undertakes the administrative functions of the Panel [s.28M]

The investigating Panel is constituted by 3 members selected by the Executive Officer [s.28L]

1. COMPLAINT ASSESSMENT

Code of conduct complaint (accompanied by prescribed fee and statutory declaration) provided to the General Manager (GM) within 6 months of alleged breach [s.28V].

If the complaint does not meet prescribed requirements, the GM returns complaint to complainant [s.28Y].

GM refers complaint to the Code of Conduct Panel within 14 days of receiving complaint [s.28Z].

If complaint has been made against half or more of the councillors, the GM refers complaint to Director of Local Government within 14 days of receiving complaint [s.28Z]

On receiving a complaint, the Executive Officer is to appoint a member of the Panel, who is an Australian lawyer as the initial assessor, to undertake an initial assessment and decide within 28 days whether the complaint be dismissed, referred to another person or authority, or referred to the Code of Conduct Panel for investigation [s.28ZA]

Complaint dismissed by the initial assessor if frivolous, vexatious, or trivial; does not relate to the Code of Conduct; complainant has not made reasonable effort to resolve the complaint or satisfactorily participated in Council's internal dispute resolution process; it is not in the public interest to investigate the complaint; or complainant has previously been ordered not to make a further complaint about the same matter [ss.28ZB & 28ZI]

Part, or all, of the complaint is referred to another appropriate person or body [s.28ZC]

2. PANEL INVESTIGATION

Complaint is referred to the investigating Panel convened by the Executive Officer for investigation and determination.

Investigating Panel has 90 days to determine complaint [s.28ZD]

Investigating Panel decides if a hearing is necessary or whether the complaint can be dealt with through written submission or documentary evidence [s.28ZG]

Following the assessment of evidence, the investigating Panel determines whether to uphold or dismiss all or part of the complaint [s.28ZI]

Investigating Panel's written determination provided to all the parties, the GM, and the Director of Local Government within 28 days of date of determination [s.28ZK]

3. DETERMINATION

Following receipt of the investigating Panel's determination report, the GM is to table the report at the first council meeting open to the public [s.28ZK]

Parties may apply to the Tasmanian Civil & Administrative Tribunal for a review of the investigating Panel's determination within 28 days of notification of the decision on the grounds that the Panel failed to comply with the rules of natural justice [s.28ZP]

If the investigating Panel's determination includes sanctions, the councillor is to inform the Executive Officer when the sanction has been completed [s.28ZM]

The council is to publish the number of code of conduct complaints upheld and the total costs in respect to all code of conduct complaints in its annual report [s.72]

4. SANCTIONS

Sanctions

- a caution
- a reprimand
- an apology
- counselling or training
- suspension from office for up to 3 months (no allowances) [s.28ZI]

Performance Improvement Direction (PID)

The investigating Panel may recommend in its determination report that the Director considers making a recommendation to the Minister to issue a PID [ss.28ZJ, 214L]

Offence

Failure to comply with the investigating Panel's sanction (apology, or counselling/training) incurs a fine not exceeding 50 penalty units [s.28ZM]

Removal from office

Minister may remove a councillor from office if the investigating Panel notifies the Minister that it has imposed a third sanction (suspension) on a councillor within the prescribed period [s. 28ZL]

5. COST AND FEES

The relevant council is responsible for payment of the costs of the initial assessor, the investigating Panel, and the Executive Officer in relation to the complaint [s.28ZO]. The complainant and the councillor against whom the complaint is made are to pay their own costs [s.28ZN]. The Minister determines the remuneration and allowances of the Panel.

November 2026