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-
- (e) by omitting the definition of *model code of conduct*.

5. Part 3, Division 3AA inserted

After section 28J of the Principal Act, the following Division is inserted in Part 3:

Division 3AA – Behaviour standards and dispute resolution procedures

28JA. Policies as to behaviour standards for councillors

- (1) A council may adopt a behaviour standard policy.
- (2) A behaviour standard policy adopted under subsection (1) is to specify the acceptable, or unacceptable, standards of behaviour for councillors in their relationships with the community, other councillors and council employees.
- (3) A behaviour standard policy adopted by a council under subsection (1) –
- (a) is in addition to the requirements of the code of conduct; and
 - (b) may relate to conduct to which the code of conduct does not apply.
- (4) In performing the functions and exercising the powers of his or her office

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with the council, a councillor is to comply with the provisions of the behaviour standard policy adopted by the council under subsection (1).

- (5) If there is an inconsistency between the behaviour standard policy of a council and the code of conduct, the behaviour standard policy is void, and is of no effect, to the extent of that inconsistency.
- (6) For the avoidance of doubt, a code of conduct complaint may not be made in respect of the behaviour of a councillor if the behaviour is an alleged breach of the behaviour standard policy adopted by the relevant council under subsection (1) but not a breach of the code of conduct.
- (7) If a council adopts a behaviour standard policy under subsection (1), the general manager of the council is to ensure that a copy of the policy is available –
 - (a) on the website of the council; and
 - (b) on the request of a person.

28JB. Dispute resolution policies

- (1) A council must adopt a dispute resolution policy.
- (2) A dispute resolution policy adopted by a council under subsection (1) is to specify the processes to be followed if there is –

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- (a) a dispute as to matters that fall under the behaviour standard policy adopted by the council under section 28JA; or
 - (b) a dispute as to matters that may be the subject of a code of conduct complaint.
 - (3) A dispute resolution policy is to –
 - (a) contain the prescribed information; and
 - (b) include the processes to be followed in respect of prescribed matters.
 - (4) The general manager of a council must ensure that a copy of the council's dispute resolution policy is available –
 - (a) on the website of the council; and
 - (b) on the request of a person.
 - (5) In resolving, or attempting to resolve, disputes in respect of a council, each of the following persons involved in the dispute resolution is to comply with the provisions of the dispute resolution policy adopted by the council under this section:
 - (a) the general manager of the council;
 - (b) a councillor of the council;

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- (c) a council employee of the council;
 - (d) if the complainant participates in the dispute resolution process of the council, the complainant.
- (6) Each council must adopt a dispute resolution policy under this section within 12 months after this section commences.

6. Section 28K amended (Code of Conduct Panel)

Section 28K(2)(b) of the Principal Act is amended by omitting “councillors or employees of any council and have not been such councillors or employees within the immediately preceding 2 years” and substituting “current councillors or employees of any council”.

7. Section 28L amended (Investigating Panel)

Section 28L of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Code of Conduct Panel” and substituting “panel convened to investigate and determine the complaint”;
- (b) by inserting in subsection (1) “of the Code of Conduct Panel who are” after “members”;

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- (c) by omitting from subsection (2) “Code of Conduct Panel” and substituting “panel convened under subsection (1)”.

8. Section 28O amended (Payment of remuneration and allowances to members of Code of Conduct Panel and Executive Officer)

Section 28O(3) of the Principal Act is amended by omitting “the Code of Conduct Panel” and substituting “an investigating Panel”.

9. Section 28OA inserted

After section 28O of the Principal Act, the following section is inserted in Subdivision 1:

28OA. Disclosure of interest

- (1) If a member of the Code of Conduct Panel has a direct, or indirect or perceived, conflict of interest in a matter, the member must notify, as soon as practicable, the nature of that conflict of interest to the Executive Officer if –
- (a) the matter is relevant to the investigation and determination of a code of conduct complaint; and
 - (b) in the opinion of the member, the conflict of interest would prevent the member from acting fairly in his or her appointment as the initial assessor, or a member of

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an investigating Panel, in respect of a code of conduct complaint relating to the matter.

- (2) A member of the Code of Conduct Panel must resign from his or her appointment as the initial assessor, or a member of the investigating Panel, in respect of a code of conduct complaint if –
- (a) the member has notified the Executive Officer of a conflict of interest under subsection (1) in respect of a matter; and
 - (b) the matter is relevant to the code of conduct complaint.
- (3) If a member of the Code of Conduct Panel has notified the Executive Officer, under subsection (1), of a conflict of interest that is relevant to a code of conduct complaint –
- (a) the Executive Officer is not to appoint the member to be the initial assessor, or a member of the investigating Panel, in respect of the complaint; and
 - (b) if the member has resigned under subsection (2) from his or her appointment as the initial assessor, or a member of the investigating Panel, in respect of the complaint, the Executive Officer is to –

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- (i) appoint another member of the Code of Conduct Panel to the relevant position; and
 - (ii) notify the complainant of the appointment of a replacement member; and
 - (iii) if the member has resigned as a member of the investigating Panel, notify the other members of that Panel of the appointment of a replacement member to the Panel.
- (4) A member of the investigating Panel in respect of a code of conduct complaint is to notify the Executive Officer and the other members of the Panel, as soon as practicable, if –
 - (a) the member becomes aware that he or she has a direct, or indirect or perceived, conflict of interest in a matter that is relevant to the complaint; and
 - (b) in the opinion of the member, subsection (1)(b) does not apply in respect of the conflict of interest.

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10. Section 28R amended (Code of conduct)

Section 28R of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “model”;
- (b) by omitting from subsection (2) “model”;
- (c) by omitting from subsection (3) “model” first occurring;
- (d) by omitting from subsection (3) “model” second occurring;
- (e) by inserting the following subsection after subsection (3):
 - (4) For the avoidance of doubt, an order made under subsection (1) is a statutory rule within the meaning of the *Rules Publication Act 1993*.

11. Section 28S amended (Contents of code of conduct)

Section 28S of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “model” first occurring;
- (b) by omitting from subsection (1)(e) “model”;
- (c) by omitting from subsection (2) “model”;

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(d) by inserting the following subsection after subsection (2):

(3) The general manager of a council is to make a copy of the code of conduct available –

(a) for public inspection, free of charge, at the public office of the council during ordinary office hours and on its website; and

(b) for purchase at a reasonable charge.

12. Section 28T repealed

Section 28T of the Principal Act is repealed.

13. Section 28U amended (Compliance with code of conduct)

Section 28U of the Principal Act is amended by omitting “council’s”.

14. Section 28V amended (Making code of conduct complaint against councillor)

Section 28V of the Principal Act is amended as follows:

(a) by omitting from subsection (1) “relevant council’s”;

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- (b) by omitting from subsection (2) “relevant council’s”;
- (c) by omitting from subsection (3)(d) “relevant”;
- (d) by inserting the following paragraphs after paragraph (fb) in subsection (3):
 - (fc) if the relevant council has a behaviour standard policy, state whether the complainant commenced, or completed, the council’s procedures in respect of that policy; and
 - (fd) if the complainant completed the council’s dispute resolution process in respect of the complaint, contain details of the outcome of that process; and
 - (fe) if the complainant did not commence or complete the council’s dispute resolution process in respect of the complaint, contain details of –
 - (i) the attempts made by the complainant, as part of the attempted dispute resolution process, to resolve the issue that is the subject of the complaint; or

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- (ii) why the complainant believes that the dispute resolution process is not appropriate in respect of the complaint; and

15. Section 28W amended (Withdrawal of or from code of conduct complaint)

Section 28W of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Code of Conduct Panel” first occurring and substituting “investigating Panel for the complaint”;
- (b) by omitting from subsection (1) “Code of Conduct Panel” second occurring and substituting “investigating Panel”;
- (c) by omitting from subsection (2) “Code of Conduct Panel” first occurring and substituting “investigating Panel for the complaint”;
- (d) by omitting from subsection (2) “Code of Conduct Panel” second occurring and substituting “investigating Panel”;
- (e) by omitting from subsection (3) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;

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- (f) by omitting from subsection (4) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”.

16. Section 28X amended (Amendment of code of conduct complaint)

Section 28X of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Code of Conduct Panel” first occurring and substituting “investigating Panel for the complaint”;
- (b) by omitting from subsection (1) “Code of Conduct Panel” second occurring and substituting “investigating Panel”;
- (c) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (d) by omitting from subsection (2) “a code of conduct” and substituting “the”;
- (e) by omitting from subsection (3) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
- (f) by omitting from subsection (4) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”.

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17. Section 28Y amended (Initial assessment of complaint by general manager)

Section 28Y of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “On receiving” and substituting “Within 14 days after receiving”;
- (b) by inserting in subsection (3) “and within 14 days after receiving the complaint” after “writing”.

18. Section 28Z amended (Referral of code of conduct complaint by general manager)

Section 28Z of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “On” and substituting “Within 14 days after both”;
- (b) by omitting from subsection (1) “after”;
- (c) by inserting the following subsection after subsection (1):
 - (1A) A referral by the general manager of a council under subsection (1) in respect of a code of conduct complaint is to include copies of all of the documentation held by the council in relation to the dispute resolution process

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undertaken by the council in respect of the complaint.

- (d) by omitting from subsection (5) “as soon as practicable” and substituting “within 14 days after being notified of the refusal under subsection (2)”;
- (e) by omitting paragraphs (b) and (c) from subsection (6) and substituting the following paragraph:
 - (b) appoint an initial assessor for the complaint in accordance with section 28ZA.

19. Section 28ZA amended (Initial assessment of code of conduct complaint)

Section 28ZA of the Principal Act is amended as follows:

- (a) by inserting the following subsection before subsection (1):
 - (1AA) As soon as practicable after receiving a code of conduct complaint referred to the Code of Conduct Panel, the Executive Officer is to –
 - (a) appoint a member of the Panel, who is an Australian lawyer, to be the initial assessor for the complaint; and

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- (b) provide a copy of the complaint to the person so appointed.
 - (b) by omitting from subsection (1) “receiving a code of conduct complaint, the chairperson of the Code of Conduct Panel” and substituting “being appointed to be the initial assessor of a code of conduct complaint, the initial assessor”;
 - (c) by omitting from subsection (2) “chairperson of the Code of Conduct Panel” and substituting “initial assessor”;
 - (d) by omitting from subsection (3) “receiving the code of conduct complaint, the chairperson of the Code of Conduct Panel” and substituting “an initial assessor is appointed under this section in respect of a code of conduct complaint, the initial assessor”;
 - (e) by inserting in subsection (3)(a) “the Director,” after “notify”;
 - (f) by omitting from subsection (3)(b) “chairperson” and substituting “initial assessor”;
 - (g) by omitting from subsection (3)(b) “the Code of Conduct Panel” first occurring and substituting “an investigating Panel”;
 - (h) by omitting subparagraph (iii) from subsection (3)(b) and substituting the following subparagraph:

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- (iii) provide a copy of initial assessment of the complaint to the Executive Officer.

20. Section 28ZB amended (Dismissal of code of conduct complaint on initial assessment)

Section 28ZB of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “chairperson of the Code of Conduct Panel” and substituting “initial assessor for a code of conduct complaint”;
- (b) by inserting the following paragraphs after paragraph (ab) in subsection (1):
 - (ac) the dispute resolution process of the council is a reasonable mechanism to resolve the dispute, but the complainant has not participated, or not participated satisfactorily, in the dispute resolution process; or
 - (ad) it is not in the public interest for an investigating Panel to be convened under section 28L to investigate the complaint; or
- (c) by omitting from subsection (1)(b) “of the relevant council”;

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- (d) by omitting from subsection (1)(c)(i) “chairperson” and substituting “initial assessor”;
 - (e) by omitting from subsection (1)(c)(ii) “Code of Conduct Panel” and substituting “investigating Panel, for the complaint,”;
 - (f) by inserting the following subsection after subsection (1):
 - (1A) An initial assessor may consider, but is not limited to, the following matters when determining under subsection (1)(ad) if it is in the public interest for a Code of Conduct Panel to be convened:
 - (a) the nature and seriousness of the alleged conduct to which the complaint relates;
 - (b) the time that has elapsed since the alleged conduct occurred;
 - (c) the availability of evidence and the recollection of any witnesses;
 - (d) the likely degree of culpability, in connection with the alleged conduct,

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of the councillor to whom
the complaint relates;

- (e) whether the alleged
conduct could be of
significant public
concern;
 - (f) whether the alleged
conduct has been, or is
being, investigated and
appropriately dealt with;
 - (g) the sanctions available to
deal with the alleged
conduct;
 - (h) whether the alleged
conduct may be indicative
of, and may expose,
entrenched or systemic
behaviour.
- (g) by omitting from subsection (2)
“chairperson of the Code of Conduct
Panel” and substituting “initial assessor
for a code of conduct complaint”;
- (h) by omitting from subsection (2)
“chairperson” second occurring and
substituting “initial assessor”;
- (i) by inserting the following subsection
after subsection (2):
- (3) If the initial assessor for a code of
conduct complaint dismisses the

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complaint, or part of it, on the grounds referred to in subsection (1)(ac), the initial assessor, in the notice provided under section 28ZA(3) may direct the complainant not to make a further complaint in relation to the same matter until –

- (a) the complainant has participated satisfactorily in the dispute resolution process of the council in relation to the complaint; and
- (b) the complainant has taken and completed the actions, specified in the notice, as necessary to have participated satisfactorily in the dispute resolution process.

21. Section 28ZC amended (Referral of code of conduct complaint on initial assessment)

Section 28ZC of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “chairperson of the Code of Conduct Panel” and substituting “initial assessor for a code of conduct complaint”;

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- (b) by omitting from subsection (1) “chairperson considers appropriate if the chairperson” and substituting “initial assessor considers appropriate if the initial assessor”;
- (c) by omitting from subsection (2)(b) “chairperson of the Code of Conduct Panel” and substituting “initial assessor for the code of conduct complaint”;
- (d) by omitting from subsection (3) “the chairperson of the Code of Conduct Panel” and substituting “initial assessor for the code of conduct complaint”;
- (e) by omitting from subsection (5) “chairperson of the Code of Conduct Panel” and substituting “initial assessor for the code of conduct complaint”;
- (f) by omitting from subsection (6)(a) “chairperson” and substituting “initial assessor”;
- (g) by omitting from subsection (6)(b) “chairperson” first occurring and substituting “initial assessor”;
- (h) by omitting from subsection (6)(b) “chairperson” second occurring and substituting “initial assessor”;
- (i) by omitting from subsection (6)(b) “chairperson” third occurring and substituting “initial assessor”.

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22. Section 28ZCA inserted

After section 28ZC of the Principal Act, the following section is inserted in Subdivision 3:

28ZCA. Convening of investigating Panel for complaint

- (1) If the Executive Officer receives a copy of an initial assessment of a code of conduct complaint under section 28ZA(3)(b)(iii), the Executive Officer is to –
 - (a) convene an investigating Panel under section 28L in respect of the complaint; and
 - (b) provide a copy of the complaint, and the initial assessment of the complaint under section 28ZA, to each member of the investigating Panel.
- (2) A person must not be selected to be a member of an investigating Panel convened under section 28L in respect of a code of conduct complaint if the person was the initial assessor in respect of the complaint.

23. Section 28ZD amended (Time for investigating and determining code of conduct complaint)

Section 28ZD of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (b) by omitting from subsection (1) “a code of conduct complaint” and substituting “the complaint”;
- (c) by omitting from subsection (1)(a) “chairperson of the Panel” and substituting “initial assessor for the complaint”;
- (d) by omitting from subsection (1)(b) “chairperson of the Panel” and substituting “initial assessor for the complaint”;
- (e) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (f) by omitting from subsection (2) “a code of conduct complaint” twice occurring and substituting “the complaint”.

24. Section 28ZE amended (Conduct of investigations generally)

Section 28ZE of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
 - (b) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
 - (c) by omitting from subsection (3) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
 - (d) by inserting the following subsection after subsection (3):
 - (3A) All of the reasonable costs and expenses incurred, in respect of the investigation of a code of conduct complaint, by the investigating Panel for the complaint are payable by the relevant council in respect of the complaint.
 - (e) by omitting from subsection (4) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
 - (f) by omitting from subsection (5)(b) “Code of Conduct Panel” and substituting “investigating Panel for the relevant code of conduct complaint”;
 - (g) by omitting from subsection (6) “Code of Conduct Panel” first occurring and substituting “investigating Panel for the relevant code of conduct complaint”;

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- (h) by omitting from subsection (6) “Code of Conduct” second occurring.

25. Section 28ZF amended (Investigation of multiple code of conduct complaints against same councillor or multiple councillors)

Section 28ZF of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:

- (1) If there are a number of code of conduct complaints against the same councillor or different councillors of the same council and the complaints relate to the same contravention of the code of conduct, the Executive Officer may appoint a single initial assessor to do a single initial assessment of all of the complaints.

- (1A) If a single initial assessor is appointed under subsection (1) in respect of a number of code of conduct complaints, the initial assessor may make a recommendation to the Executive Officer, as part of the initial assessment of the complaints, that a joint investigation of the complaints be conducted by a single investigating panel.

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- (b) by omitting from subsection (2) “Code of Conduct Panel may only make a determination” and substituting “initial assessor for a code of conduct complaint may only make a recommendation under subsection (1A)”;
- (c) by omitting subsection (3) and substituting the following subsection:
- (3) If an initial assessor for a number of code of conduct complaints makes a recommendation to the Executive Officer under subsection (1A) for a joint investigation to be conducted into the complaints, the Executive Officer –
- (a) may convene an investigating Panel under section 28L to conduct a joint investigation into all the complaints, if –
- (i) the complaints are against less than half of the councillors for the relevant council; or
- (ii) the complaints have been referred to the Director under

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paragraph (b) and the Director has not accepted the referral; and

- (b) is to refer the complaints to the Director, if the complaints are against half, or more than half, of the councillors for the relevant council.
- (d) by omitting from subsection (4) “Code of Conduct Panel” and substituting “Executive Officer”;
- (e) by omitting from subsection (4) “Panel” second occurring and substituting “Executive Officer”;
- (f) by omitting from subsection (5) “Code of Conduct Panel” and substituting “Executive Officer”.

26. Section 28ZG amended (When hearing is to be held)

Section 28ZG of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (b) by omitting from subsection (1) “a code of conduct” and substituting “the”;

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- (c) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (d) by omitting from subsection (2) “a code of conduct” and substituting “the”;
- (e) by omitting from subsection (3) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (f) by omitting from subsection (4) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”.

27. Section 28ZH amended (Hearings)

Section 28ZH of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “the Code of Conduct Panel” and substituting “an investigating Panel”;
- (b) by omitting from subsection (2)(a) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (c) by omitting from subsection (2)(a) “code of conduct”;
- (d) by omitting from subsection (3) “Code of Conduct Panel” and substituting

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“investigating Panel for the code of conduct complaint”;

- (e) by omitting from subsection (4) “Code of Conduct Panel” first occurring and substituting “investigating Panel for a code of conduct complaint”;
- (f) by omitting from subsection (4)(b) “Code of Conduct”;
- (g) by omitting from subsection (5) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (h) by omitting from subsection (6) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”.

28. Section 28ZI amended (Determination of code of conduct complaint)

Section 28ZI of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
- (b) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;

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- (c) by omitting from subsection (3) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”.

29. Section 28ZJ amended (Determination report)

Section 28ZJ of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Code of Conduct Panel” first occurring and substituting “investigating Panel for the complaint”;
- (b) by omitting from subsection (1)(b) “Code of Conduct”;
- (c) by omitting from subsection (1)(c) “Code of Conduct”;
- (d) by omitting from subsection (1)(d) “Code of Conduct”;
- (e) by omitting from subsection (1)(e) “Code of Conduct”;
- (f) by omitting from subsection (1)(f) “Code of Conduct”;
- (g) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”.

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30. Section 28ZK amended (Notification of determination of code of conduct complaint)

Section 28ZK of the Principal Act is amended as follows:

- (a) by omitting “Code of Conduct Panel” from the definition of *determination report* in subsection (1) and substituting “investigating Panel for the complaint”;
- (b) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
- (c) by omitting from subsection (3) “Code of Conduct Panel” and substituting “investigating Panel for a code of conduct complaint”;
- (d) by omitting subsection (6) and substituting the following subsection:
 - (6) Subsections (4) and (5) do not apply in respect of a determination report until –
 - (a) the expiry of the period during which a person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the determination to which the determination report relates; and

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- (b) if an application for such a review is made –
 - (i) the review is completed or dismissed; or
 - (ii) the application is withdrawn.
- (e) by inserting the following paragraph after paragraph (a) in subsection (9):
 - (ab) the disclosure of a copy of the determination report with the addendum solely for the purpose of arranging for the report and addendum to be included within an item on the agenda for a meeting of the relevant council; or
- (f) by inserting the following subsections after subsection (9):
 - (10) A person must not disclose a document or report, or any information, if –
 - (a) the document, report or information –
 - (i) relates to a code of conduct complaint or the matters to which a code of

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conduct complaint
relates; and

(ii) has been provided
to a person by the
Executive Officer
or an investigating
Panel; and

(b) the person would not have
knowledge, or possession,
of the document, report or
information had it not
been provided to a person
referred to in paragraph
(a)(ii); and

(c) at the time of the
disclosure, the
determination report, to
which the document,
report or information
relates, has not been
included within an item
on the agenda for a
meeting of the relevant
council.

Penalty: Fine not exceeding 50
penalty units.

(11) Subsections (7) and (10) do not
apply to the disclosure of a
document, report or information
that relates to a determination
report if the disclosure is solely

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for the purpose of arranging for the determination report to be included on the agenda for a meeting of the council.

31. Section 28ZL amended (Effect of third suspension)

Section 28ZL of the Principal Act is amended as follows:

- (a) by omitting “the Code of Conduct Panel” from the definition of *third suspension* in subsection (1) and substituting “an investigating Panel”;
- (b) by omitting from subsection (2) “the Code of Conduct Panel” and substituting “an investigating Panel”.

32. Section 28ZM amended (Councillor to comply with sanction imposed for contravention of code of conduct)

Section 28ZM of the Principal Act is amended as follows:

- (a) by omitting “Code of Conduct Panel” from the definition of *determination report* in subsection (1) and substituting “investigating Panel for the complaint”;
- (b) by omitting from subsection (2) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;

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- (c) by omitting from subsection (3) “is to notify the general manager that he or she has done so.” and substituting “is to –”;
- (d) by inserting the following paragraphs after subsection (3):
 - (a) notify the Executive Officer that the councillor has complied with the sanction; and
 - (b) provide evidence, to the Executive Officer, of that compliance.
- (e) by inserting the following subsections after subsection (3):
 - (3A) As soon as practicable after being notified by a councillor under subsection (3) in respect of compliance with a sanction, the Executive Officer is to –
 - (a) notify the Director, in writing that the councillor has notified the Executive Officer, under subsection (2), in respect of compliance with the sanction; and
 - (b) specify, in the notice, the evidence provided by the councillor under that subsection.

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(3B) After being notified by the Executive Officer under subsection (3A) in respect of a councillor's compliance with a sanction, the Director may require the councillor to provide further evidence, to the satisfaction of the Director, of the councillor's compliance with the sanction.

(f) by omitting from subsection (4) "relevant general manager" and substituting "Executive Officer".

33. Section 28ZNA amended (Costs of training to be borne by council)

Section 28ZNA(1) of the Principal Act is amended by omitting "Code of Conduct Panel" from the definition of *determination report* and substituting "investigating Panel for the complaint".

34. Section 28ZO amended

Section 28ZO of the Principal Act is amended as follows:

- (a) by renumbering the section as subsection (1);
- (b) by omitting from paragraph (a) "by the general manager";

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- (c) by omitting from paragraph (b) “by the chairperson of the Code of Conduct Panel”;
- (d) by omitting from paragraph (c) “by the general manager”;
- (e) by omitting from paragraph (c) “section 28Z(1)” and substituting “section 28Z(1)(a)”;
- (f) by omitting from paragraph (d) “Code of Conduct Panel” and substituting “investigating Panel for the complaint”;
- (g) by inserting the following subsection after subsection (1):
 - (2) A refund under subsection (1) is to be made within 30 days after the circumstances, specified in that subsection, that resulted in the refund being payable under this section.

35. Part 3, Division 3A, Subdivision 4: Heading amended

Subdivision 4 of Division 3A of Part 3 of the Principal Act is amended by omitting “*Reviews of Code of Conduct Panel decisions*” from the heading to that Subdivision and substituting “*Reviews of investigating Panel decisions*”.

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36. Section 28ZP amended (Review of investigating Panel decision)

Section 28ZP of the Principal Act is amended by omitting “Code of Conduct Panel” and substituting “investigating Panel for the complaint”.

37. Section 349C inserted

After section 349B of the Principal Act, the following section is inserted in Division 3:

349C. Transitional provisions consequent on *Local Government Amendment (Code of Conduct) Act 2022*

(1) In this section –

commencement day means the day on which the *Local Government Amendment (Code of Conduct) Act 2022* commences.

(2) A complaint received by a general manager before the commencement day but not finalised before that day is to be dealt with under this Act as in force immediately before the commencement day.

(3) For the avoidance of doubt, a complaint received by a general manager on or after the commencement day is to be dealt with in accordance with this Act, as in force on or after the commencement day,

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regardless of whether the complaint
relates to behaviour that occurred before
the commencement day.

38. Repeal of Act

This Act is repealed on the first anniversary of
the day on which this Act commenced.

Strengthening the Local Government Code of Conduct Framework

Tasmanian Government response to public consultation December 2021

Overview

The Local Government Code of Conduct Framework requires Tasmanian councillors to conduct themselves in accordance with a minimum set of behavioural standards and provides for sanctions in instances where those standards are breached. Recently, there has been significant public commentary about whether the Code of Conduct Framework is achieving its objectives and how it could be improved.

Following several earlier initiatives, in August 2021 the Government consulted the community on several proposed targeted legislative amendments to further strengthen the Code and its implementation. The proposed amendments included:

- further strengthening and clarifying the grounds for the Code of Conduct Panel Chairperson to dismiss complaints at the initial assessment stage, in particular through the introduction of a new 'public interest' test;
- removing a perceived conflict of interest for the Code of Conduct Panel Chairperson at the initial assessment stage and ensuring that a legal member of the Panel undertakes all initial assessments;
- wherever practicable, improving confidentiality requirements in relation to the formal Code of Conduct complaints process; and
- improving council dispute resolution policies to minimise the number of issues that are escalated to the Code of Conduct Panel in the first place.

Consultation feedback broadly supported these proposals. Several additional supporting changes were also identified during the consultation period. Appendix 1 outlines the key messages from submissions to the Discussion Paper and explains how the Government has decided to respond to the main issues, concerns, and ideas that were raised.

Overall, there appears to be a strong view in the community and the sector that very minor, low-level behavioural complaints currently consume too much attention and resourcing in the Code of Conduct process on the one hand, while on the other hand the framework is not adequately equipped to appropriately sanction more serious and/or repeated breaches.

A number of submissions also raised issues that are outside the scope of what can be delivered within the current targeted review and contemplated more fundamental changes to how complaints about elected member conduct should be handled.

Having considered the broad range of feedback received, the Government has decided it will proceed with a suite of immediate changes to the current framework, including some additional reforms to those that were proposed in the August Discussion Paper. Additional reform measures principally respond to suggestions from the sector and the community that there could be greater clarity, consistency, and efficiency in the handling of behaviour-related complaints, particularly at the less and more serious ends of the misconduct spectrum.

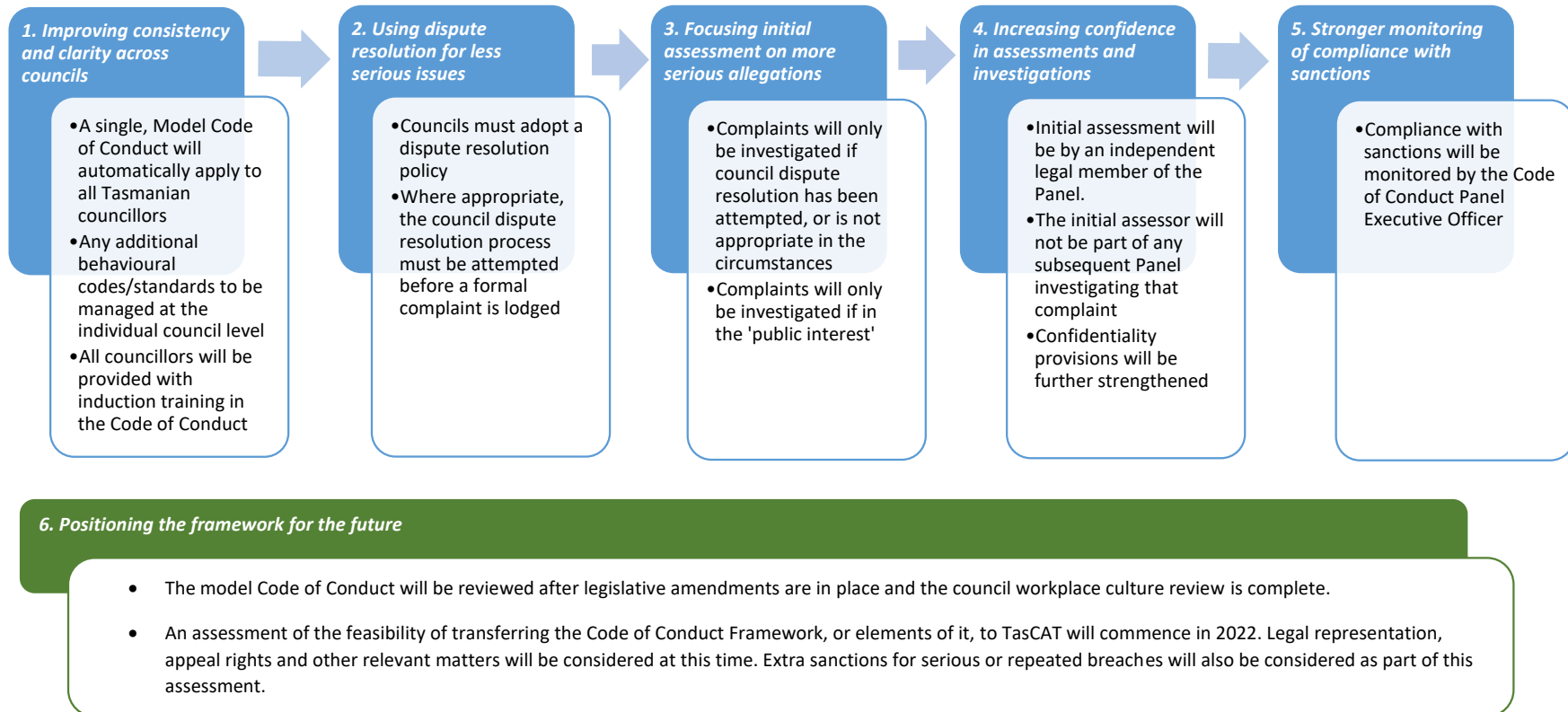
Beyond these immediate reforms, the Government is also committing to undertake further work to ensure the Code of Conduct Framework remains effective, and is supported, respected, and trusted by the community and the local government sector alike.

The Government's response proposes reform across the following six key areas:

1. Improving consistency and clarity across councils
2. Using dispute resolution processes for less serious matters
3. Focusing initial assessment on more serious allegations
4. Increasing confidence in the assessment and investigation process
5. Stronger monitoring of compliance with sanctions
6. Positioning the framework for the future

The Government's package of commitments to improving the Code of Conduct Framework are explained in more detail below and summarised in Figure 1. The Government will introduce amendments to the *Local Government Act 1993* (the Act) in the 2022 Autumn session of Parliament to implement its immediate reform package. Draft legislation will be released for public consultation in early 2022.

Figure 1: Targeted reforms to the Code of Conduct Framework – Summary



Reform Area I – Improving consistency and clarity across councils

Summary of proposed changes:

- ***Councils will no longer be required to formally 'adopt' the Model Code of Conduct. The Model Code will automatically apply to all Tasmanian councillors.***
- ***Individual councils will be able to adopt additional requirements in relation to elected member behaviour, but compliance with any such requirements will need to be managed by the council itself and will not be within the jurisdiction of the Code of Conduct Panel.***
- ***All councillors will be provided with induction training in the Code of Conduct.***

The Code of Conduct Framework was first introduced in 2016 to provide for a standardised model for the conduct of all Tasmanian councillors. Prior to 2016, there was no consistent, state-wide approach for dealing with councillor conduct matters, with each council responsible for developing and adopting their own codes of conduct.

However, the Act still requires that individual councils adopt their own code of conduct based on the Model Code, and contemplates variations to the Model Code, subject to the approval of the Minister.

Part of the feedback received was that the definitions and expectations under council codes of conduct were not always clear. Local variations to the Model Code of Conduct have the potential to add to this lack of clarity while also complicating their interpretation by councillors, councils and the Code of Conduct Panel.

In line with the intent of the Model Code to apply a single set of consistent behavioural standards to all Tasmanian councils, and to remove the inefficient administrative requirement for councils to formally 'adopt' the Model Code, the Act will be amended so that all Tasmanian councils will simply be required to act in accordance with the Model Code. As noted above, the Government will separately undertake a review of the Model Code to ensure it is still appropriate and has broad sector and community support.

The Act will also be amended to specifically provide for councils to adopt additional requirements in relation to elected member behaviour above and beyond what is required by the Model Code. However, where councils do this, any such requirements will not be taken in any way to 'override' the Model Code, and the council itself will need to manage elected members' compliance and accountability with those requirements.

The Government will also look to enhance and bring forward an approved reform, previously agreed under the *Review of the Local Government Legislative Framework*, concerning improved education and training opportunities for councillors. General managers will be required to develop a core-capability induction plan for councillors prior to their first council meeting that will include Code of Conduct training. Completion of core-capability induction training should

be undertaken by all councillors following an election process. A councillor's completion of these induction programs will be reported to the Director of Local Government, giving the Director greater oversight in relation to the education programs which all councillors should be participating in.

Reform Area 2: Using dispute resolution for less serious issues

Summary of proposed changes:

- ***Tasmanian Councils will be required under the Local Government Act 1993 to have a dispute resolution policy and supporting processes that meet certain minimum prescribed standards***
- ***When lodging a Code of Conduct complaint, the complainant will need to provide relevant information about any attempts they have made to resolve the issue through a council's established dispute resolution process.***

The Code of Conduct has always been intended to act as a last, not first, resort for addressing elected member behavioural issues. Changes to the Code of Conduct Framework introduced in 2018 reinforced this by requiring complainants to provide information about efforts, if any, they had undertaken to resolve the issue that is the subject of their complaint. The changes also allowed for the dismissal of a complaint at the initial assessment phase if the Panel Chairperson considered such efforts were inadequate in the circumstances.

Both the community and elected members are right to expect that complainants will make genuine efforts to attempt to resolve less serious disagreements and disputes at the council level, without immediate reference to an external body. This is particularly the case where the complainant is a fellow councillor. However, recent experience shows that, in many cases, issues that result in complaints to the Code of Conduct Panel could and should be addressed and resolved through other mechanisms.

Given recent feedback – including in submissions to the current review - it has become clear that the efficiency, effectiveness, and ongoing credibility of the Code of Conduct Framework will depend to a large extent on there being a robust and consistent set of arrangements for dispute resolution across all councils. There is no point requiring complainants to show how they have tried to resolve an issue with an elected member prior to lodging a complaint if informal dispute resolution processes are inadequate, or indeed non-existent.

Therefore, the Government is proposing two amendments that will require councils and community members to take more responsibility for resolving less serious disputes and personal grievances at the local level. The objective is to build a stronger culture of professionalism and mutual respect and reduce the costs to the community of the formal Code of Conduct Panel process.

Firstly, the Act will be amended to require all councils to develop, adopt and publish a dispute resolution policy and implement supporting processes as the first step in dealing with

complaints about the behaviour of elected members. While the Act will establish minimum content and certain procedural elements or principles for council dispute resolution policies, councils will have flexibility in how they structure their policy, which may include the option of engaging an independent mediator. A number of councils already have these policies and processes in place, and it is expected that LGAT will play a key role in supporting councils to adopt a set of consistent and robust approaches that also suit their individual circumstances.

Secondly, the current requirement on Code of Conduct complainants to provide information on efforts undertaken to resolve a matter that is the subject of a complaint will be further strengthened to include specific reference to using the relevant council's dispute resolution policy and process. A failure to attempt resolution through council-level processes will be included as clear grounds for a complaint to be dismissed at the initial assessment stage, should the initial assessor consider it would have been appropriate in the circumstances to use those processes. In making this assessment, the Code of Conduct Panel will be able to seek further information from both the complainant and council on any dispute resolution process that has been attempted.

Of course, not all issues will be able to be resolved by dispute resolution mechanisms. There will always be circumstances where, either because of the specific nature or seriousness of the conduct itself, or perhaps because of sensitivities or power imbalances between the parties involved, it is appropriate that elected member behaviour is referred directly to the Code of Conduct Panel.

This is why dismissal on the grounds of insufficient dispute resolution effort will remain a discretionary decision of the initial assessor, based on the specific circumstances of each individual matter.

Reform Area 3 – Focusing initial assessment on serious allegations

Summary of proposed changes:

- ***The initial assessor will be given greater flexibility to dismiss complaints where, in their view:***
 - ***the complainant has not made a reasonable attempt in the circumstances to address the matter through other avenues (including the council's own dispute resolution process), and/or***
 - ***they believe it is not in the public interest to proceed to an investigation.***

With more robust dispute resolution processes in place at the council level, fewer complaints should need to progress to the Code of Conduct Panel. However, where they do, the community and sector should be confident that only those complaints that merit formal investigation by the Code of Conduct Panel proceed to that process.

The initial assessment process will be adjusted to allow for specific consideration of the use or otherwise of council dispute resolution policies. With a new statutory requirement for councils to have dispute resolution policies in place it will be easier for the initial assessor to determine whether efforts at resolving the complaint have been reasonable in the circumstances. If, in the view of the assessor, a reasonable attempt has not been made, they will be empowered to refer it back to the council so that this can be attempted before a formal Code of Conduct complaint is accepted.

A new public interest test will also be introduced at the initial assessment phase. This test will consider such matters as the nature and seriousness of the alleged misconduct. Without limiting the design of this amendment, it will be informed by the provisions of the *Integrity Commission Act 2009* so the experience from that Act can provide some clarity around definitions. To improve public understanding and confidence in the complaints process, the Government will publish explanatory material on the operation of the Code of Conduct process and terms such as 'frivolous', 'vexatious' and 'trivial', which are also grounds for dismissing a complaint during the initial assessment.

Reform Area 4 – Increasing confidence in assessments and investigations

Summary of proposed changes:

- ***Councils will be required to process Code of Conduct complaints within 14 days of receipt (currently, there is no legislated timeframe).***
- ***The initial assessment of complaints will be undertaken by a legal member of the Code of Conduct Panel, who will be precluded from sitting as part of a Panel in relation to any subsequent investigation.***
- ***All Panel members will be required to pro-actively disclose any potential conflicts of interest when investigating a complaint.***
- ***It will be an offence for any person to disclose information, documents or records provided to them by the Executive Officer or the Code of Conduct Panel in relation to a complaint, unless it has already been publicly disclosed in a determination report.***

A significant proportion of the feedback responding to the Discussion Paper focused on ongoing concerns with the efficiency, integrity, and consistency of both the initial assessment and investigation and determination process. For this reason, three key changes are proposed.

Firstly, a clear timeframe will be put on councils' processing of complaints. Code of Conduct complaints are first lodged with council general managers, whose role is to check that they meet a number of basic administrative requirements under the Act. There is currently no requirement for councils to process complaints within a reasonable timeframe, which leaves open the possibility of lodged complaints being held up indefinitely by the council. To ensure

prompt attention to all complaints, general managers will be required, within 14 days, to either forward the complaint to the Code of Conduct Executive Officer, or request that the complainant address any non-compliance and re-submit.

Secondly, the Act will be amended to require that all initial assessments are undertaken by a legal member of the Panel. The initial assessor will also be precluded from sitting as part of the Panel for any subsequent investigation. Taken in conjunction with the use of recently-developed Initial Assessment Guidelines, this will ensure a more consistent process, while also removing any perceived conflict of interest of the initial assessor progressing a matter to investigation. The Act will also be amended to require that all Panel members disclose and manage any potential conflicts of interest when investigating a complaint.

Thirdly, the Government will broaden the Act's confidentiality provisions to prevent any person from disclosing information, documents or records provided to them by the Executive Officer or the Code of Conduct Panel in relation to a complaint, unless it has already been publicly disclosed in a determination report. An exception will be made so that general managers and mayors can discuss a determination report with each other for the purpose of arranging for the report to be tabled at a council meeting.

These amendments should help to maintain public confidence in the integrity of the Code of Conduct process, reducing the risk that complaints are aired publicly before they have been determined.

Reform Area 5 – Stronger monitoring of compliance with sanctions

Summary of proposed changes:

- ***Compliance with sanctions will be monitored by the Code of Conduct Executive Officer, (currently this is the responsibility of the General Manager).***

The Act will be amended to require councillors to notify the Code of Conduct Panel Executive Officer when they have complied with or completed the requirements under a sanction. Currently, the council general manager is responsible for monitoring compliance, and notifying the Director of Local Government of any non-compliance. Given the sanctions are imposed by the Code of Conduct Panel, it is more appropriate for the Panel be monitoring compliance than the general manager. The role description and grade of the Executive Officer position will be reviewed to take account of the additional responsibility of compliance monitoring and other changes in the administrative framework.

Reform Area 6 – Positioning the framework for the future

Summary of proposed changes:

- ***The model Code of Conduct will be reviewed, following implementation of the proposed legislative amendments and completion of the sector's review of local government workplace culture.***
- ***An assessment of the feasibility of transferring the Code of Conduct Framework, or elements of it, to TasCAT as part of a future tranche of reforms will commence in 2022.***
- ***As part of the feasibility study, legal representation, appeal rights and additional sanctions for serious and/or repeated Code of Conduct breaches will be considered.***

Once the reforms outlined have been delivered, the Government will undertake a number of other actions to strengthen the Code of Conduct Framework.

The first component of this additional work will be to review the Model Code of Conduct. This review will commence after the Act amendments outlined here are in place and following the implementation of the current package of reforms (noting that changes to the Code can be delivered by Ministerial Order and do not require legislative amendment).

It needs to be noted that, while the Code of Conduct Framework plays an important role in maintaining standards of behaviour for elected members, it cannot in and of itself guarantee a safe working environment. Nor does it ensure that councils have appropriate policies and procedures in place to deal with harassment, bullying and discrimination. This is why, ideally, a review of the Model Code would take into consideration findings from a workplace cultural review of local government, which is being led by the sector. For this reason, any review of the Model Code of Conduct should occur after this process has completed.

The second component will be a feasibility study into transferring administrative responsibility for the Code of Conduct Framework (or certain elements of the framework) to the new Tasmanian Civil and Administrative Tribunal (TasCAT).

Legislation to establish TasCAT was passed in 2020, and a number of tribunals and boards are flagged to become part of TasCAT in 2021. There is potential for other bodies to become part of TasCAT in the future.

A number of submissions suggested that, because Code of Conduct processes can have serious impacts on parties to a complaint, there should be a more formal approach involving legal representation. Others have suggested that allowing legal representation would exclude people with less access to legal knowledge and resources.

The feasibility study, to commence in 2022, will consider the practical implications of the transfer in close consultation with the sector. The study will also provide the opportunity to

consider changes to the Framework that might be appropriate in the context of TasCAT, including questions about legal representation and appeal rights.

The need for additional sanctions for serious or repeated Code of Conduct breaches will also be considered as part of this study. The Government has heard that the number of Code of Conduct complaints being upheld is still too high. While it is important that there are robust processes in place to ensure that less serious behavioural issues can be dealt with outside of the Code of Conduct Framework, it is also crucial that the process can appropriately deal with serious breaches where they are upheld.

Currently, when a complaint is upheld, the Code of Conduct Panel can impose a number of sanctions:

- a caution;
- a reprimand;
- a requirement to apologise;
- a requirement to attend counselling or a training course; or
- suspension from performing as a councillor for up to three months.

If a councillor is suspended three times within two consecutive terms as a councillor, the Minister can recommend to the Governor that the councillor be removed from office.

Some of the sanctions used in other jurisdictions that could be considered in Tasmania, include:

- a requirement to reimburse the council for some or all costs arising from the councillor's inappropriate conduct, including the costs of investigating the complaint, and/or associated training;
- suspension from the right to receive councillor allowances for up to 3 months while continuing to serve as a councillor;
- suspension from chairing a delegated committee of the council; and
- suspension from a position representing the council, other than the office of councillor.

Stronger sanctions would provide the community with confidence that serious behavioural misconduct will be dealt with and send a clear message to the sector that the obligations of elected members to hold themselves to high standards of behavioural and ethical conduct should not be taken lightly.

Appendix 1: Summary of Community Feedback on the Discussion Paper

The public consultation period on the Discussion Paper ran for five weeks and ended on 9 August 2021. Twenty-eight submissions were received from across the local government sector, community members and other Tasmanian Government agencies. Submissions are available to view on the Department of Premier and Cabinet's website. Of these 28 submissions:

- 18 were from councils, councillors or private individuals who had been directly involved in a determined Code of Conduct complaint;
- 17 were from the local government sector – councils, current or former councillors or the Local Government Association of Tasmania;
- 5 were from private individuals who were not former councillors; and
- 5 were from State Government agencies.

The submissions strongly supported the Code of Conduct process in principle, and recognised its important role in setting behavioural and conduct standards for Tasmanian councillors. There was also strong support for strengthening the Code of Conduct process to make it more effective.

Most submissions supported the proposed changes, with some making helpful specific suggestions about how they could be implemented to have more impact. The proposed changes, summary of submissions and government response are outlined below.

1. Further strengthen and clarify the grounds for the Panel to dismiss complaints at the initial assessment stage.	
Proposal	A broader public interest test would be included in the <i>Local Government Act 1993</i> (the Act) as part of the initial assessment process. A public interest test would include such matters as assessing complaints for seriousness, the availability of evidence, the level of public concern, demonstrated actions taken to deal with the matter, and whether the matter may be a sign of more widespread or systemic problems. The requirement for complainants to use the council-administered dispute resolution process, including mediation, before submitting a complaint would be strengthened.
Submissions summary	<p>There was general support for introducing a public interest test at the initial assessment stage. Many submissions stressed the importance of the public interest test being well defined, as well as clearly defining the other grounds for dismissing the complaint at this stage.</p> <p>While there was general support for requiring complainants to use council dispute resolution processes before lodging a complaint, some submissions did not support this approach. They were concerned that a council-administered process would not be fair or independent for complainants. A number of submissions suggested that independent arbiters be appointed to resolve disputes locally.</p>
Government response	<p>The Government will amend the Act to introduce a public interest test into the initial assessment phase. This test will be informed by provisions of the <i>Integrity Commission Act 2009</i> so the experience from that Act can provide some clarity around definitions.</p> <p>The Government will publish explanatory material on the operation of the Code of Conduct process and terms such as 'frivolous', 'vexatious' and 'trivial'.</p> <p>The Government will amend the Act to require councils to complete the development of their dispute resolution policies. Councils will be able to include the option of an independent mediator in their processes.</p>
2. Remove a perceived conflict of interest and empower a legal member of the Panel to undertake the initial assessment process.	
Proposal	To address a perception of a conflict of interest, the member of the Code of Conduct Panel who undertakes the initial assessment of a complaint would not be part of any Panel that was subsequently convened to investigate that complaint. As initial assessments may involve a range of legal and procedural considerations, and would now also include a public interest test, a legal member of the Code of Conduct Panel would undertake the initial assessment.

Submissions summary	Most submissions supported the proposal that the Panel member who does the initial assessment is not part of any subsequent Panel investigating that complaint. A small number of submissions felt that a legal member of the Panel was not necessarily best placed to make the initial assessment, and that someone familiar with local government would be more appropriate.
Government response	<p>The Government will amend the Act to ensure that a legal member of the Code of Conduct Panel undertakes the initial assessment of a complaint, and to exclude that member from any Panel convened to investigate that complaint.</p> <p>The Government will also require Panel members to disclose any potential conflicts of interest when investigating a complaint.</p> <p>The Government will ensure that, when recruiting legal members to serve on Code of Conduction Panels, it will take account of their knowledge and experience of local government.</p>

3. Wherever practicable, improve confidentiality requirements in relation to the complaints process.	
Proposal	Additional provisions in the Act would minimise the ability for people to inappropriately disclose Code of Conduct Panel determination reports or findings prior to them being made public.
Submissions summary	There was general support for this proposal. A number of submissions suggested that the general manager and mayor need to be made aware of determination reports sufficiently in advance to allow the tabling of reports to be scheduled on council meeting agendas. A number of submissions suggested extending the confidentiality requirement to begin when a complaint is lodged.
Government response	<p>The Government will amend the Act to prevent people from disclosing information, documents or records provided to them by the Executive Officer or the Code of Conduct Panel in relation to a complaint unless the information has already been publicly disclosed in a determination report.</p> <p>The general manager and mayor will be permitted to discuss the findings in a determination report with each other for the purposes of setting the agenda for the council meeting where the report will be tabled.</p> <p>The Government considers it impractical and onerous to broaden the confidentiality requirements beyond this to apply to all participants from the time a complaint is lodged.</p>

4. Implement council dispute resolution policies.	
Proposal	The local government sector would design and implement an appropriately independent dispute resolution framework capable of resolving a broad range of conduct related disputes.
Submissions summary	There was general support for local council dispute resolution policies. Many submissions raised concerns about the cost to councils of implementing these policies. Some submissions suggested the dispute resolution process should be run by an independent arbiter, as complainants would not see councils as independent in resolving complaints involving their councillors.
Government response	<p>The Government will amend the Act to require councils to adopt dispute resolution policies. Councils will be able to include the option of an independent mediator in their processes.</p> <p>The Government notes that local dispute resolution is likely to be more cost-effective than a Code of Conduct Panel process.</p>

Other issues raised in submissions

Other issues raised	Government response
The available sanctions are either insufficient, or applied inconsistently by the Panel.	Extra sanctions for serious or repeated breaches will be considered as part of the feasibility study for transferring the Code of Conduct process to TasCAT.
Require complaints to be lodged with the Executive Officer of the Panel rather than the general manager to mitigate the general manager's potential conflict of interest.	Not agreed. The general manager's role is limited to procedural and administrative matters associated with the complaint, not assessing its merits. Also, the general manager can delegate this role to a deputy if they believe there is a potential conflict of interest.
Councillors should have access to legal representation in Code of Conduct proceedings, and the rules of evidence should apply.	The Government will consider legal representation as part of the feasibility study in 2022 of transferring Code of Conduct matters to the jurisdiction of the TasCAT. More detail provide above.
Code of Conduct complaints processes are stressful and unfair to councillors and complainants.	The reforms outlined in this response, plus those previously instituted, should improve the fairness and effectiveness of the Code of Conduct process.

Plain English outline of proposed changes

Local Government Amendment (Code of Conduct) Bill 2022

Proposed change	Outline of proposed change	Relevant section(s) of the Bill
A standard code of conduct for councils	The Bill provides for a single standard code of conduct made by the Minister, which will automatically apply to all councils without variation.	4, 10, 11, 12, 13, 14, 20
Behaviour standards for councillors	Councils will have the option to adopt an internal behaviour standard policy that sets the standards of behaviour acceptable for councillors in their interaction with the community, other councillors and council employees. The behaviour standard policy is in addition to the requirements of the code of conduct and may include other matters councils consider relevant to their needs. Any alleged breach of a council's behaviour standard policy will be dealt with internally by the relevant council and not the Code of Conduct framework.	5, 14
Local dispute resolution policy	All councils will be required to adopt a dispute resolution policy within 12 months after the amendment Act commences. The dispute resolution policy is to set out the process for resolving disputes that either fall under a council's behaviour standard policy or the code of conduct. Participation in the dispute resolution process will now be a prerequisite for making complaints where appropriate. Every person who participates in the dispute resolution process of a council must comply with that council's dispute resolution policy.	4, 5, 14
Making a code of conduct complaint	The Bill provides for additional details to be included as part of a complaint, namely: <ul style="list-style-type: none"> • details of actions taken under the relevant council's behaviour standard policy (if any); and • details of actions, if any, taken under the relevant council's dispute resolution policy (where applicable). In addition, the general manager is required to include copies of all the documentation held by the council in respect of the dispute resolution process undertaken by the council in respect of the complaint.	14, 18

Proposed change	Outline of proposed change	Relevant section(s) of the Bill
Timeframe for completing initial assessment and referral by general manager	<p>This Bill stipulates a 14-day timeframe for completing the following actions:</p> <ul style="list-style-type: none"> • initial assessment of a complaint by the general manager for statutory compliance; • referral of a complaint by a general manager to the Code of Conduct Panel or the Director; and • referral of a complaint by a general manager to the Code of Conduct Panel where the Director refuses a referral. 	17, 18
Initial assessment of a code of conduct complaint	<p>An initial assessor appointed by the Executive Officer will now be responsible for undertaking the initial assessment previously conducted by the chairperson of the Code of Conduct Panel. This includes dismissing a complaint or referring it to the appropriate authority.</p> <p>The initial assessor is to be selected from one of the Australian lawyers on the Code of Conduct Panel.</p> <p>Two additional grounds for dismissing a complaint have been inserted, namely that:</p> <ul style="list-style-type: none"> • the complainant has not participated or satisfactorily participated in the dispute resolution process where appropriate; and • it is not in the public interest to investigate the complaint. A list of matters to be considered when applying the public interest test is included. <p>Where there are multiple code of conduct complaints against the same councillor or multiple councillors of the same council:</p> <ul style="list-style-type: none"> • The Executive Officer is to appoint an initial assessor who will conduct a single initial assessment for all the complaints. • The initial assessor may recommend a joint investigation if considered appropriate. • On recommendation from the initial assessor, the Executive Officer may convene an investigative Panel to conduct a joint investigation if: <ul style="list-style-type: none"> ◦ the complaints are against less than half of the councillors of the relevant council; or ◦ the Director has refused to accept a referral on the matter. • If the complaints are against half or more of the councillors of the relevant council, the Executive Officer is to refer the complaints to the Director, who may accept or refuse the referral. 	4, 19, 20, 21, 23, 25

Proposed change	Outline of proposed change	Relevant section(s) of the Bill
Investigating Panel for a code of conduct complaint	<p>The Bill distinguishes the investigating Panel convened to investigate and determine a complaint from the larger Code of Conduct Panel.</p> <p>The Bill also provides that the initial assessor of a complaint is excluded from being selected as a member of the investigating Panel subsequently convened to investigate and determine the complaint.</p>	4, 7, 8, 15, 16, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
Conflict of interest	<p>The Bill provides for the disclosure and management of interest by members of the Code of Conduct Panel.</p> <p>A member of the Code of Conduct Panel must disclose to the Executive Officer any interest that is:</p> <ul style="list-style-type: none"> • relevant to the investigation and determination of a complaint, and • would in the opinion of the member prevent them from acting fairly in their appointment either as an initial assessor or a member of an investigating Panel. <p>Where such a disclosure has been made before appointment, the Executive Officer is not to appoint the affected member as the initial assessor or a member of the investigating Panel. If the disclosure is made after appointment, the Executive Officer is to replace the affected member and notify the complainant and other members of the investigating Panel, where applicable.</p> <p>In addition, a member of an investigating Panel is to disclose to other members of the investigating Panel, any interest that is relevant to the investigation and determination of a complaint.</p> <p>As a result of the above changes, all former councillors or employees of any council are now eligible for appointment by the Minister as members of the Code of Conduct Panel. Current councillors or employees of any council will however remain ineligible for appointment to the Code of Conduct Panel.</p>	6, 9
Costs and expenses to be borne by council	The Bill provides that the relevant council is responsible for all reasonable costs and expenses incurred by the investigating Panel for a complaint.	24

Proposed change	Outline of proposed change	Relevant section(s) of the Bill
Confidentiality of determination report and related document, report or information	<p>The Bill provides that a determination report (with the addendum) is not to be included within an item on the agenda for a relevant council meeting until:</p> <ul style="list-style-type: none"> the expiration of the review period; or where an application is made, the review is completed, dismissed, or the application is withdrawn. <p>All persons are prevented from disclosing information, documents or records provided to them by the Executive Officer or an investigating Panel in relation to a complaint, until the related determination report has been included within an item on the agenda for a council meeting.</p> <p>General managers and mayors are, however, permitted to discuss a determination report or addendum with each other for the purpose of arranging for the report to be tabled at a relevant council meeting.</p>	30
Notification of compliance with sanctions	<p>Where a councillor has complied with the sanctions imposed on them, the councillor is required to notify the Executive Officer (no longer the general manager) of such compliance and include evidence to that effect.</p> <p>This information is to be forwarded to the Director by the Executive Officer.</p>	32
Refund of fee accompanying lodgement of code of conduct complaint	<p>This Bill stipulates a 30-day timeframe for making a refund to a complainant.</p>	34
Transitional provisions	<p>A complaint received but not finalised before the commencement of the amended provisions is to be dealt with under the previous provisions.</p> <p>A complaint received on or after the commencement of the amended provisions is to be dealt with under the new provisions.</p>	37

Local Government Amendment (Code of Conduct) Bill 2022

Dispute resolution policy – draft prescribed information

Section 5 of the draft Local Government Amendment (Code of Conduct) Bill 2022 provides that councils must adopt a dispute resolution policy, which is to –

- (a) contain the prescribed information; and
- (b) include the processes to be followed in respect of prescribed matters.

The prescribed information contemplated by the amendment is set out below.

- Matters to be covered by a dispute resolution policy include any complaint regarding the breach of:
 - a council's behaviour standard policy if one exists; and
 - the code of conduct.
- The dispute resolution policy must contain information that outlines how the policy is:
 - **suitable** for resolving disputes, including:
 - the matters covered by the policy
 - the methods of dispute resolution available
 - the circumstances in which a council dispute resolution process might not be appropriate
 - guidance on when mediation would be suitable for resolving a dispute
 - **accessible** to complainants, including:
 - the form and manner in which a complaint must be lodged
 - the costs associated with lodging a complaint
 - **equitable** for both complainants and respondents, including:
 - the process that will be followed when seeking to resolve a dispute, including expected timeframes
 - requirements for confidentiality during a dispute resolution process
 - process for dealing with any conflict of interest
 - the roles and responsibilities of parties to a dispute
 - **transparent** in terms of process and decision making, including:
 - the factors that will be considered in determining the outcomes of the process
 - the procedure for documenting of the outcome of the process

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MULTICULTURAL COUNCIL OF TASMANIA ANNUAL REPORT



2020 - 2021

2020-2021 Annual Report

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2020-2021 Annual Report

About Us



The Multicultural Council of Tasmania (MCOT) is the peak body for Tasmania's multicultural community. MCOT is a member-driven organisation representing around 100 community organisations from across the State as well as numerous individual members. MCOT advocates for the interests of Tasmanians from culturally, linguistically and religiously diverse backgrounds. This involves interaction with community organisations, media organisations, and government at the local, state and federal level. MCOT receives funding from the State Government to carry out its peak body role.

2020-2021 Annual Report

Chairperson's Report



I am pleased to present the 2020-21 Annual Report of the Multicultural Council of Tasmania (MCOT).

During 2020-21 the MCOT board made a significant contribution to the successful delivery of a Multicultural Festival in Sandy Bay in February, including through liaison with our primary sponsor the Commonwealth Bank. We took important strides to progress the reform of MCOT's governance and constitution. The board oversaw MCOT's involvement in State budget and State election processes, including through meeting with officials and parliamentarians. We

engaged with organisations such as local councils, Tasmania Police, the National Ethnic Disability Alliance, and our federal body, the Federation of Ethnic Communities' Councils of Australia. Board members were busy in the media, including in promoting multicultural Tasmania in regular appearances on ABC Radio, and were heavily engaged in the events of member organisations.

The MCOT board also developed MCOT's Strategic Plan 2021-2023. The Strategic Plan, viewable at <https://mcot.org.au/strategic-plan-2021-2023/>, sets out ten strategic goals in four areas:

Research and Advocacy:	Data Collection Policy Engagement Economic and Employment Opportunities
Engagement and Celebration:	Social Cohesion
Capacity Building:	Practical Support The Hub and Community Spaces Funding Governance
Partnership and Collaboration:	Disability and Mental Health Advocacy Social Integration

We look forward to 2021-22, and progress on many of the goals set out in the Strategic Plan.

Yours faithfully,

Dattaraj Mahambrey
Chair
Multicultural Council of Tasmania

2020-2021 Annual Report

Our Board Members, 30 June 2021

Chairperson	Dattaraj Mahambrey
Senior Vice Chairperson	Aimen Jafri
Vice Chairperson	Arman Rahman
Treasurer	Muthukumar Nachiappan
Secretary	Joana Cubillos
Board Members	Chris Ferdinands
	Joel Ortiz
	Sandesh Pariyar
	Chinniah Kumaraparathy
	Ardalan Sarraf
	Dennis Zheng
	Pui Yin Hui
	Nazli Sheikh
	Florence Lowe

2020-2021 Annual Report

Chief Executive Officer's Report



2020-21 was a wide-ranging year for MCOT.

We started the financial year providing COVID-19 emergency relief to individual community members as well as member community organisations. We wrapped up our Welcoming Cities project through continuing engagements with local councils, then engaged with local councils again as part of our 'government roadshow' to outline Australia's system of government to new Tasmanians.

We established an office in Launceston to deliver more face-to-face engagement across more of the state, and we started a 'Speak My Language' project to record the stories of multicultural Tasmanians living with disability.

We delivered a multicultural festival in Sandy Bay in February, pushed for funding to the multicultural sector in budget submission processes in March, and won various commitments to the sector as part of the state election campaign in April.

All the while MCOT engaged in policy processes, particularly to seek COVID-19 policies that are sensitive to a diversity of cultures and languages, and organised community activities in and around the Multicultural Hub in Moonah.

Thanks go to our dedicated staff, including our new addition of Santosh Adhikari in Launceston and our departing Hobart officer Fazlinda Kassim, and to all who have volunteered their time on the board during 2020-21.

Yours faithfully,

Duncan Spender

Chief Executive Officer

2020-2021 Annual Report

Staff

As at 30 June 2021, our staff members, all part-time, are as follows:

Duncan Spender	Chief Executive Officer
Nico van Leeuwen	Multicultural Community Development Manager
Santosh Adhikari	Northern Officer
Mehrdad Tavangar	Finance Officer

We also made preparations late in the financial year to hire a part-time, Hobart-based, Online and Events Officer.

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Projects

COVID-19 Emergency Relief

In July 2020 MCOT encouraged community cultural groups to apply for a small grant (up to \$1,000) to provide direct emergency relief to community members, as needed. The philosophy of this approach was that community groups know best what support is needed by people in the community. In total 16 grants of \$500 to \$1,000 were provided.

The nature of the support provided ranged from food relief to financial support for food, rent and communication. Furthermore, activities were organised to provide social and mental health support. Some communities chose to invest in new ways of communicating with community members, using online media, including radio and social media.

MCOT COMMUNITY GRANTS

FOR COVID-19 RELIEF

BANGLADESH COMMUNITY INC	Food Relief
HAZARA COMMUNITY LAUNCESTON	Covid-19 hygiene supplies for community activities
HINDU SOCIETY OF TASMANIA (HSOT)	Food relief
JAWEDANS KITCHEN	Business training
NEPAL SOCIETY NT	Food relief and financial support for accommodation
NEPALI SOCIETY OF SOUTHERN TASMANIA (NEST)	Radio programme
PHILIPPINE COMMUNITY	Food relief and rent support
RUSSIAN SPEAKERS OF TASMANIA	Food relief and health care
SOCIETY OF KENYANS IN TASMANIA	Food relief
SOURCE COMMUNITY	Food relief and social connection
SUDANESE COMMUNITY LAUNCESTON	Food relief
TACFORUM	Food relief and communication support
TELEGU ASSOCIATION OF TASMANIA	Food relief
TEMPH (TASMANIAN EVEREST MEDIA PRODUCTION HOUSE)	Mental Health Support
THE AIYA (AUSTRALIAN INTERNATIONAL YOUTH ASSOCIATION)	Volunteer support
TASMANIAN MUSLIM ASSOCIATION	Food relief

2020-2021 Annual Report

MCOT also provided grocery vouchers to community members on temporary visas. In July, August and September 2020 a total of 431 vouchers were provided to community members. The visa categories of applicants varied, but the majority of applicants were international students (visa subclass 500) or temporary residents on provisional visas (visa subclass 489 & 491). Recipients of grocery vouchers were mainly located in the Greater Hobart and Launceston areas.



Kenyans in Tasmania food relief and social connection

2020-2021 Annual Report



Source Community Coop food relief and social connection



Sudanese community Launceston food relief

2020-2021 Annual Report

Government Roadshow

Early in 2020-21 MCOT received funding from the Federal Government to provide information to recent migrants about Australia's system of government. Sessions were delivered in Smithton, Burnie, Devonport, Launceston, Brighton, Moonah and Hobart City. Practical information was delivered on how to get what you want from government.



Multicultural Hub

In 2020-21 MCOT continued to coordinate the Multicultural Hub in Moonah, Hobart, for the benefit of new and emerging communities, under an agreement with the Glenorchy City Council.

The Multicultural Hub is a welcoming space for multicultural communities to share and celebrate cultures, especially for new migrants and emerging communities.

2020-2021 Annual Report

MCOT Multicultural Community Development Manager Nico van Leeuwen manages bookings of the Multicultural Hub with a community development and capacity building focus. Through the Hub many community members have connected with MCOT and during the booking and induction process MCOT staff members are able to gain information about the needs of community members. For example, in the past year, various community members have been supported with information, introductions and grant applications.

MCOT supported regular engagement with groups such as the Tasmanian Muslim Association and Golden Chinese Friendship Club. Furthermore, numerous ad hoc and annual events and celebrations of member organisations were held at the Hub. The Hub also served as a meeting place for partner organisations in their service of culturally, linguistically and religiously diverse Tasmanians.

In 2020-2021 the Multicultural Hub hosted a wide variety of bookings, including meetings, workshops, rehearsals, ceremonies and prayer organised by Tasmanian community organisations. The average number of bookings was 54 bookings per month.

The community development approach to the management of the Hub has resulted in cross cultural connections between various groups that use the Hub for functions. Examples include the Chinese Cultural Society and Sisongke community choir rehearsing songs together and preparing a performance.

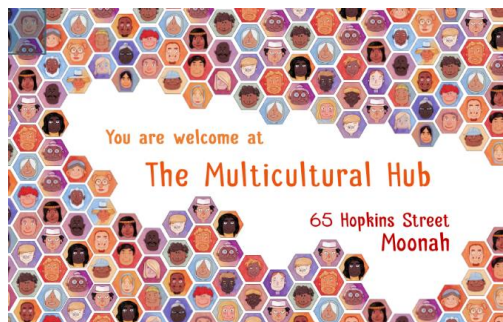
The Hub continued to serve as a launching pad for MCOT to undertake a community development role. MCOT helped develop a Migrant Women's Network with networking sessions at the Hub. MCOT helped develop the monthly Moonah Bazaar market in collaboration with Catholic Care, as an incubator for emerging multicultural entrepreneurs. MCOT also coordinated various multicultural performances as part of the local 'Showcase Moonah' placemaking project from Glenorchy City Council.

MCOT has supported community members to start activities at the Hub for Tasmanians from diverse cultural, linguistic and religious backgrounds. Examples include the weekly Multicultural Music & Play Group that supports children 0-5 years old and their parents/carers to connect, learn and ask for support where needed. The Circle of Love & Care, an initiative from a Sydney-based charity, has connected with representatives from various community groups to promote a twice-weekly free food drive the charity is organising from the Hub.

Community members that use the Hub for activities have been invited to a quarterly Hub Advisory Forum. The forums facilitate discussions and ideas from community members who use the Multicultural Hub. Several of these recommendations have been implemented, including installation of a key safe, purchase of a small stage, lights, mobile tv screen and integrated sound system.

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The Multicultural Hub is a venue for Community Cultural events, workshops and meetings.
The Hub can be hired 7 days a week at excellent rates. Free community meeting room available.



More information: www.mcot.org.au

Or call 03 6170 9196 or visit The Hub during office hours
Monday-Friday 10.00 am- 3.00 pm



Community Tai Chi



Friday Prayers Tasmanian Muslim Association



Bhangra Dance Class



Citizenship ceremony



SL Lions Club awards night

2020-2021 Annual Report



Multicultural Music & Play Group



Tasmanian job market presentation - Multicultural Economic Participation Forum series



Celebration Kenyan Independence Day

English conversation class Chinese elders

2020-2021 Annual Report



Prayers Hazara community



Japanese Kendo Club Hobart

Multicultural Hub Annual Booking Report Financial Year 2020-2021

Overview community use of the Multicultural Hub in 2020 -2021

Tasmanian Muslim Association (weekly, Fridays)
Golden Chinese Friendship Club (weekly, Mondays)
Bhangra – traditional Indian dance classes (weekly, Sundays)
Multicultural Music and Play Group (MCOT, Playgroup Tasmania and Music for Babies) (weekly, Tuesdays)
Private Events (individuals from various community groups, incl Birthday Parties, Weaning Ceremonies, Anniversaries, Funeral Receptions and Baby Showers)
Singing sessions and workshops –Sisongke Community Choir and other community organisations
Meetings community organisations (Incl Indian Cultural Society, Tamil Association, Nepali Society, TAFRIC)
Sport activities, Japanese Kendo, yoga and dance
Religious event (Muslim, Christian and Jewish community groups)
Church services (Ethiopian Orthodox Christian Church and Hope Christian Church)
Hobart Bangladesh Community
Society of Kenyans in Tasmania
Sikh Community
Various dance rehearsals and events
Various exercise classes, including yoga
Various Service Providers: MRC, Catholic Care, Red Cross, Well Ways, Li-Ve Tasmania
MCOT, Glenorchy City Council

Annual bookings	644
Average monthly bookings	54

Note: 63% increase from 2020

Membership and Booking Details

Member Bookings	568
Front Meeting Room	72
Total	644
Meeting with Extras (Sound System and/or Projector)	202

Annual foot traffic at the Multicultural Hub estimated at 23,784

Note: 55% increase from 2020

Hub bookings per month												
	Jan	Feb	March	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Monday	3	5	6	5	9	5	8	11	13	11	12	14
Tuesday	7	2	6	6	6	7	6	7	10	11	11	13
Wednesday	3	3	4	4	4	3	4	10	5	5	10	11
Thursday	5	6	3	8	7	3	4	6	3	9	17	13
Friday	7	10	6	10	13	12	13	12	11	15	14	15
Saturday	9	8	9	7	8	6	11	7	6	3	9	9
Sunday	9	8	10	8	13	5	9	10	6	6	12	11

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Speak My Language

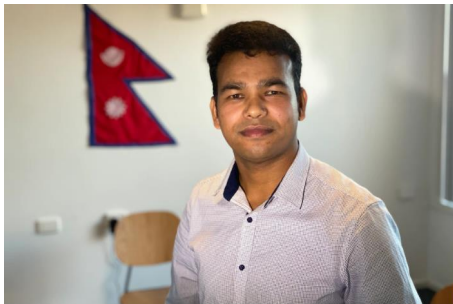
Stories about living well with a disability

The Speak My Language program involves people with a disability from culturally diverse communities talking about using personal skills, talents, and community resources to live well. Speak My Language makes podcasts and radio broadcasts with stories, tips, and ideas about accessible places, activities and opportunities, from people with disabilities and other speakers.

Speak My Language is a national program that is funded by the Commonwealth Department of Social Services and is delivered via a national partnership of all Ethnic and Multicultural Communities' Councils around Australia.

MCOT coordinates the project in Tasmania.

The project commenced in the first half of 2021. Three podcast makers have started recording podcasts in Spanish, Nepalese, Chinese, Japanese and Korean about how to live well with a disability in Tasmania.



Chhatra Shankar, Nepali speaking SML podcast maker based in Devonport



Angela de la Rosa, Spanish speaking podcast maker based in Kingston



2020-2021 Annual Report

Other Events

Multicultural Festival

In February 2021 MCOT organised a Multicultural Festival at Sandy Bay, Hobart, with significant support from our primary sponsor the Commonwealth Bank.

Over four and a half hours, 14 different groups performed for an estimated crowd of 1,000 people. Additional multicultural food stalls were added to the regular offering of the Hobart Twilight Market.

The Festival provided support for the multicultural arts sector and helped build social cohesion in the Hobart community.



2020-2021 Annual Report

State Election

With the calling of an early State election, MCOT issued a questionnaire to the major parties seeking commitments in areas such as the provision of multicultural gathering spaces and support for employment for multicultural Tasmanians. Each major party responded and made various commitments to the multicultural sector. MCOT also organised a forum for candidates for the electorate of Clark.



2020-2021 Annual Report

Government House Reception

In April the outgoing Governor, Her Excellency Professor the Honourable Kate Warner AM, hosted a small-scale COVID-compliant reception at Government House for MCOT members.



2020-2021 Annual Report

Membership

Throughout 2020-21 MCOT continued to advocate on behalf of members, particularly to ensure COVID-19 policies took account of diverse cultures and languages. MCOT also provided services to members such as the auspicing of grant applications and discounted access to the Multicultural Hub in Moonah.

MCOT's 2020-21 membership consisted of 89 organisations (listed below) and 77 individuals. Interest in joining MCOT continued throughout 2020-21, with these new members formally commencing their membership in 2021-22.

1. A Fairer World
2. Amnesty International Australia Tasmania
3. Association of Ukrainians in Tasmania
4. Australian Bhutanese Society of Northern Tasmania
5. Australian International Youth Association
6. Bhutanese Nepali Kirtan Mandali of Hobart
7. Bhutanese Community Association of Southern Tasmania (BCAST) Inc
8. Brahma Kumaris Australia
9. Brighton Council
10. Business East Inc
11. Catholic Care Tasmania
12. Chinese Cultural Society of Tasmania
13. Community Languages Tasmania
14. Dancers of Universal Peace
15. Dancing Divas
16. Deepavali Tasmania Inc
17. Diverse Tassie
18. Engineers Australia
19. Filipino-Australia Hands of Friendship
20. Friends Gathering
21. Guru Nanak Society of Tasmania
22. Golden Chinese Friendship Club
23. Good Neighbour Council Launceston
24. Good Neighbourhood Council Glenorchy
25. Hindu Society of Tasmania Inc
26. Hobart Bangladesh Community
27. Hobart Film Society

2020-2021 Annual Report

28. Hobart Hebrew Congregation
29. Hobart Malayali Association
30. Hobart Multicultural Dance Group
31. Holy Tantra Esoteric Buddhism Incorporated
32. HOPES Inc
33. Indian Cultural Society of Tasmania
34. Intercultural Sports League
35. International Wall of Friendship
36. Iranian Australian Community Association of Southern Tasmania
37. Jawedan's Kitchen
38. Jing-Gang-Dhyana Incorporated
39. Jing-Gang-Dyana Wang Xin De Foundation Incorporated
40. Launceston Hazara Community
41. Latin America Cultural Association of Tasmania Inc (LACAT)
42. Latin Spring
43. Lions Club of Glenorchy City
44. Local Government Association of Tasmania
45. Macquarie St Foodstore
46. Multicultural Women's Council of Tas
47. Nepali Society of Tasmania
48. Nepali Society of Northern Tasmania Incorporated
49. Office of the Coordinator- General
50. Oh la & Co
51. Palliative Care Tasmania
52. Philippino Australian in Tasmania Sports Club
53. Playgroup Tasmania
54. Potter's House Christian Fellowship Hobart
55. Rhythmz Bollywood Dance Studio
56. Religions for Peace Tasmania Branch
57. RSL (Tasmania Branch) Inc
58. Russian Speakers in Tasmania
59. Sacred Conversations
60. Set Right Automotive
61. Shia Association of Ahl-e-Bayt Tasmania Inc
62. Sierra Leone Migrant Association of Hobart
63. Sisongke Community Choir
64. Society of Kenyans in Tasmania Inc

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- 65. Sri Lankan Community of Southern Tasmania
- 66. Supply Chain Management Education, Australia
- 67. Tamil Association of Tasmania
- 68. Tas Event Inc
- 69. Tasmanian Leaders
- 70. Tasmania Kannada Sangha
- 71. Tasmania Refugee Legal Services
- 72. Tasmanian African Community Forum Inc
- 73. Tasmanian Council of Social Services Inc
- 74. Tasmanian Men's Shed Association Inc
- 75. Tasmanian Muslim Association
- 76. Tasmanian University Union (TUU) Muslim Association
- 77. Telugu Association of Tasmania
- 78. The Coronation Music and Arts Festival
- 79. The Salvation Army Tasmania Division
- 80. Vietnamese Community Hobart Tasmania (CongDongVietTas)
- 81. Volunteering Tasmania
- 82. Waratah-Wynyard Council
- 83. Warrane Mornington Neighbourhood Centre Inc.
- 84. Welcoming Australia
- 85. West Moonah Community House
- 86. Worker Assist
- 87. Workskills
- 88. Zimbabwean Tasmanian Community
- 89. TasWater

2020-2021 Annual Report

Treasurer's Report



On behalf of the board I am pleased to present the Treasurer's Report and the 2021 Audited Financial Statements for MCOT.

The 2020-21 audit of financial accounts was undertaken by Bentleys Tasmania Pty Ltd (at a GST-inclusive cost of \$3,025).

It is proposed that the 2021-22 audit be again undertaken by Bentleys Tasmania Pty Ltd, for a similar cost.

A 2020-21 surplus of \$14,726 was recorded, with the equity of the organisation rising to \$110,632 as at June 2021.

Significant funding sources included State Government peak body funding, Australian Government funding for the Government Roadshow, Glenorchy City Council funding for community development and management of the Multicultural Hub, and the commencement of funding for the Speak My Language program.

Significant expenses included COVID-19 emergency relief in the form of grocery vouchers and community grants, expenses associated with the February 2021 Multicultural Festival, Information Technology expenses (funded in part from a Tasmanian Council of Social Service grant), and equipment costs for the Multicultural Hub.

The most significant expenditure was the \$262,561 of payroll expense relating to five staff members.

Yours faithfully,

Muthukumar Nachiappan

Treasurer

Multicultural Council of Tasmania

MULTICULTURAL COUNCIL OF TASMANIA INC.

ANNUAL FINANCIAL STATEMENTS

For the Year Ended 30th June 2021

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2. Statement of Assets and Liabilities
3. Notes To and Forming Part of the Financial Statements
4. Committee Declaration
5. Committee Members
6. Auditors Report

MULTICULTURAL COUNCIL OF TASMANIA INC
STATEMENT OF INCOME & EXPENSES
FOR THE YEAR ENDED 30 JUNE 2021

	2021	2020
	\$	\$
INCOME		
Auspice	4,007	100
ATO Cash Flow Boost	22,488	10,000
Donations	998	814
Ethnic Communities NSW	42,060	-
Event Income	7,045	-
Grants: State Government of Tasmania	217,835	265,418
Grant: Commonwealth Bank	13,636	-
Grant: Hobart City Council	500	-
Grant: Tasmanian Council of Social Service	5,000	-
Grant: DHHS	5,000	-
Grant: Australian Government DHAF	50,000	-
Moonah Multiculture Hub Grant	50,000	-
Hire Fees (Hub)	26,748	8,550
Interest	1,331	2,077
Memberships	5,026	6,500
Sundry Income	1,790	4,989
TOTAL INCOME	453,466	298,447
EXPENSES		
Accounting & Audit	3,966	4,628
Advertising	2,583	4,422
Bank Fees	803	571
Board & Volunteer Support	284	2,427
Catering	1,528	1,797
Cleaning	6,154	5,296
Communications	4,025	4,057
Community Grants	24,035	32,500
Design & Photography	-	1,000
Electricity	4,888	5,258
Event & Project Expenses	8,789	4,790
Hire of Hall/Rooms	1,437	-
Hub Maintenance	906	441
Insurance	8,832	6,559
Information Technology	12,504	2,561
Memberships	5,828	2,871

The accompanying notes form part of these financial statements.

MULTICULTURAL COUNCIL OF TASMANIA INC
STATEMENT OF INCOME & EXPENSES
FOR THE YEAR ENDED 30 JUNE 2021

	2021	2020
	\$	\$
EXPENSES (cont)		
Minor Equipment	9,950	1,642
Payroll	262,561	169,872
Postage, Printing & Stationery	5,085	1,950
Professional Fees	65	3,819
Provision for Annual Leave	8,230	9,035
Rent	1,685	655
Subcontractors	3,600	-
Sundry Expenses	1,440	514
Superannuation	24,717	16,753
Support Community Members - E-gift Card	30,550	-
Training	418	262
Travel	3,875	2,078
TOTAL EXPENSES	438,740	285,757
Surplus/(Deficit) for the Year	14,726	12,690

The accompanying notes form part of these financial statements.

MULTICULTURAL COUNCIL OF TASMANIA INC
STATEMENT OF ASSETS AND LIABILITIES
AS AT 30 JUNE 2021

	Note	2021 \$	2020 \$
ASSETS			
CURRENT ASSETS			
Cash at Bank - Operations		10,851	2,935
Cash at Bank - Debit Card		1,764	3,609
Cash at Bank - Savings		133,965	212,488
Accounts Receivable		1,448	115,500
GST Refundable		635	-
TOTAL CURRENT ASSETS		148,662	334,532
TOTAL ASSETS		148,662	334,532
LIABILITIES			
CURRENT LIABILITIES			
Auspiced / Unspent Grants		-	198,041
GST Payable		-	16,449
PAYGW Payable		13,680	8,436
Superannuation Payable		6,836	4,473
Annual Leave		17,265	9,035
TOTAL CURRENT LIABILITIES		37,780	236,434
NON CURRENT LIABILITIES			
Hire Fees - Refundable Bonds		250	2,193
TOTAL NON CURRENT LIABILITIES		250	2,193
TOTAL LIABILITIES		38,030	238,627
NET ASSETS		110,632	95,906
EQUITY			
Opening Retained Surplus		95,906	83,216
Accumulated Surplus/Deficit for Year		14,726	12,690
TOTAL EQUITY		110,632	95,906

The accompanying notes form part of these financial statements.

MULTICULTURAL COUNCIL OF TASMANIA INC.

Notes To and Forming Part of the Financial Statements

For the Year Ending 30th June 2021

Note 1: Significant Accounting Policies

This financial report is a special purpose financial report prepared in order to satisfy the reporting requirements of the Associations Incorporation Act 1964 Tasmania. The Board has determined that the Association is not a reporting entity.

The financial report has been prepared in accordance with the requirements of the Associations Incorporation Act 1964 Tasmania and the following Australian Accounting Standards:

AASB 1031	Materiality
AASB 110	Events Occuring After Balance Date

No other applicable Accounting Standards, Urgent Issues Group Consensus Views or other authoritative announcement of the Australian Accounting Standard Board have been applied.

The Financial report has been prepared on a modified accrual basis and is based on historic costs and does not take into account changing money values.

Note 2: Goods & Services Tax (GST)

The association is registered for GST purposes and accordingly income and expenditure shown in the financial statements is exclusive of GST.

Note 3: Income Tax

The association is exempt from Income Tax pursuant to the Income Tax Assessment Act 1997.

Note 4: Property, plant and equipment

Purchases of material items of property, plant and equipment are capitalised to the balance sheet. Purchases of items of non material property, plant and equipment will continue to be expensed.

MULTICULTURAL COUNCIL OF TASMANIA INC.

BOARD DECLARATION

For the Year Ending 30th June 2021

The Board has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the policies outlined in Note 1 to the financial statements.

In the opinion of the Board, the Financial Statements:

1. Present fairly the financial position of Multicultural Council of Tasmania Inc. as at the 30th June 2021, and its performance for the twelve month period ending on that date.
2. At the date of this statement, there are reasonable grounds to believe that the Multicultural Council of Tasmania Inc. will be able to pay its debts as and when they fall due.

This declaration is made in accordance with a resolution of the Board and is signed for, and on behalf of the Board, by:



.....
Chairperson



.....
Treasurer

Dated: 15 September 2021

MULTICULTURAL COUNCIL OF TASMANIA INC.

BOARD MEMBERS

For the Year Ending 30th June 2021

Chairperson	Datta Mahambrey
Senior Vice Chairperson	Aimen Jafri
Treasurer	Muthukumar Nachiappan
Secretary	Joanna Cubillos
Board Members	Christopher Ferdinands
	C.K Bharathy
	Sandesh Pariyar
	Dennis Zheng
	Ardalan Saraf
	Joel Ortiz
	Arman Onick
	Nazli Sheikholeslami
	Hui Pui Yin
	Florence Lowe



.....
Chairperson



.....
Auditor

15 September 2021



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Hobart 7000
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INDEPENDENT AUDIT REPORT TO THE MEMBERS OF MULTICULTURAL COUNCIL OF TASMANIA INC

Opinion

We have audited the special purpose financial report of Multicultural Council of Tasmania Inc. (the Entity), which comprises the balance sheet as at 30 June 2021, the profit and loss statement for the year then ended and notes to the financial statements.

In our opinion, except for the matter referred to in the Basis for Opinion paragraph below, the accompanying financial report presents fairly, in all material respects, the financial position of Multicultural Council of Tasmania Inc. as at 30 June 2021, and of its financial performance for the year then ended in accordance with the financial reporting requirements of the Associations Incorporation Act Tasmania 1964.

Basis for Opinion

As is common for organisations of this type, it is not practicable for Multicultural Council of Tasmania Inc. to maintain an effective system of internal control over fundraising and cash receipts until their initial entry into the accounting records. Accordingly, our audit in relation to fundraising and cash receipts was limited to the amounts recorded.

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter – Basis of Accounting

The financial report has been prepared to assist Multicultural Council of Tasmania Inc. to meet the requirements of the applicable legislation. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.



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Responsibilities of Management and Those Charged with Governance for the Financial Report

Management is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of the applicable legislation and for such internal control as management determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A handwritten signature in dark ink, appearing to read "Michael Ian Derbyshire".

Michael Ian Derbyshire
Director

24 September 2021

2020-2021 Annual Report



The Multicultural Council of Tasmania

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STRATEGIC PLAN 2021 - 2023



MULTICULTURAL
COUNCIL *of* TASMANIA

FUNCTION OF MCOT

The Multicultural Council of Tasmania (MCOT) has objects set out in its Constitution. These include:

- (a) to promote joint action and cooperation between ethnic communities on issues of common concern;
- (b) to ensure the rights of ethnic communities, including effective participation in decisions which affect them, and the sharing of community resources;
- (c) to encourage the development of ethnic organisations concerned with the social and cultural life of their communities;
- (d) to participate actively in the development of a culturally pluralistic society in Australia, and to relate to relevant community organisations and structures, keeping in mind the purpose of inter-action with – rather than isolation from – the mainstream of Australian life; and
- (e) to encourage and promote multicultural education.

OUR COMMITMENT

MCOT has entered into an agreement with the Tasmanian State Government “to operate as a peak body representing the interests of culturally, linguistically, and religiously diverse communities in Tasmania”. This agreement requires MCOT to:

- undertake consultation and research;
- support policy development and provide advice;
- maintain effective partnerships and collaboration to achieve positive outcomes;
- proactively engage with the sector and population priority group; and
- advocate on behalf of and build capacity within the sector and population priority group.

THE PLAN

This Strategic Plan has been developed by the MCOT board, each of whom serves in a voluntary capacity, and the majority of whom were elected by the MCOT membership.

The Plan is a reference point against which the board will assess the Chief Executive Officer, who heads a staff totalling approximately 3 ½ full-time-equivalent officers.

GOALS

Ten strategic goals were created through the board's strategic planning process, under four main pillars.

- Research and advocacy
- Engagement and celebration
- Capacity building
- Partnership and collaboration

RESEARCH AND ADVOCACY

Goal 1 Data collection

To collate and share general data on multicultural Tasmania.

To collate data offered by individuals and share the aggregated results.

Goal 2 Policy engagement

To engage with local, state, and federal government policy processes affecting CALD Tasmanians, including COVID-19 policy processes, ensuring that positions are evidence-based by drawing on regular surveys of members.

Goal 3 Economic and employment opportunities

To support economic participation through encouraging the establishment of equal opportunity programs, such as internship/vacation/apprenticeship/training programs offered by large employers.

To support efforts to counter discrimination in work environments, in conjunction with employer bodies.

To lobby government to remove excessive occupational licensing requirements.

ENGAGEMENT AND CELEBRATION

Goal 4 Social cohesion

To promote and facilitate sporting, cultural, music and food events and festivals.

To support events organized by member organisations, with an emphasis on events building inter-group connection.

CAPACITY BUILDING

Goal 5 Practical support

To support communities to form associations by:

- providing advice on registering associations and incorporation;
- establishing a bank account;
- establishing an address;
- creating a letterhead and logo; and
- getting training on management and leadership.

Goal 6 The Hub and community spaces

To serve the community through the management of the Multicultural Hub in Moonah.

To encourage the establishment of other meeting spaces across Tasmania.

To build connections and membership in the North, complementing organisations like MRC-North.

Goal 7 Funding

To outline to the State Government the important state-wide work that is dependent on funding.

To pursue partnerships and sponsorships with other organisations including large businesses.

Goal 8 Governance

To review MCOT's governance and constitutional arrangements, including:

- election processes;
- board composition and size; and
- input and consultation from all members, to ensure effective representation and oversight.

PARTNERSHIP AND COLLABORATION

Goal 9 Disability and mental health advocacy

To build awareness of mental health services, including those offered by service-delivery organisations such as MRC Tasmania.

To promote the availability of services through ‘ambassadors’.

To promote stories from CALD Tasmanians living well with disability.

Goal 10 Social integration

To build connections with organisations that are not specifically CALD organisations, such as local councils and schools.

To promote any provision these entities make for humanitarian migrants.



MULTICULTURAL
COUNCIL *of* TASMANIA

SUPPORTED BY



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