

PLEASE QUOTE

Your Ref:

Our Ref: 4/10/3

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5 September 2019

Mr Alex Tay
Director of Local Government
Department of Premier and Cabinet
Local Government Legislation Review
GPO Box 123
HOBART TAS 7001

Email: lgreview@dpac.tas.gov.au

A hard copy will not be sent unless requested

Dear Mr Tay

LOCAL GOVERNMENT REFORM DIRECTIONS PAPER

In response to the Local Government Reform Directions Paper, I provide the following submission from Burnie City Council.

Area	Reform	Comments	Support
Part A – A flexible, innovative and future-focused Legislative Framework			
	1. Principles-based legislation	Reducing prescription in the Act enables flexibility.	Yes
	2. Accessible, easy-to-read legislation		Yes
	3. A new Act for electoral provisions		Yes
	4. Consolidating related local government legislation	The abandonment of Local Government (Building and Miscellaneous Provisions) Act 1993 is long overdue.	Yes
Part B – Representative and Democratic Councils			
Eligibility to vote	5. Reform eligibility for the General Manager's Roll	There are differing views on whether a person should be an Australian Citizen. There is a view that if you own property, you should have a say. There is another view that you should be an Australian citizen to vote.	No clear direction

Area	Reform	Comments	Support
	6. Reform the voting franchise to reflect 'one person, one vote' principle in any one municipality	Varying views	No clear direction
Increasing voter participation	7. Simplify the election process for the positions of mayor and deputy mayor	There is general support for option 7A – retaining the status quo. Further comment that if a mayor resigns, there should not be a requirement for a by-election. This is outside the scope of reform no.7 but is related feedback.	Support Status Quo
	8. Make alternative voting methods available	It makes sense to ensure any new provisions allow for electronic voting.	Yes
	9. Simplify the voting process to reduce informal voting rates	Simplified voting as proposed is reasonable.	Yes
Electoral Integrity	10. Introduce caretaker provisions to reduce major policy and contractual decisions that may bind an incoming council, and avoid the inappropriate use of ratepayer resources during an election	The current systems can provide sitting councillors an unfair advantage to prospective candidates. This proposal assists to place all candidates on a level playing field.	Yes
	11. Move administration of the General Manager's Roll from councils to the Tasmanian Electoral Commission	It makes sense for the Tasmanian Electoral Commission to fulfil this role.	Yes
Candidate Changes	12. Introduce a pre-nomination training package	This will mandate the need to pre-nomination training that is currently provided by LGAT/LGO but not compulsory.	Yes
	13. Introduce a candidate nomination fee	There is general support for the principle recognising that it aims to reduce candidates who are not serious. Some concern that it may be an affordability barrier to some but recognise that the fee is small and serious contenders should be able to raise the fee.	Yes
	14. Require the disclosure of gifts and donations by all local government candidates received during the electoral period	It is fair for candidates to be placed on a level playing field to current councillors.	Yes
	15. Align eligibility requirements to nominate as a candidate with State eligibility requirements	It is reasonable to support at this stage.	Yes
Modern councillor titles	16. Remove the title of 'Alderman'	Council has already made this change.	Yes

Part C – Councils connected to their Communities			
Community Engagement	17. All councils will develop and adopt a community engagement strategy	There is a view that this is a step too far. Would prefer that the Act set the minimum requirements for consultation and information, so that these are clear and consistent for all councils. Councils can then meet those requirements and still be flexible in their consultation approach beyond the minimum standards.	No
Removing prescription and giving councils autonomy and flexibility	18. Removing prescriptive consultation requirements	See comments above – prefer minimum standards to be prescribed.	No
	19. Remove requirements for public meetings and elector polls		No clear direction
Part D – Responsible and Effective Councils			
Good Governance	20. Legislate the eight good governance principles	This is considered to be a reasonable proposition.	Yes
Financial Governance	21. Set high-level financial management principles that encourage efficiency and value for money in council service delivery	This is a reasonable proposition.	Yes
Elected Member Development	22. Establish core capability requirements for elected members	More information is needed about how this would be implemented in order to give support. In relation to specific training in role as a Planning Authority, there is support for this but also a strong view that this training needs to be delivered in plain English and simpler format for better understanding.	Unsure
	23. Require councils to publicly report the core capability training that each elected member has completed annually	There is general support for the disclosure of training completed by councillors during their term of office, as a use of public money.	Yes
Council Staff Accountability	24. Establish principles for all council staff that set minimum standards of behaviour		Yes
General Manager Performance	25. Prescribe minimum standards for general manager recruitment, contracts, performance management and termination	There is general support for this area to have prescribed minimum standards.	Yes

Complaints Management	26. Include principles on complaints management in legislation	There are differing views – there is benefit in the independence for complaint management, but it also adds another layer of bureaucracy and cost to ratepayers. Suggest perhaps improved minimum standards around complaints management for councils to follow consistently. The current Act provides very limited guidance in this area.	Unsure
Rating Policies	27. Ensure council rating policies consider taxation principles and align with their budget and financial planning documents	This would generally be followed at present, with exception of the community engagement.	Yes
	28. Introduce more flexibility for councils to easily transition from one rating approach to another, to manage rating impacts on ratepayers	The development of better tools in the Act makes sense.	Yes
Transparent and accountable rate setting	29. Establish an independent rates oversight mechanism	Council has called on this in the past.	Yes
Transparent and accountable fees and charges	30. Set principles or guidelines for setting fees and charges	There is a view that Councils should retain flexibility in this area and be guided by their community’s needs which can change over time.	No
Budget Management	31. Provide for a more autonomous and less prescriptive budget process	This is generally followed at present.	Yes
Significant Business Activities	32. Clarify significant business activities	This is a reasonable proposition.	Yes
Council Meetings	33. Require electronic recording of council meetings to be made publicly available		Yes
Conflict of Interest Framework	34. Simplify what is a conflict of interest	Clarity in this area is beneficial.	Yes
Managing Conflicts in the Exercise of Statutory Functions	35. Enhance the integrity of council decisions made when exercising statutory powers	This is a reasonable proposition.	Yes
Independent Oversight	36. Strengthen the information gathering powers of the Director of Local Government	Generally matters of the audit committee are known to Council. There should be no issue in providing this information to the Director.	Yes

	37. Create a power for the Director of Local Government to require an undertaking from a council as a measure to address compliance issues	Essentially it is reasonable to introduce a method to manage non-compliance.	Yes
	38. Establish a Monitor/Advisor role	There are differing views on this. An alternative suggestion is that all Closed Session Agendas should be sent to the Director of Local Government as a monitoring role on what information is being discussed in closed session. There is a view that this could assist in reducing problems that may arise in this area.	Unsure
	39. Establish the power to appoint a Financial Controller	Not sure how often this would be used.	Unsure
	40. Continue to conduct formal investigations by the Director of Local Government		Unsure
Ministerial Intervention	41. Provide for the Minister to dismiss a council or individual councillor	The current system of the Minister only having the power to dismiss the whole and not individual councillors needs amendment.	Yes
Maladministration	42. Create offences for mismanagement and to address poor governance (maladministration)	There should be consequences for non-compliance with Act.	Yes
Complaints Management	43. Simplify the complaints framework	There are currently various avenues to lodge complaints, including the Ombudsman. Clarity in this area would be beneficial.	Yes
Performance Reporting Framework	44. Introduce a local government performance reporting framework		Yes
	45. Require councils to publish a compliance statement in the Annual Report	If this was to be introduced a compliance certificate would need to be developed so there is consistency across councils. It is understood that this relates to compliance with the Local Government Act.	Yes
	46. Remove prescription around Annual Report		Yes
Part E – Adaptable Councils			
Collaboration across councils	47. Introduce provisions that support efficient and high-quality council operations and collaborative shared service opportunities	This is becoming more common and supportive legislation may assist.	Yes
	48. Introduce the option to create Regional Councils	This makes sense and allows communities to maintain their own identity while achieving economy of scale benefits of working with other councils.	Yes

Consistent By-laws	49. Create model by-laws for common issues, with streamlined administrative processes	Common by-laws would be more efficient in many cases.	Yes
Part F – Strategic Reviews			
Local Government Board	50. Strategic reviews of councils	This is a reasonable approach.	Yes
	51. Voluntary amalgamation	This would eliminate the need for duplication of work.	Yes

Yours faithfully



Andrew Wardlaw
GENERAL MANAGER