
We wish to make a representation on the above.

We contacted the relevant government department last Friday and we were granted an extension to comment until Monday.

The North East Bioregional Network is a not for profit community based organisation primarily concerned with the protection, maintenance and restoration of the natural environment. Local Government has critical role in maintaining the natural environment; its biodiversity and amenity values, through various mechanisms including everything from (probably most critically) their role as a Planning Authority through to providing funds and support for local community groups engaged in environmental activities. Our group works collaboratively with our local council Break O Day on issues of common ground but also differs with Council from time to time on some issues such as development applications.

COMMENTS

1. MAKE UP OF REFERENCE GROUP FOR LOCAL GOVERNMENT ACT REVIEW

We believe the reference group selected to support this process does not represent a broad cross section of the Tasmanian community.

Of the 17 members 8 are from Local Government (4 elected Members and 4 Employees), 5 are from Business lobby groups. Only the one community representative could be considered independent. As such it is unlikely that a rigorous and independent assessment of Local Government will be undertaken. So straight away we have situation where one of the key elements of this review around issues such as accountability, governance, transparency is undermined because the majority of the reference group has a conflict of interest being in the case of the business lobby a pro development agenda and the council representatives a self regulatory conflict. Of course there should be Council and Business representatives on the Reference Group but in this case they are over represented. A group such as Planning Matters Alliance of Tasmania should be on the group to ensure more community representation (ie public interest matters).

2. TRANSPARENCY/ACCOUNTABILITY/OVERSIGHT etc

A number of factors need to coalesce in order for good governance/transparency in decision making/accountability etc to predominate in Local Government. These factors include well informed elected members, competent staff, a active community interested in the municipality, independent authorities such as the EPA, Ombudsman, Integrity Commission which can investigate and prosecute Councils when necessary, community input into planning issues through RMPAT and the TPC, robust Right To Information laws and a State Government that supports independent authorities roles and functions.

On many of these issues many Local Governments and Tasmania as a whole fails.

Leaving aside croneyism and incompetence it is clear that many of the mechanisms in place to provide oversight of Local Government are inadequate. Without going into too much detail it has become increasingly obvious in recent years that many of the authorities designed to provide checks and balances on Local Government (amongst other things) such as the EPA, Ombudsman and Integrity Commission are under resourced, have limited and insufficient powers and as such are unable to ensure that concerns about the conduct of Local Government are properly investigated and where necessary subject to prosecution.

Right to Information access takes far too long and there is far too many documents excluded or severely edited. It is also increasingly expensive for the community to participate through RMPAT in regards to development in their areas and they and Local Government are also excluded by allowing too many aspects of Planning Schemes to be Acceptable Solutions (ie Forest Practices Plans, Reserve Activity Assessments etc)

In addition the TPC has had it's independent powers restricted and is significantly under resourced. Without all the safeguards mentioned above in place there is ongoing risks of corruption, conflict of interest etc leading to break down in the communities trust in both Government and the authorities in place to ensure oversight.

All Local Government meetings should be recorded both by video and audio.

No elected Member of Local Council should be allowed to also be a Member in State Parliament at the same time

3.ELECTIONS

We support the continuation of all in all out elections using the Hare Clarke system of voting. Compulsory voting should also be considered.

Ratepayers should not have to apply to the General Manager to register to vote at a Local Government election. All ratepayers in a municipality should be registered automatically to vote whether they are residents or not.

4.ROLE OF LOCAL COUNCILS

We support Local Governments ongoing role as a Planning Authority and Councillors having the discretion to vote on issues as they see fit.

We don't support any moves to introduce call in powers, fast track legislation or any other legislation that bypasses the current Local Government /RMPAT/TPC processes in relation to planning decisions and third party appeal/representation rights for the community.

Local Government as a public institution also need to be aware that in relation to their land use planning role their primary obligation is to regulate land use not to facilitate and promote development.

Local government also needs to ensure that they operate as ethically as possible. For example the Break O Day Council recently decided to sell off Public Open Space in the municipality. The land was auctioned off while some of the titles still had a Public Open Space notations on the title potentially leaving future owners liable to a legal challenge. This is poor governance/practice.

5. CONSULTATION

It has become increasingly common for Local Government to engage private consultants to run consultation processes which is in many cases both unnecessary and also very expensive. In some cases the reports generated from such processes are ultimately agreed upon by the Council and the private company and have replaced processes that would previously have been undertaken via the TPC or some other far more open and transparent process. This trend has also grown in concert with the replacement of public meetings with "drop in sessions". The problem with drop in sessions is that nobody knows what other peoples input was, how many people shared a particular view, what information was provided to the participant etc. As such responses can be manipulated to suit particular preferred outcomes of vested interests.

Recommend that the TPC be better resourced so that planning strategies or other land use related planning matters can be run in a independent and open and transparent way. (For example The Resource Planning and Development Commission used to run Land Use Inquiries

Communities also need to be provided with high quality background information so that they can make informed decisions about important matters. For example the Break O Day Council recently ran its Strategic Plan process. Participants at the St Helens meeting were not informed that the Strategic Plan was a legal document (until prompted) and were not provided with any financial, demographic, infrastructure etc information but just invited to write up a wish list of desired items (very poor practice and certainly not strategic).

We also believe that it is the responsibility of Local Government to fully consult and inform ratepayers BEFORE (not after) they apply for large grants for infrastructure such as for example Mountain Bike tracks so the community is fully aware of all of the costs associated with new infrastructure (especially in terms of long term maintenance costs being borne by the ratepayers)

Could you please acknowledge receipt of our representation.

Regards

Todd Dudley President North East Bioregional Network Inc.