



Review of Tasmania's Local Government Legislation Framework Reform Directions Paper Phase Two

Submission from Southern Midlands Council

The Southern Midlands Council welcomes the opportunity to provide comment in respect to the major policy reforms which are under consideration by Government, particularly in response to those issues raised in Phase 1 of the Review.

Responses are provided based on the structure of the Reform Directions Paper, noting that it is difficult to provide feedback in the absence of detailed proposals.

In addition, where there was no consensus amongst Councillors, a decision was made to not comment and allow for individual Councillors to respond separately (if desired).

FLEXIBLE, INNOVATIVE AND FUTURE-FOCUSED LEGISLATIVE FRAMEWORK

Reform #1: The new legislation should set principles for the governance and operations of local government, with greater detail to be set in Regulations.

Southern Midlands Council support a combination of both, acknowledging that some elements need to be prescriptive and some non-controversial elements should be under Regulations.

Subsequent review stages will require further consultation in order to determine what are to be classified as 'principles' for inclusion in the Act, as opposed to what will be incorporated in Regulations.

Reform #2: The new legislation should be structured logically and be easy to read and understand, while being legally effective.

Southern Midlands Council strongly supports this reform.

Reform #3: Local Government electoral provisions should be contained in a separate, new Act.

Southern Midlands Council strongly supports this reform.

Reform #4: Related local government legislation should be examined to identify duplication with the Act and where provisions can be consolidated.

Southern Midlands Council strongly supports this reform.

REPRESENTATIVE AND DEMOCRATIC COUNCILS

Reform #5: Reform eligibility for the General Manager's Roll.

Southern Midlands Council support the application of all three proposed Criteria to be applied to the General Manager's Roll.

Reform #6: No individual, owner, occupier or corporation (or their delegate) should get more than one vote per municipality.

Southern Midlands Council supports this reform.

Reform the voting franchise to reflect 'one person, one vote' principle in any one municipality.

Reform #7: Simplify the election process for the positions of mayor and deputy mayor

Mayoral Election

7A - Southern Midlands Council support retaining the status quo for the election of Mayor. The nomination fee to be set based on a scale consistent with the level of allowances payable.

Deputy Mayor Election

Retain the status quo.

Reform #8: Make alternative voting methods available

The reform should enable flexibility for any alternative voting methods that may emerge if it improves accessibility for all voters and aims to increase voter participation.

Reform #9: The voting process should be amended to only require a minimum of 1-5 boxes to be numbered to constitute a formal vote.

Simplify the voting process to reduce informal voting rates – the number of preferences should be equal to the number of positions available.

Reform #10: Introduce caretaker provisions to reduce major policy and contractual decisions that may bind an incoming council.

Southern Midlands Council do not support this reform. Such provisions may result in potential breaches of other statutory requirements (e.g. acting as a Planning Authority)

Reform #11: Move administration of the General Manager's Roll from council to the Tasmanian Electoral Commission.

Southern Midlands Council strongly supports this reform.

Reform # 12: Potential electoral candidates must complete an online training package in order to be able to nominate as a candidate.

Southern Midlands Council do not support a 'pre-nomination' training requirement.

Once nominated, candidates should be required to a standard 'code of conduct' to be developed for this purpose.

Reform #13: Introduce a candidate nomination fee.

Southern Midlands Council support the proposal to introduce a candidate nomination fee. The scale of fees should be based on the level of allowances relative to the position.

Reform #14: Require the disclosure of gifts and donations during election period.

This should be included in a generic code of conduct (see item 12)

Reform #15: Align eligibility requirements to nominate as a candidate with State eligibility requirements.

Southern Midlands Council supports this reform.

Reform #16: Remove the title of 'Alderman'.

Southern Midlands Council supports this reform.

COUNCILS CONNECTED TO THEIR COMMUNITIES

Reform #17: All councils will develop and adopt a community engagement strategy after each election.

Southern Midlands Council supports this reform.

Reform #18: Remove prescriptive consultation requirements such as AGM's and public notices should be removed from legislation and engage in accordance with their Community Engagement Strategy.

Southern Midlands Council supports this reform.

Reform #19: Remove requirements for public meetings and elector polls.

Southern Midlands Council supports this reform.

RESPONSIBLE AND EFFECTIVE COUNCILS

Reform #20: Legislate the eight good governance principles.

The Southern Midlands Council generally supports this reform, however in reference to the eight (8) principles listed, there was no support for the inclusion of 'consensus orientated' as this would be contrary to good governance.

Reform #21: Financial management principles that encourage efficiency and value for money in council service delivery should be introduced.

Southern Midlands Council supports this reform.

Reform #22: (part 1) Establish core councillor capability requirements relating to roles and responsibilities.

Southern Midlands Council do not support this reform.

Reform #22: (part 2) Compulsory Planning Authority Training

Southern Midlands Council strongly supports this reform.

Reform #23: Councils should publicly report the core capability training that each elected member has completed annually.

Southern Midlands Council do not support this reform.

Reform #24: Establish principles for all council staff that set minimum standards of behavior.

No position reached in the belief that council staff are already required to meet minimum standards (e.g. Staff Code of Conduct etc.)

Reform #25: Minimum standards for general manager recruitment, contracts, performance management and termination to be established.

Southern Midlands Council supports this reform.

Reform #26: Include principles on complaints management in legislation.

Southern Midlands Council supports this reform.

Reform #27: Council rating policies should consider taxation principles and align with their budget and financial planning documents.

Southern Midlands Council supports this reform.

Reform #28: Introduce more flexibility for councils to easily transition from one rating approach to another, to manage rating impacts on ratepayers.

Southern Midlands Council do not support this reform.

Reform #29: Establish an independent rates oversight mechanism.

Southern Midlands Council do not support this reform.

Reform #30: Set principles or guidelines for setting fees and charges.

Southern Midlands Council supports this reform.

Reform #31: Provide for a more autonomous and less prescriptive budget process.

Southern Midlands Council supports this reform.

Reform #32: Clarify and better define significant business activities.

Southern Midlands Council supports this reform.

Reform #33: Require electronic recording of council meetings to be made publicly available.

Southern Midlands Council supports this reform.

Reform #34: Simplify what is a conflict of interest.

Southern Midlands Council supports this reform.

Reform #35: Enhance the integrity of council decisions made when exercising statutory powers.

Southern Midlands Council supports this reform.

Reform #36: Strengthen the information gathering powers of the Director of Local Government.

Southern Midlands Council does not support strengthening the information powers of the Director. Retain status quo.

Reform #37: Create a power for the Director of Local Government to require an undertaking from a Council as a measure to address non-compliance issues.

No position reached.

Reform #38: Establish a Monitor/Advisor role.

Southern Midlands Council do not support the Director having the power to engage a Monitor.

Reform #39: Director of Local Government should have the power to appoint a Financial Controller.

Southern Midlands Council do not support this reform.

Reform #40: Director of Local Government should continue to conduct formal investigations into breaches of legislation with strengthened powers.

Southern Midlands Council supports this reform.

Reform #41: A power should be provided for the Minister to dismiss a council or individual councilor.

Southern Midlands Council supports this reform.

Reform #42: Create offences for mismanagement and to address poor governance (maladministration).

No position reached – await and monitor detail to be provided as part of later stages of the review process.

Reform #43: Simplify the complaints framework.

Southern Midlands Council supports this reform.

Reform #44: Introduce a local government performance reporting framework.

No position reached – await and monitor detail to be provided as part of later stages of the review process.

Reform #45: Require councils to publish a compliance statement in the Annual Report.

Southern Midlands Council do not support this reform.

Reform #46: Remove prescriptive requirements around what should be included in Annual Reports.

Southern Midlands Council supports this reform.

ADAPTABLE COUNCILS

Reform #47: Introduce provisions that support efficient and high-quality council operations and collaborative shared service opportunities.

Southern Midlands Council supports this reform.

Reform #48: Introduce the power to create Regional Councils.

Southern Midlands Council do not support this reform.

Reform #49: Create model by-laws for common issues.

Southern Midlands Council supports this reform.

STRATEGIC REVIEWS

Reform #50: Undertake strategic reviews of local government.

Southern Midlands Council supports this reform.

Reform #51: Power for voluntary amalgamation without the need for a Local Government Board review.

Southern Midlands Council do not support this reform.

This process needs to be an external overview.