



Submission to
Hon Mark Shelton MP, Minister for Local Government
on the Review of Tasmania's Local Government Legislation
Framework
Reform Directions Paper Phase Two.

Executive Summary

The nine Councillors of the King Island Council (Council) have conducted a detailed review of the Reform Directions Paper and formulated this response.

Council supports the Tasmanian Government's commitment to achieving a legal framework which supports the role of the elected councils to serve and represent their local Tasmanian communities. We strongly agree that such a framework needs to be adaptable, flexible and minimise the administrative burden on councils.

However, Council has specific concerns with a number of the issues raised in the Directions Paper. Each section has been commented on in the attached answer document.

Council's comments on each section of the Directions Paper proposals are drawn from the Council's experience in managing the challenges of being part of, and representing an isolated, remote community.

The questions for Council, when reviewing the document, have been:-

- Is this fixing a problem which exists in our community?
- Would extra resources be needed to implement the proposed solution?
- If extra resources are needed which area of Council's current operations would need to be reduced/deleted?

The Directions Paper does not provide much detail or analysis to demonstrate potential benefit/costs for remote and rural areas of Tasmania notwithstanding that there are significant differences in how resource allocation and priority setting needs to occur in these areas versus urban areas.

The Directions Paper assumes a state-wide 'one size fits all' policy on several issues including the need for an engagement strategy. Appendix A, which compares the 2018 election results, clearly shows the difference in community engagement already evident when comparing small and large councils. Council would suggest this type of evidence based information is important before assuming that proposed changes to current processes would be of more benefit than cost to all communities.

Council also had issues with the unconscious bias which appears to have developed to reduce the independence of elected councils. This manifested in two specific areas, firstly by the proposed reporting lines to the Director of Local Government or their appointees; and secondly, by proposing a weakening of the local councils' core business responsibilities of rate setting, budgeting, financial management and interaction with their general manager.

Specific Areas Considered.

Whilst all proposals have been considered and answered in detail in the attached document, a quick summary for each area is:-

1. Representative and Democratic Councils

Agreed a separate Act is sensible. Considering election processes, we see no issue warranting changing the status quo. Elector responses for our electorate exceed 80% with only a 2% informality rate. Caretaker provisions need more detail; and it could be that changing the General Manager roll would cost Council rather than save resources.

2. Community Engagement

King Island Council strongly disagrees that a Community Engagement Strategy is needed, and would have to divert resources from current priorities to achieve this if forced to undertake this unnecessary compliance burden. A Community Engagement Strategy is not a necessary step for broadening the methods by which councils can engage with their communities.

3. Responsible and Flexible Standards

- Ethics and Standards - We strongly advocate for mandatory training of Councillors. However as detailed in the attached document we disagreed with most other proposals.
- Transparency and Flexibility in Budget Management – Rate raising and budget management are core responsibilities of council and the electors expect the council to manage this area. We disagreed with the majority of the proposals.
- Council Decision Making – we already record council meetings electronically and make them available both by radio broadcast and by web. We agreed, with a caveat on point 35, with the other proposals.
- Oversight and Interventions – We either disagreed or substantially caveated the proposals.
- Council Performance Reporting – We did not have enough detail on the performance reporting framework proposed; we saw no community benefit in compliance statement

reporting but agreed that flexibility in Annual Reporting was desirable. This might allow smaller councils to reduce the amount of detail and cost in meeting the current requirements.

4. Adaptable Councils.

- Collaboration - We strongly disagree with the Regional Council proposal which would add another level of government, paid for by ratepayers, but with no quantifiable benefit to King Island ratepayers. We are already exploring opportunities for collaborative resource sharing and agree that a legal framework to support these agreements would be of benefit in strengthening the already contractual safeguards available.
- Model By-Laws – Agree provided it is Council's option to decide to implement.

5. Strategic Reviews.

Membership of the Local Government Board should be set, not be at the Minister's discretion and Councillor numbers and remuneration should be reviewed every four years. Voluntary amalgamation should be possible.

Summary.

King Island Council and their electorate are closely engaged and focused on issues which impact their community. The electorate demonstrates this through an 80%+ voting response and their willingness, on occasion, to change councillors when unhappy with their performance.

The Council has a low rate base (\$2.5million) so resourcing competing priorities and achieving grants for long term infrastructure development are ongoing responsibilities. The compliance burden on councils does not differentiate between large and small or urban and rural councils and is already of substantial concern because of the need to have staff resources available to attend to these continual requirements.

We were disappointed that the Directions Paper did not consider any reduction in the already onerous compliance burden facing small councils. This burden directly competes with the resources available to fulfil the responsibilities we have been elected by our communities to handle. It is hoped that Phase Three of this exercise may consider the possibility of reducing some of the compliance issues facing small councils.

Yours faithfully,



Julie Arnold

Mayor

Reform Details		
<p>1. Principles-based legislation To the greatest extent possible, create legislation that sets principles for the governance and operations of local government. These principles are: good governance, community engagement and financial management. Some prescription will be necessary and appropriate in a new Act to protect the rights of both the community and councils. For example, a council's power to sell public land may require a minimum level of prescription to ensure community views are considered. Greater detail on processes to support the Act will generally be set in Regulations. This allows amendments to be made in a timely manner where processes or technology changes over time and legislation must accommodate this. This structure allows for legislation that can be flexible to move with changes over time without the need for constant changes to the Act.</p>	<p>Greater detail on processes to support the Act will generally be set in Regulations. It will take away from increasing the ability of readers to understand the principles set for local government by requiring reference to a second Act for explanations or expansion of how the principles are to operate.</p>	
<p>2. Accessible, easy to-read legislation A new Act will be structured logically, be easy to read and understand, while still</p>	<p>Accessibility will be reduced if major detail is contained in a second Regulations Act</p>	

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

being legally effective.		
<p>3. A new Act for electoral provisions Electoral provisions are typically used every four years or when a by-election is called. Separating out these provisions in a separate Act will make it easier to understand and administer these provisions. It may also help in aligning local government electoral provisions with the State Electoral Act 2004 to create greater consistency in election processes in Tasmania.</p>	Agreed	
<p>4. Consolidating related local government legislation Related local government legislation will be examined, such as the Local Government (Building and Miscellaneous Provisions) Act 1993, to identify where provisions intersect and overlap with the current Act. Duplication will be removed and provisions consolidated, where necessary. This will be managed throughout the technical drafting stages of the Review in Phase 3.</p>	Unable to comment until see Phase 3 detail	

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

Area	Reform	Details	
1. REPRESENTATIVE AND DEMOCRATIC COUNCILS			
Eligibility to vote	5. Reform eligibility for the General Manager's Roll	Currently, a person is entitled to vote in a local government election if they are on the State House of Assembly roll, or if they are on what is known as the 'General Manager's Roll'. The General Manager's Roll generally allows persons to vote that are not on the House of Assembly roll but own or <i>occupy</i> a property (residential or business) in the municipality. No changes are proposed with regard to eligibility to vote based on enrolment on the House of Assembly roll.	
		However, the following criteria are proposed to apply to the General Manager's Roll: Criteria 1: A person must be an Australian citizen to be eligible to vote in local government elections. This is consistent with the voting rights at a State level and with most other jurisdictions' local government voting rights. Non-citizens would no longer be entitled to vote.	Permanent residents registered to vote prior to 1984 will be eligible to vote in their own right but will not be eligible to be the GM roll representative. Inconsistent with the voting rights at State level.
		Criteria 2: Individuals who meet criteria 1 and also own or <i>occupy</i> property in a municipal area where they are not a resident, are eligible for enrolment	
		Criteria 3: A person is eligible for enrolment as the (sole) nominated representative of a corporation operating from a property in the municipal area, ONLY	Caveat re permanent residents eligibility. However, otherwise agree.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		if the representative meets criteria 1 and is not already enrolled under any other entitlement in that municipal area.	
	6. Reform the voting franchise to reflect 'one person, one vote' principle in any one municipality	No individual owner, occupier or corporation (or their delegate) will get more than one vote per municipality. Owners of corporations will no longer be entitled to a potential second vote within the same municipal area elections	Agree.
Increasing voter participation	7. Simplify the election process for the positions of mayor and deputy mayor	<p>Mayoral Election Mayors have been popularly elected in all councils in Tasmania since 2000. Prior to this, the position of mayor was voted on by council, 'around the table'.</p> <p>7A: Retain the status quo as outlined above. If the status quo option is retained, a higher nomination fee would be charged in accordance with proposed Reform Direction 13.</p>	<p>Agree</p> <p>Retain status quo. See comments on nomination fees in Reform Direction 13.</p>
		7B: Popularly elected - voters will popularly elect the mayor at the same time as the council elections are held. A successfully elected mayor will automatically be elected as councillor, removing the requirement to be concurrently elected as councillor. Candidates will be able to stand either for mayor or councillor but not both. Unsuccessful mayoral candidates will not be eligible for election as councillor. This process is in place in Queensland and South Australia.	<p>Disagree</p> <p>Will discourage candidates from standing for Mayor; will also exclude experienced candidates who may stand unsuccessfully for Mayor. Will not always know who else is standing.</p>
		7C: Popularly elected - simplify the voting process for the position of mayor by providing that the candidate who is elected first, from the ballot for candidates,	<p>Disagree</p> <p>Most popular councillor may not wish to be Mayor, may not have the time.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		would automatically be elected as mayor. This reform retains the concept of a popularly elected mayor, without the necessity of voting twice. The Tasmanian Electoral Commission advises that this form of voting would be simple to administer and would reduce costs as there would only be one ballot.	
		7D: Council votes - all candidates stand and are elected as councillors. Mayors are then elected 'around the table' by the council. This is an option in New South Wales, Western Australia, Victoria and for councils in regional Northern Territory.	Disagree. Reduces the input from electorate. Reduces impact of democracy.
		Deputy Mayor Election The deputy mayor would be voted on by the council 'around the table'. This would simplify the process for voters and allow the council to choose an appropriate person to support the mayor. This is consistent with deputy mayor processes in every other jurisdiction in Australia	Agreed
	8. Make alternative voting methods available	Enabling electronic voting when the technology becomes viable, as well as postal voting. The most appropriate voting method would be chosen by the Minister 12 months prior to the local government elections. This allows flexibility for election methods to adjust to social and technological changes over time, and to choose the most appropriate method as it becomes available. It improves accessibility for all voters, to increase voter participation.	Caveat. Technological voting which may be appropriate for other Tasmanian areas may not be appropriate for King Island given our poor technological access. Security of technological voting methods could also be a concern.
	9. Simplify the voting process to reduce informal voting rates	The voting process will be amended to require a minimum ballot of 1-5 preferences to constitute a formal vote. This would remove the requirement to mark a preference for every available councillor	Disagree. Voter participation from the King Island community is over 80% with informal vote percentage 2%. No current problem.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>position and/or candidate. This simplifies the process for voters and aligns formal vote requirements with State elections. Advice from the Tasmanian Electoral Commission is that a minimum of 1-5 preferences would not have a material impact on election results, as in most cases later preferences are not required during counting. The level of legislated prescription for ballot papers will be reduced. As with State elections, the Tasmanian Electoral Commission could then determine the best layout of the ballot paper. This will allow necessary changes to occur over time to ensure voting is as clear, simple and accessible as possible for voters.</p>	<p>Problem is rather a disinterested electorate because as electorates become larger, electors feel disenfranchised.</p>
<p><i>Electoral Integrity</i></p>	<p>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</p>	<p>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</p> <p>Caretaker provisions are commonplace in other levels of government and local government in other jurisdictions. Caretaker provisions would apply to all councils from the time candidate nominations open. They would limit councils making major policy or contractual decisions during an election period. The operational business of councils must still continue and caretaker provisions would provide for this, including where councils have to meet statutory timeframes and obligations. Caretaker provisions would also limit the use of council resources from being used to promote or support candidates, including sitting councillors. This is consistent with the</p>	<p>Caveat. Agree subject to seeing the definition of “major policy or contractual decisions” and discussion of timeframes.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		notion that public funds should not be used to unfairly support one or more candidates over others.	
	11. Move administration of the General Manager's Roll from councils to the Tasmanian Electoral Commission	This measure would improve the integrity of the democratic process by removing general managers and council staff from the electoral process. It would also reduce the administrative burden on general managers to maintain the accuracy and integrity of the Roll and achieve greater consistency across Tasmania. There will be resourcing impacts for the Tasmanian Electoral Commission in taking on administration of the Roll from councils. Costs will apply to councils for the transfer of this responsibility but should be cost neutral, or possibly result in a net overall cost reduction (given expected efficiency for the Tasmanian Electoral Commission as a single administering entity, compared with the current 29 separately administered rolls).	<p><u>This issue disproportionately affects smaller Councils. Refer Appendix A.</u></p> <p>Caveat. <u>Agree only if no costs.</u> Not a major resource issue – only 100 on roll and minimum time needed to keep updated. List of ratepayers are updated via forms mailed out to new ratepayers which is a normal part of ongoing process.</p> <p>How would Electoral Office update for leased premises without input from Council? Council would still need to do the work.</p> <p>Since each roll only affects one Council efficiency increase for each council would be small and for King Island was unlikely to justify any costs being charged.</p>
Candidate Changes	12. Introduce a pre-nomination training package	A training package must be completed in order to nominate as a candidate. This will help candidates understand the role and responsibilities they will take on should they be successfully elected. These information packages would be completed in a simple online format and will provide information rather than testing a potential candidate's knowledge. This is	Agreed

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		becoming increasingly common in other jurisdictions for local government candidates.	
	13. Introduce a candidate nomination fee	Candidates for the office of councillor would pay a small fee to lodge their nomination, which would be refundable on receiving a percentage of the vote (typically 4%). Candidates standing for the position of mayor would pay a higher nomination fee, depending on the option adopted in Reform Direction 7. This principle is common in other local government jurisdictions and aims to attract serious candidates and reduce nominations by those without real intentions to be elected (having considered fees in other jurisdictions, the likely fee would be around \$100 for councillor nominations and \$250 for mayoral nominations). The Tasmanian Electoral Commission would administer the payment and retain fees not eligible to be refunded as a contribution toward the cost of elections.	<p>Disagree.</p> <ul style="list-style-type: none"> • Fees collection and return would create administrative work. If all fees are returned is it intended to charge Councils for this work? If so, extra burden for little benefit. • Even small fees could discourage retired people on income support from applying when they often understand the community the best. • Reduces access to the democratic process. <p>Agree</p> <ul style="list-style-type: none"> • May reduce unnecessary applications • May reduce voting blocks to “game” preferences. <p>Neither of these last two issues currently affect King Island, and are unlikely to do so in the future.</p>
	14. Require the disclosure of gifts and donations by all local government candidates received during the electoral period	All candidates would be required to declare gifts and donations received during the electoral period. This will ensure an equitable platform for all candidates and the transparency and accountability expected by the public (published online). The Tasmanian Electoral Commission would administer the receipt of disclosures given the alignment with existing advertising returns. Tasmania is currently the only	<p>Agree. Believe it will strengthen conflict of interest scrutiny ability</p> <p>Queries:- How long to declare? What action follows given Councillor is elected for 4 years?</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		State not to require gifts and donations declarations by candidates in local government elections.	
	15. Align eligibility requirements to nominate as a candidate with State eligibility requirement	This direction is intended to bring the eligibility requirements into closer alignment with the current requirements for members of the House of Assembly and Legislative Council, as per the requirements of the Electoral Act 2004 and the Constitution Act 1934, where appropriate. Eligibility to nominate as a candidate for the office of councillor will continue to include key existing provisions, including eligibility to vote and the candidate having their place of residence in Tasmania, as well as those applicable from the above legislation.	Agreed
Modern councillor titles	16. Remove the title of 'Alderman'	Councillor titles would be modernised and made consistent by removing the title of 'Alderman', which is currently available to city councils, as the term is considered archaic and gender-biased. The local government sector supports this change, as voted on at the sector's Annual General Meeting in 2018. A contemporary Act should align language with community expectations.	Agree

2.COMMUNITY ENGAGEMENT			
Community Engagement	17. All councils will develop and adopt a community engagement strategy	<p>Councils would engage their communities in developing their Community Engagement Strategy after each election. This Community Engagement Strategy will then inform how council will engage, involve, consult and inform their communities on plans, projects and policies. Acknowledging that every council and municipality will have different needs, this allows the community and council to work together on their engagement plan, including how and when they will engage and what methods they will use. Minimum requirements will be set for developing the Community Engagement Strategy and would include: - a genuine intent to engage the community;</p> <ul style="list-style-type: none"> - a defined reason for consulting; - clearly defined timeframes; - use of plain English; and - clear advice for how the community will be informed of the outcome. <p>The final strategy should include: - what matters the councils will engage the community on;</p> <ul style="list-style-type: none"> - how it will engage with the community; - how it used the input from the community; and - when the community will be advised of outcomes. <p>Councils must then follow their Community Engagement Strategy when engaging the community</p>	<p>Strongly disagree.</p> <p>Council already engages the community through required actions:-</p> <ul style="list-style-type: none"> • Monthly public council meetings • Annual Reports • Council web site • Workshops as part of Strategic Plan development • Staffed Council chambers available during office hours <p>More mandatory compliance activities use scarce resources in ways which do not benefit the community.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		on their Strategic Plan, determining their service delivery priorities and when setting their budget (including rating decisions).	
Removing prescription and giving councils autonomy and flexibility	18. Removing prescriptive consultation requirements	<p>Broaden the capacity for councils to engage with their communities in accordance with their Community Engagement Strategy, rather than through the current prescriptive consultation methods such as Annual General Meetings, public notices and formal submission processes. Instead, for example, when making financial and rating information available, councils could provide information, across a range of platforms that best suits their community's needs, such as council websites. This would allow them to make decisions at the appropriate time for the information being communicated, rather than through inflexible processes. Some specific consultation requirements will need to be maintained, where necessary, for the protection and rights of the community and councils.</p> <p>Wherever possible, prescriptive requirements to provide reports and information in a specified way, such as by post, will be removed. This will be replaced with a broad transparency principle that information published in the public domain must be accessible and driven by what the community wants to see.</p>	Agree that prescriptive requirements should be removed but do not agree that a Community Engagement Strategy is necessary.
	19. Remove requirements for public meetings and elector polls	The current requirements related to public meetings and elector polls are highly prescriptive and precede technologies such as the internet. There are now many alternative ways in today's society that people can make their views known to their council.	Agree.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>Additionally, as the outcome of an elector poll or public meeting is non-binding, it does not compel a council to do anything. Councils, and subsequently ratepayers, incur a large cost for no clear outcome. It is also increasingly difficult for councils to confirm who the electors are in the local area who signed an online petition. It is therefore proposed that the provisions relating to public meetings and elector polls be removed from the Act.</p> <p>In line with the overarching principle of the Community Engagement Strategy, a council will still be able to initiate and hold an elector poll, if circumstances warrant one. If community members want to hold public meetings and submit petitions (and even have polls), it will be a matter for councils to determine the processes for that manner of engagement, in line with the Community Engagement Strategy.</p> <p>In addition, the capacity will be provided for the State to initiate a state-wide referendum on a particular issue, if required.</p>	<p>Even without a Community Engagement Strategy (refer Q.17) a council will still be able to initiate and hold an elector poll, if circumstances warrant one.</p>

3.ETHICS AND STANDARDS			
Good Governance	20. Legislate the eight good governance principles	The principles from the Local Government Good Governance Guide would be legislated and linked to the behaviours in the Code of Conduct. These principles will also inform the high-level functions and powers of a council, in providing municipal services for their local government area.	Caveat. These should be guidelines only.
Financial Governance	21. Set highlevel financial management principles that encourage efficiency and value for money in council service delivery	<p>These principles would emphasise that councils make important decisions on the use of community funds for the betterment of the community. Councils must regularly consider improvements to operational efficiency and assess services for their value to the community, not just their cost. They must also consider the risk they expose ratepayers to, and ensure that their decisions are affordable and fair across different generations of ratepayers.</p> <p>Victoria's Local Government Review has taken this approach. It intends to create a set of high-level financial management principles that focus on transparency, accountability and sound financial management. For example:</p> <ul style="list-style-type: none"> – managing financial risks prudently in light of economic circumstances; – aligning income and expenditure policies with strategic planning documents; – responsible spending and investment; and 	Neither agree nor disagree. See no major benefit since already covered in current Act S28 (1) to (4) and in the requirement to hold monthly meetings where financial information is disclosed to the public.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>– ensuring full, accurate and timely disclosure of financial information about the council.</p> <p>Similar principles are proposed for Tasmania and in practice would provide a clear expectation for councils when developing their strategic plans and budgets</p>	
Elected Member Development	22. Establish core capability requirements for elected members	<p>Setting core capability requirements would build capacity for all elected members and have positive impacts on standards of behaviour, sound decision-making and better relationships, as councillors would have a better understanding of the framework their role fits within. Core capability requirements may include:</p> <ul style="list-style-type: none"> • the roles and responsibilities of elected members under the Act and regulations, with specific reference to the Model Code of Conduct and the Good Governance Guide; • ethical decision-making; • financial fundamentals, including understanding of financial statements and budget preparation; • decision-making in reference to the Land Use Planning and Approvals Act 1993; and • meeting procedures. <p>The option to introduce mandatory training was considered however it is not proposed to mandate councillor training at this point.</p> <p>The Minister will retain the option to issue a Performance Improvement Direction to specific councils or councillors where it is needed.</p> <p>The exception to not implementing mandatory training for councillors, is that mandatory training for</p>	<p>We strongly support and advocate for mandatory training for Councillors in core capabilities</p> <p>Agree</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		councillors in their role as a Planning Authority will be required.	
	23. Require councils to publicly report the core capability training that each elected member has completed annually	This will introduce a greater level of transparency of councillors' professional development activities.	Disagree. Unnecessary compliance burden.
Council Staff Accountability	C24. Establish principles for all council staff that set minimum standards of behaviour	Setting principles on minimum standards of behaviour for council employees will bring local government in line with other jurisdictions, other levels of government and community expectations for public officer behaviour. For example, under the Tasmanian State Service Act 2000, an employee must adhere to State Service principles including that: <ul style="list-style-type: none"> • the State Service is apolitical, performing its functions in an impartial, ethical and professional manner; • the State Service is accountable for its actions and performance to the Government, the Parliament and the community; • the State Service is responsive to the Government in providing honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs; and • the State Service delivers services fairly and impartially to the community. These principles inform the Tasmanian State Service Code of Conduct. A breach of the Code can result in real and serious 	Disagree. Unnecessary, no change to current EBA conditions justified. Issues such as procedural fairness expose Councils to legalistic arguments once these types of issues are legislated. In a small Council, Councillors, management and staff are more responsive to issues as they arise and overallly prescriptive legislation often causes more problems than it solves. Setting minimum standards of behaviour by staff depowers the relationship between the General Manager and their staff.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		consequences, including termination of employment. In recognition that local government staff operate under individual Enterprise Bargain Agreements, the consequences for a breach of minimum staff standards of behaviour would be a matter for each council to determine.	
General Manager Performance	25. Prescribe minimum standards for general manager recruitment, contracts, performance management and termination	<p>This aims to encourage best practice recruitment practice in line with community expectations and ensure a consistent approach to general manager contracts.</p> <p>The current power to issue a Ministerial Order on the appointment and performance of general managers would remain, allowing the Minister to specify the principles and processes governing the selection of general managers and the monitoring of their performance by the council.</p>	<p>Disagree.</p> <p>Recruitment and contractual employment conditions are market driven. Whilst GM recruitment has been an issue for Council in the past there is no evidence that a more legislated terms around such contracts is in line with our community's expectations.</p> <p>Heavy legislation around minimum standards of recruitment and performance overreaches on one of the main responsibilities of the Councillors elected by the residents.</p> <p>It also opens more channels for an aggrieved individual to mount legal challenges.</p> <p>Tools and support materials (e.g. LGAT GM Contract) would be useful but use should not be mandatory.</p>
Complaints Management	26. Include principles on complaints management in legislation	<p>A rigorous process must exist for complaints management, balancing the need to address genuine concerns of the community with processes that enable the dismissal of vexatious or frivolous complaints.</p> <p>Best-practice complaints management is independent, unbiased and removes conflict. Where councils are</p>	<p>Disagree. What are we trying to fix? We already have Council's Policy, Code of Conduct panels, the Ombudsman, the Integrity Commission and legal avenues for complaints.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>handling complaints about their own internal processes or staff (for example, the general manager), questions arise as to how independent and unbiased the complaints management process actually is. While it is appropriate that councils respond in the first instance to the majority of complaints, stronger provisions would seek to improve the independence of internal reviews of complaints.</p>	
4. TRANSPARENCY AND FLEXIBILITY IN BUDGET MANAGEMENT			
Rating Policies	<p>27. Ensure council rating policies consider taxation principles and align with their budget and financial planning documents</p>	<p>Councils have flexibility in determining how to distribute the rating burden among ratepayers. Rates are a form of general taxation and, therefore, taxation principles are relevant to how councils make their rating decisions. The taxation principles are: efficiency, simplicity, equity, capacity-to pay, benefit principle, sustainability, cross-border competitiveness and competitive neutrality.</p> <hr style="border: 2px solid yellow;"/> <p>Councils should reflect outcomes of consultation with the community on council budget and financial planning when developing rates and charges policies, as per the overarching Community Engagement Strategy. Communities want to understand the revenue councils are raising through rates and where it will be spent. This is closely linked to the councils' budgeting process. This would also apply where councils change their rating policies significantly or move to a different rating model.</p>	<p style="color: red;">Agree</p> <p style="color: red;">The raising of rates and charges is the core business of the Councillors elected by the voters.</p> <ul style="list-style-type: none"> • No Community Engagement Strategy is necessary. • Annual budget documents provide full detail of the changes being made to annual rates and charges, • LT Financial Plans show the effect of rate policies over several years and

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

			<ul style="list-style-type: none"> • monthly public Council meeting provide financial information about the monies raised and spent, each month with YTD figures. • Explanation of the rating method used is fully explained in the literature sent out with the rates notices each year. • A fully staffed Council office is available during office hours for answering any other queries.
	<p>28. Introduce more flexibility for councils to easily transition from one rating approach to another, to manage rating impacts on ratepayers</p>	<p>Councils can use different valuation methods to determine their rates and this would not change. Historically, councils have generally used the Assessed Annual Value (AAV) method to determine their rates. This method is a proxy for rental returns on a property. Work done a few years ago suggests that using Capital Value (CV) would produce a more equitable and efficient rating outcome for the majority of ratepayers. However, very few councils have transitioned to a CV method because of the significant impacts this would have for some ratepayers. This direction would provide councils with greater ability to manage rating changes on ratepayers through transitional arrangements. For example, if a council wishes to transition from the AAV to CV rating basis, the legislation would give councils improved tools to mitigate shocks to individual ratepayers by smoothing the impacts over time.</p>	<p>Accept. No intention of changing method since changing provided no wins for Council or the community because current method is not unfair.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

<p>Transparent and accountable rate setting</p>	<p>29. Establish an independent rates oversight mechanism</p>	<p>This would introduce a role for the independent Regulator to provide independent expertise on, and oversight of, proposed rates increases that deviate from a council's Long-Term Financial Management Plan and are significantly greater than the Consumer Price Index. The Minister would have the power to refer a council to the Economic Regulator but not to veto the rating policy. The Economic Regulator would provide advice back to a council on proposed rating increases and whether other options to alleviate financial impacts on the community appear available. The Economic Regulator would be required to publish its report This direction would give a council advice independent of council staff for such a significant decision, and provide the community with comfort that any proposed rate increase has been subject to rigorous testing. The cost of any rating increase investigation by the Economic Regulator would be met by the relevant council.</p>	<p>Disagree. CPI has no relevance for King Island, even the CCI is, at best, a major approximation of the costs faced because of our geographic location.</p> <p>The lose of one major employer or major changes to our air or sea shipping could cause complete rewrites of our Long -Term Planning.</p> <p>We are much more vulnerable than bigger Councils and substantial increase of rates may become necessary under certain conditions. To have to cope with further costly compliance requirements when already under financial pressure would only increase the financial imposts against our residents.</p>
<p>Transparent and accountable fees and charges</p>	<p>30. Set principles or guidelines for setting fees and charges</p>	<p>In response to issues raised regarding significant differences between councils in the fees and charges applied for similar services, this direction would promote greater consistency in the approach to setting fees and charges, without prescription around the amounts themselves. Fees and charges should be reflective of the cost of the service being delivered. They are not a tax to raise general revenue. The Department of Treasury and Finance has guidelines for State Agencies with regard to setting</p>	<p>Caveat. Provided the principles allow for the issues which face King Island and are unique to us.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		fees and charges and it is proposed that a similar discipline be introduced for local government.	
Budget Management	31. Provide for a more autonomous and less prescriptive budget process	This will allow Council more flexibility to allocate resources as required. Councils should be accountable for outputs and outcomes, with transparency through reporting. Councils clearly set the budget and priorities; however general managers should have the flexibility to move resources around within the overall budget allocation to achieve priorities. This direction would relate to the operational budget, not the capital budget. It would also provide for a formal half-yearly financial report stating actual expenditure against budget.	Disagree. GM has access to Council on a normal monthly basis, as well as the ability, on an urgent matter to contact all Councillors for a workshop or discussion. The Mayor is available to the GM on a daily basis. There is no reason for the GM to have to reallocate resources without the approval of Council The ability to reallocate resources may also leave the GM subject to pressure for some Councillors or members of the public.
Significant Business Activities	32. Clarify significant business activities	There is a need to better define 'significant business activities' so that the commercial operations of councils are transparently reported. Councils will be required to publish reports on the operations and performance of significant business activities. Councils may undertake significant business activities for a range of reasons in carrying out their functions. Some support resource sharing arrangements, some are commercial operations and some have elements of both. The Act currently enables councils to undertake these activities under enterprise powers. These powers are not well understood. If significant business activities are competing with the private market, they need to be operating on fair terms. If significant business activities are operating for a profit, they should not enjoy benefits not available to private	Agree King Island already does so with it's only significant business activity – the King Island Airport.

		enterprise, such as tendering exemptions, as is currently the case under the Act.	
5. COUNCIL DECISION MAKING			
Council Meetings	33. Require electronic recording of council meetings to be made publicly available	This requirement is increasing in other jurisdictions across Australia, where councils are capturing recordings using a range of electronic devices. Council decisions are supported by agenda papers and the minutes of meetings. However, council minutes are often brief and record little more than the motion and voting decision. Unless a member of the community is present at the meeting, there is little public record of any debate that occurred. The current Act allows for audio recording and a number of councils make audio recordings available on their websites. A small number of councils also video record and live stream. Making electronic recording, and its publication, mandatory would improve public confidence in the integrity, transparency and accountability of council decision-making. It would increase the community's access to, and connection with, the council and could improve councillor conduct generally. Councils have raised the	Agree. Already do so.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>issue of not having legal immunity protections for statements they may make, which are available to State and Federal Parliament, such as Parliamentary Privilege. As council meetings are currently available to the public, recording these sessions does not change the status quo on protections. Councils can hold closed meetings where necessary, which is not available to Parliamentary debate. No other jurisdiction has offered councillors immunity protections in this context. Recognising, however, the concern of some councils, live streaming would not be mandated.</p>	
Conflict of Interest Framework	34. Simplify what is a conflict of interest	<p>This will capture both what are currently termed 'pecuniary' and 'nonpecuniary' interests and remove overlap and confusion in declaring conflicts of interest at council meetings. Legislative provisions will be supported by clear, easy-to-read and understand guidelines to assist councillors in determining when it is appropriate to declare a conflict of interest and what further action to take, if any.</p>	<p>Agree. Should be backed up by mandatory training -refer Q.22</p>
Managing Conflicts in the Exercise of Statutory Functions	35. Enhance the integrity of council decisions made when exercising statutory powers	<p>This will require councils to manage perceived conflicts of interest by councils in exercising their statutory powers. For example, when a council is submitting and assessing its own development applications under the Land Use Planning and Approvals Act 1993, the assessment should be allocated to another council or private planner for assessment to reduce its conflict of interest. This would place the onus on councils to proactively remove themselves from any perceived conflict of</p>	<p>Caveat. Agree but needs threshold. Not sensible use of community's resources if need to refer a toilet to another Council.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		interest. A number of councils already engage such practices in the interests of good governance. It is recognised that under the current planning legal framework, a council still needs to make the decision on its own Development Application, even if the assessment has been referred to an independent planner. There is some support to address this issue.	
6. OVERSIGHT AND INTERVENTIONS			
Independent Oversight	36. Strengthen the information gathering powers of the Director of Local Government	The Director of Local Government already has the power to require information from councils and this would not change. What is currently not clear is the scope of the advice councils' audit panels are providing to councils, including what risks and mitigation actions are being identified and recommended. Similarly, it is not clear how well councils are responding to their audit panels' advice. Consequently, it is proposed that audit panels would be required to provide their reports to the Director of Local Government, upon the Director's request.	<p>Caveat. Could be solved by Audit Panel Minutes and Reports, which are not commercial in confidence, being part of public section of Council meeting.</p> <p>A number of other Councils already report that way.</p>
	37. Create a power for the Director of Local Government to require an undertaking from a council as a	Under the current Act instances of noncompliance with the Act can occur but with little consequence. For example, the Act may set out requirements to be followed, but there is no express penalty for not doing so. Many of these do not warrant an offence, but there is a gap with regard to powers to remedy non-compliance.	<p>Disagree.</p> <ul style="list-style-type: none"> • The Minister already has the power to impose a Performance Improvement Direction on a Council or Councillor. • Such a Direction should only be issued by the Minister i.e. an elected representative.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

	<p>measure to address compliance issues</p>	<p>This direction would provide the power to the Director to require an undertaking to be given by a council, councillor or general manager to either correct an act of non-compliance, or to ensure there is no recurrence. The failure to observe an undertaking could result in further action, depending on the gravity of the non-compliance.</p> <p>An undertaking could also be used to require councils to address the Auditor-General's recommendations arising from its financial audits, particularly where responses to high risk area recommendations appear not to be acted upon in a timely manner.</p>	<p>The Council and the Councillors are elected representatives of the community and should not be responsible to a public servant.</p> <ul style="list-style-type: none"> • Such a Direction should also be directed to Council for Council to ensure the General Manager corrects the non compliance. The Director should not be instructing the General Manager. • Direction should only be able to be issued once Council <u>agrees</u> there is an instance of noncompliance. If there is genuine disagreement then the Minister needs to take legal action against the Council if they believe it is warranted.
	<p>38. Establish a Monitor/Advisor role</p>	<p>There are circumstances where early intervention can assist a council before issues result in more serious outcomes. This direction would provide a power for a Monitor to enter a council to review its operations, request information from the council administration (and the Audit Panel), provide guidance to elected members and senior staff, and make recommendations to the council.</p> <p>A council would be able to decide to engage a Monitor, but the Director of Local Government would also have the power to require one if the circumstances clearly require a 'circuit breaker'. A council would pay the cost of a Monitor (where one has been required by the Director, costs would be determined in consultation with the council).</p>	<p>Disagree.</p> <p>DOLG should only be able to recommend the engagement of a Monitor. It should be a Council decision if the costs are warranted and who should be appointed.</p> <p>If functions of elected Councils are to be overridden it should be by Ministerial decision.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

	<p>39. Establish the power to appoint a Financial Controller</p>	<p>The direction would allow for a Financial Controller to be appointed to a council to manage serious, demonstrated financial challenges, without putting the council into administration. Similar powers exist in New South Wales. The equivalent position to the Director in New South Wales has the power to appoint a Financial Controller to councils in that state, and it is proposed the Director would have similar power in Tasmania. The cost of a Financial Controller would be borne by the council. While it is acknowledged this would be an additional cost, the benefit to ratepayers would be expected to be significantly greater through correcting the council's financial sustainability</p>	<p>Disagree. DOLG should only be able to recommend the engagement of a Financial Controller. It should be a Council decision if the costs are warranted and who should be appointed.</p> <p>If functions of elected Councils are to be overridden it should be by Ministerial decision.</p>
	<p>40. Continue to conduct formal investigations by the Director of Local Government</p>	<p>The Director of Local Government would continue to have the power to investigate breaches of legislation. However, the outcomes of an investigation would be strengthened such that the Director can make a finding and provide recommendations to the Minister that the council or an individual councillor be suspended or dismissed. Natural justice and procedural fairness principles must apply to any investigation. To support the Director's investigatory powers, the Director would be able to appoint appropriately skilled and qualified persons to support them. Depending on the circumstances, this could include persons external to the Director's staff, such as persons with significant legal experience.</p>	<p>Disagree. Alternative is to strengthen the processes around the Board of Enquiry. To enable it to act quickly and with procedural fairness.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

<p>Ministerial Intervention</p>	<p>41. Provide for the Minister to dismiss a council or individual councillor</p>	<p>While the Director of Local Government will have significant powers to intervene when serious governance challenges arise, ultimately any action that results in the suspension or dismissal of a council or councillor must be taken by the Minister for Local Government. The Minister already has the power to impose a Performance Improvement Direction on a council or councillor (on a recommendation from the Director), and this will be retained. Suspension is a possible sanction for failure to adhere to a Performance Improvement Direction. In addition, the Minister could dismiss a council or councillor on recommendation of the Director. Alternatively, the Minister can establish a Board of Inquiry, and in response to findings, recommend the Governor dismiss a council or councillor, as is currently available.</p>	<p>We neither agree nor disagree. A number of issues need to be considered and detail is not available. Issues include:-</p> <ul style="list-style-type: none"> • A Performance Improvement Direction should only be issued against a Councillor once Code of Conduct process is fully completed • Should the recommendation of a non-elected public servant override the wishes of the community? Should non adherence to a PID require the Minister to call an early election only? • Should the Minister be entitled to call an early election if 2/3 or absolute majority of Councillors request it?
<p>Maladministration</p>	<p>42. Create offences for mismanagement and to address poor governance (maladministration)</p>	<p>This would create a maladministration offence provision that relates to the council as an entity, individual councillors and the general manager, for systemic failures or a major consequence resulting from a single act of impropriety, incompetence or neglect. This is another measure to address the current gap with regard to there being no sanction available for non-compliance with the Act. The responsibility to ensure operational good governance within a council rests with the general manager, as the person responsible for implementing the decisions of the council and the day-to-day operations of the council. A maladministration offence should apply</p>	<p>Disagree.</p> <p>GM is subject to control by Councillors and they have a responsibility to electors to manage the GM.</p> <p>Such restrictions, which appear to be to advise a very few specific instances, rather than a general problem, would restrict the number of applicants for GM roles and increase the market value to be paid to such applicants. Again, this would be a disproportionate burden on smaller Councils.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>solely to the general manager, rather than other senior executive staff. Council staff come under the employment of the general manager and are therefore the responsibility of the general manager. It is recognised that while the council itself is responsible for the management and performance of the general manager, there is a need to legislate consequences where there is a repeated issue in failing to discharge their duties or the conduct is so grave that it warrants intervention. If early intervention measures are introduced, this would provide many opportunities to improve governance before this measure was necessary. South Australia has an offence for 'maladministration', which relates to a public officer or entity failing to meet reasonable standards of performance in discharging their duties, including conduct resulting from incompetence or negligence. This relates to serious systematic failures, not isolated mistakes or errors. The South Australian Ombudsman can investigate any public officer or entity for this conduct. Where councils have been incompetently managed, resulting in maladministration, an administrator can be appointed to manage the council. The South Australian Independent Commissioner Against Corruption Act 20126 defines maladministration in public administration as including conduct that results in the unauthorised use of public money or the substantial mismanagement of public resources; substantial mismanagement in the performance of official functions; and conduct</p>	<p>There is a lack of detail about the circumstances when such provision would relate to the Council as a whole. Such provisions, both for the council and individual Councillors would need to be tested through the courts.</p>
--	--	--	---

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		resulting from impropriety, incompetence or negligence.	
Complaints Management	43. Simplify the complaints framework	There is currently overlap between the oversight and regulatory roles of various bodies, which makes it difficult for people to know who to make their complaint to. This direction would provide clarity for complainants, increase efficiency and ensure prompt intervention in serious issues. The main focus of this direction will be to remove the overlap in the complaint process between the current Director of Local Government and the Integrity Commission.	Caveat. Need Detail. Under the current legislative framework of Code of Conduct and Integrity Commission complaints there is no process to stop “complaint shopping”. Agree the legislative framework needs revision.
7. COUNCIL PERFORMANCE REPORTING			
Performance Reporting Framework	44. Introduce a local government performance reporting framework	There is already significant information and reporting on and by councils, but it is sometimes difficult to access and is not well consolidated. This direction would more clearly set a performance reporting framework that seeks to consolidate and make better use of existing data and information. It should reduce the reporting burden for councils, while improving public access to information. The reporting framework would also use existing key performance indicators as a basis for reporting, but have capacity to have additional key performance indicators over time where it is agreed the data required can be captured,	Unable to make a comment because detail is not available. As a small Council the reporting burden impacts our ability to meet the main responsibilities we have to our residents. Communities should have a say in the cost/benefit of data provision and whether, especially in small communities, the extra data which maybe “nice to have” is more valuable to them than having resources to maintain roads.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		and provides meaningful value to councils and the community	
	45. Require councils to publish a compliance statement in the Annual Report	Councils have a range of statutory obligations to meet but there is no clear reporting in all instances that they have met these obligations. This direction would require a general manager to sign-off and account for the council's compliance obligations under the Act and some associated legislation, and report to the community a formal attestation that council's compliance obligations have been met. By requiring such an attestation, it will drive a culture in councils of checking that they have indeed met their statutory obligations.	Disagree, would achieve no extra benefit to the community. Current Act already sets out areas of compliance with strategic plans and policies need int o be updated on a set basis. An extra report merely ties up or costs resources which can be better spent elsewhere.
	46. Remove prescription around Annual Report	A Council's Annual Report will still remain a key reporting mechanism, consistent with the requirements for other public entities. However, some of the current provisions for what is required to be reported are outdated. Future requirements for Annual Reports will reflect the directions, particularly what a council determines through its Community Engagement Strategy.	Agree. Annual Report should be more flexible and allow smaller Councils to forgo a degree of the detail which is of little use to the community. However, changes should not depend on an Engagement Strategy.

8. COLLABORATION			
Collaboration across councils	47. Introduce provisions that support efficient and high-quality council operations and collaborative shared service opportunities	Councils are already engaging in various formal and informal collaborative service delivery models. The legislation should provide the flexibility for councils to collaborate and work across council boundaries to deliver outcomes for their communities, recognising that different communities want different things. This direction would seek to remove any legal and administrative barriers to collaboration across councils, such as concerns regarding the extent delegations can be given and exercised. Legislation would also provide the power for two or more councils to be serviced by one administrative organisation. Such flexibility is likely to be necessary	<p>Caveat. Lacks detail.</p> <p>Collaborative service models should be entered into at the decision of Councils.</p> <p>Agree that there is a legal framework to support the enforceability of service agreements once entered into.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<p>for the sustainability of small councils. In particular, Latrobe and Kentish Councils have in practice adopted this model, and it is important that the legal framework allows such innovations to occur.</p>	
	<p>48. Introduce the option to create Regional Councils</p>	<p>A "Regional Council" would be able to be established to incorporate a number of individual 'local councils'. A Regional Council could be established through a Local Government Board review (the current mechanism for structural change), or as a result of the voluntary decision of a minimum of two councils to collaborate in such a manner. A Regional Council would be supported by a general manager and staff, with the individual local councils being serviced by one administrative organisation. The Regional Council would be responsible for region-wide planning and service delivery. Local councils would retain some local decisions and be the primary advocates for their communities to inform decisions made by the Regional Council. The Mayors of the local councils would be members of the Regional Council, with additional members to be determined by the respective local councils. A Regional Council would represent the strongest collaboration model that does not involve amalgamation.</p>	<p>Strongly disagree.</p> <p>This adds another level of government burden with no true benefit. Ratepayers would be expected to pay for this extra level and this would again reduce the amount of rate money available for the primary functions of Councils.</p> <p>Region wide service delivery can be achieved if councils decide it is to the benefit of their communities to enter into collaborative service sharing.</p> <p>Regional planning for King Island would not be feasible because of the geographic location and the unique nature of our community.</p>

9. MODEL BY-LAWS			
Consistent By-laws	49. Create model by-laws for common issues, with streamlined administrative processes	A model by-law would be subject to a rigorous assessment process and once approved, any council could adopt the model by-law without the need to go through the assessment process again. Councils would simply need to consult with the community on any municipality-specific issues before adopting the final by-law. For example, there could be a model public places by-law with common features, but a council would need to consult on where the by-law would be applied in its municipality. This would significantly reduce the administrative process councils must go through in developing by-laws and create greater State-wide consistency. Councils would retain the	Agree, if at Council's option.

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		power to create their own bespoke by-laws if they so desire, but would need to go through the full Regulatory Impact Statement process, and be able to adequately justify the need for creating such a by-law. Consideration will also be given to aligning by-law processes with those that apply to State legislation.	
10. LOCAL GOVERNMENT BOARD			
Local Government Board	50. Strategic reviews of councils	<p>The Local Government Board will be retained, to be established and directed by the Minister to undertake strategic reviews of local government. The Local Government Board must contain a member with local government expertise but otherwise will be at the discretion of the Minister, allowing for appropriate persons with relevant skills and expertise to be appointed depending on the subject of the review. The Local Government Board must, at a minimum, undertake</p> <ul style="list-style-type: none"> • a review of councillor numbers and allowances every eight years, or two election cycles; and 	<p>Agree, with major caveats.</p> <p>Membership should be set, not at discretion of Minister. Should include LGAT President, DOLG, LGAT CEO and 2 others.</p> <p>Councillor numbers and allowances should be reviewed every 4 years in line with election cycle. Amount of work required by Councillors in small councils because staff resources are impacted by the amount of legislative compliance required, needs to be allowed for.</p>

KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK
REFORM DIRECTIONS PAPER PHASE TWO

		<ul style="list-style-type: none"> • a review of the 'State of the Sector' every five years. The Local Government Board would no longer be able to review the operation of a council as its focus would be on local government sector strategic issues. Operational reviews would be carried out by the Director of Local Government as appropriate under the oversight and intervention framework. 	
	51. Voluntary amalgamation	A voluntary amalgamation will be able to occur, without the need for a Local Government Board review, if it is requested by two or more councils. If councils have undertaken a significant body of work to develop a business case on their own initiative to explore amalgamation options, they should be able to proceed without an additional report from the Local Government Board, which is time and resource intensive.	Agree.

**KING ISLAND COUNCIL ANSWERS TO REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION
FRAMEWORK - REFORM DIRECTIONS PAPER PHASE TWO**

APPENDIX A COMPARISON OF TASMANIAN VOTING RETURNS 2018

Council District	Electors Enrolled ¹	Declarations Returned ¹	Response Rate (%)	Informality Rate ²	GMs Roll ³
Flinders	825	684	82.91	0.74	130
King Island	1,207	1,001	82.93	2.04	105
Tasman	2,372	1,690	71.25	1.99	510
Central Highlands	2,501	1,703	68.09	2.27	864
West Coast	3,006	1,946	64.74	3.00	21
Southern Midlands	4,599	3,039	66.08	2.52	46
Glamorgan-Spring Bay	4,615	3,619	78.42	3.56	952
Kentish	4,816	2,922	60.67	2.56	112
Break O'Day	5,330	3,845	72.14	4.10	346
Dorset	5,375	3,922	72.97	3.37	224
George Town	5,403	3,393	62.8	3.57	350
Circular Head	5,491	3,683	67.07	1.66	107
			Average		Average
	45,540	31,447	69.05	2.62	314
Derwent Valley	7,517	4,494	59.78	3.60	123
Latrobe	8,724	5,230	59.95	2.71	40
Northern Midlands	10,123	6,254	61.78	3.28	133
Waratah-Wynyard	10,613	6,476	61.02	2.07	145
Sorell	11,393	6,475	56.83	0.97	237
Brighton	12,135	6,383	52.6	3.66	61
Huon Valley	12,838	8,519	66.36	4.59	378
Burnie City	14,396	9,028	62.71	3.72	97
Meander Valley	14,939	8,338	55.81	3.18	73
Central Coast	17,094	9,563	55.94	3.46	49
West Tamar	17,658	9,392	53.19	4.53	124
Devonport City	19,136	10,805	56.46	3.79	196
Kingborough	27,310	15,745	57.65	4.82	197
Glenorchy City	33,283	18,236	54.79	5.27	49
Hobart City	37,906	23,479	61.95	8.78	1877
Clarence City	42,179	22,599	53.58	7.28	383
Launceston City	47,309	25,295	53.47	7.97	174
			Average		Average
	344,553	196,311	56.98	4.33	255

1. 2018 Local Government Elections Report page 11

2. 2018 Local Government Elections Report page 21

3. 2018 Local Government Elections Report page 13.