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## Submission by the Tasmanian Labor Party to the Review of Tasmania's Local Government Legislative Framework

The Tasmanian Labor Party is pleased to provide a submission to the Review of Tasmania's Local Government Legislative Framework.

Labor has a proud history of working with Local Government to deliver positive outcomes for communities. Local Government is the level of Government closest to the people and is an important provider of services and employment across Tasmania.

In Opposition Labor will continue to work with the Local Government sector to advocate on issues affecting the sector and to understand better how we can improve outcomes for ratepayers across Tasmania.

It is important that the sector is supported through any change, including the recent challenges faced by some Councils. Local Government's roles and responsibilities have changed and will continue to do so as the needs of our local communities change.

This submission provides an overview of Tasmanian Labor's response to some of the key principles outlined in the December 2018 discussion paper.

Labor believes this review of the legislative framework cannot be undertaken without a more holistic examination of the roles and functions of the State Government, Local Government, Mayors, Deputy Mayors and Councillors and Council's role as a Planning Authority.

The Labor Party encourages the State Government to continue to consult meaningfully throughout the review process. We have a keen interest in reviewing the feedback provided through the submission process by members of the Tasmanian community about their expectations of Local Government. We regard this engagement as critical for any reform of the legislative framework to be successful.

If you would like further information about this submission please contact the Tasmanian Parliamentary Labor Party on 6212 2127.

Kind regards



Anita Dow MP  
Labor Shadow Minister for Local Government

## Overview of Local Government

Labor has a proud history of working together with Local Government to deliver positive outcomes for local communities. Tasmanian Labor acknowledges that Local Government is the level of Government closest to the people and is an important provider of services and employment across Tasmania.

Local Government's roles and responsibilities have changed and will continue to do so as the needs of our local communities change. We must endeavour to create a Local Government sector which is responsive, adapts to change and is well placed and resourced to deliver local services and infrastructure independently and on behalf of State and Federal Government.

A key Labor policy at the last State Election was to conduct a Fees and Charges Review across Local Government working with Councils to better understand the roles and functions they undertake and the services they provide to their ratepayers. There is inconsistency between Councils across the state with respect to the services they provide and the cost to ratepayers. A state-wide analysis is important to inform a clear understanding of the role and responsibility of Local Government and the cost to deliver expected services and outcomes.

A Fees and Charges Review would also help understand the responsibility for the delivery of services by State and Local Government to ensure less duplication and better resourcing and coordination of essential services for the Tasmanian community. Tasmanian Labor stands by this policy position and is disappointed that this is not included in the scope of the review. We believe it will be difficult to define services provided by Local Government into the future without examining services and programs administered by the State Government as part of this review process.

Whilst outside of the scope of the review Tasmanian Labor remains committed to its policy on developing Partnership Agreements with Local Government when in Government. This will enable the two levels of government to work together to build a shared vision and outcomes across employment, health and wellbeing, community development, infrastructure and education.

Further to the need for this collaborative approach Tasmanian Labor believes that as the demographics of our communities change and the service economy in Tasmania continues to grow there will be a greater opportunity for Local Government to be involved in the direct delivery of services to their community. This review needs to examine the potential for local government to play a greater role in economic development, primary health

services, place based initiatives and other community based services which are difficult for State and Federal Governments to deliver particularly in regional communities.

There are a number of examples of projects around the State driven by Local Government in regional communities which are aimed at raising the importance of education, primary health services and employment pathways and have been very successful in improving outcomes for these communities. Presently there is no state-wide strategic direction for Local Government in Tasmania or its important role in improving the socioeconomic wellbeing of its communities. The sector has been through a period of change since the 2014 State Election with the introduction of a reform process which to date has not achieved change nor improved outcomes for ratepayers as was promised by the Tasmanian Government.

Tasmanian Labor is interested in feedback from stakeholders and the Tasmanian community regarding the ongoing performance, monitoring and oversight of Councils and believes this should be balanced with Council autonomy. Good governance practice is essential and Tasmanian Labor is committed to working with Local Government to ensure this.

## **Democracy Engagement**

Tasmanian Labor believes the people of Tasmania have every right to be consulted and engaged on local issues. Local Government is well placed to work with and consult widely with local communities on local issues. In Tasmanian Labor's experiences Tasmanian Councils undertake this consultative role very well.

It is important that local communities have every opportunity to participate in the election of their Council. Equally important is encouraging people from all walks of life to put their hand up for Local Government to ensure Council membership reflects the diverse communities they represent. We need to encourage community members from many backgrounds with a varied range of skills and work life experiences to be involved in Local Government making decisions on behalf of our communities.

Despite the fact that the last Local Government election saw stronger turnout across various Council's across the State, Tasmanian Labor believes more needs to be done to ensure greater participation in Local Government elections. During the recent Local Government elections, Tasmanian Labor encouraged Tasmanians to have their say and advocated strongly for changes to be made to the Local Government Act to make voting in Local Government elections compulsory in Tasmania. Tasmanian Labor believes this should be considered in this review process with the intended outcome being the introduction of compulsory voting in Local Government elections in Tasmania. The best way we can

enfranchise the majority of people to have their say in their local community, to elect their local Council, is to implement compulsory voting.

The other topical issues raised during the recent Local Government elections which must be examined as part of this review include the merits of the introduction of a caretaker period in Local Government during Local Government elections and the General Manger's Roll and associated eligibility to vote.

The introduction of a caretaker period in Local Government elections would avoid situations where an outgoing council votes on a significant proposal in the midst of an election campaign. This can be problematic for a number of reasons and consideration should be given to a caretaker period before the election date.

Currently eligibility to vote is enabled through being on the General Manager's Roll or the State House of Assembly Roll. The General Mangers Roll allows the opportunity for an individual or body corporate or business owner to vote in the election. This may result in an individual having two votes. There has been recent discussion about the equity of this. Tasmanian Labor believes this deserves more consideration and supports the proposition that one vote one value should apply for all elections. Tasmanian Labor is very interested in the submissions made to this review and will be looking closely at the feedback regarding these two prominent issues raised during the recent election.

## **Council Revenue and Expenditure**

Labor will continue to work with the Local Government Sector to reform and improve outcomes for ratepayers. Tasmanian Labor acknowledges that cost of living pressures continue to impact on the quality of life of some Tasmanians and that Tasmanian Council's take very seriously the 'ability to pay' of their ratepayers when setting their rates, fees and charges each year.

Tasmanian Labor is interested in the feedback received on rate capping during this review but does not have a firm view on this at this stage.

Tasmanian Labor acknowledges that there are significant differences in the sizes of Councils around Tasmania and their ability to raise revenue. A number of larger Councils also bear the burden of providing and paying for services and facilities which smaller municipalities utilise but do not pay for other than through fees and charges which do not realise full cost recovery. This ultimately leads to ratepayers in larger centres paying higher rates than those in smaller Councils who access these facilities and services from neighbouring Councils without the cost burden of provision. Tasmanian Labor believes that this inequity must be addressed.

There is inconsistency across Councils in Tasmania with regards to setting rates. For this reason Labor is supportive of a Fees and Charges Review to help determine what services and functions Council has responsibility to deliver to ratepayers and at what cost.

## **Role as a Planning Authority**

Although outside the scope of the project it would be remiss not to detail Tasmanian Labor's position on the role and responsibility of Local Government in Land Use Planning in Tasmania particularly given the fact that the review aims to examine the services Local Government will be best placed to provide into the future.

Local Government's role in planning is hotly debated in Tasmania and the conflict between a Councils role in Economic Development and as a Planning Authority is frequently discussed.

Labor recognises that it is important that Council's operating as Planning Authorities have access to the best possible State-Wide Planning Scheme that provides consistency for decision making and ensures conditions of approval take into account the strategic direction and requirements of the State. There is a distinct lack of planning policy in Tasmania and this must be developed in consultation with local communities as part of the current Planning Reform. It is important that Local Councils are resourced adequately by the State Government to enable the completion of their Local Provision Schedules and the ongoing tasks and expectations on Local Government through the implementation of current Planning Reform.

The other important aspect of resourcing is a Council's access to expertise and professional advice as a planning authority. This impacts significantly on the support provided to the Council and the decision making process. There is also inconsistency across Councils when it comes to fees and charges for planning services and associated time frames for approval. Labor does support development applications being processed through the TPC where a Council requests their planning authority to be transferred due to a lack of expertise or resources. It is important that elected representatives are supported in this way.

Too often differing approaches to administering the scheme can give the impression that the planning scheme is obstructive to investment and development and this must be addressed by ensuring consistency and improved provision of information about the planning scheme for applicants and the wider Tasmanian community. Tasmanian Labor recognises that navigating the planning process is not always easy and clear cut. During the last election we committed to a free planning, advice and information service to provide neutral advice and support to those lodging a development application and those wishing to understand it better.