

# Local Government Act Review

## Stage 2 – Reform Directions

### Submission by Devonport City Council

#### **Reform Direction A – A Flexible, Innovative & Future-Focused Legislative Framework**

<b>Reform No.</b>	<b>Reform Description</b>	<b>Comments</b>
1.	The new legislation should set principles for the governance and operations of local government, with greater detail to be set in regulations	Council supports the move to principles based legislation that is less prescriptive, with the detail set out in the regulations.
2.	The new legislation should be structured logically and be easy to read and understand, while being legally effective.	Council supports the move to simplify the current legislation.

#### **Reform Direction B – Representative and Democratic Councils**

<b>Reform No.</b>	<b>Reform Description</b>	<b>Comments</b>
3.	Local Government electoral provisions should be contained in a separate, new Act	Council supports the move to simplify the current legislation.
4.	Related local government legislation should be examined to identify duplication with the Act and where provisions can be consolidated.	Council supports the move to simplify the current legislation.
7a.	The current process for electing mayors should be retained, but a higher nomination fee should be charged (see Reform Direction 13)	Council supports the status quo in relation to the election of Mayor, however consider that Mayoral candidates must have served at least one term as a Councillor before standing as Mayor.
7c.	Voters should popularly elect the mayor, with the candidate who is elected first from the ballot being automatically elected as mayor.	Council supports the status quo in relation to the election of Mayor.
7d.	All candidates for councillor stand for popular election. Council would then vote to elect the mayor 'around the table'.	Council supports the status quo in relation to the election of Mayor.
7 cont.	The Deputy Mayor should be voted on by a council 'around the table', rather than being popularly elected.	Council supports the reform and notes that this will align the Tasmanian process with the other States.
8.	Alternative voting methods such as electronic voting should be enabled, in addition to postal voting.	Council supports the reforms aimed at simplifying the voting process.

<b>Reform No.</b>	<b>Reform Description</b>	<b>Comments</b>
9.	The voting process should be amended to only require a minimum of 15 boxes to be numbered to constitute a formal vote.	Council supports the reforms aimed at simplifying the voting process.
10.	Caretaker provisions should be introduced during local government elections to reduce major policy and contractual decisions that may bind an incoming council, and to avoid the inappropriate use of ratepayer resources during an election.	The introduction of caretaker provisions during the election period is supported by Council. If this was to occur there would need to be the ability for decisions (particularly those around Planning Authority responsibilities) to be delegated to the General Manager where necessary.

### **Reform Direction C – Councils Connected to their Communities**

Devonport City Council supports the three reforms recommended under this heading, principally to develop a Council specific Community Engagement Strategy to inform how councils will engage and consult with communities.

### **Reform Direction D – Responsible and Effective Councils**

<b>Reform No.</b>	<b>Reform Description</b>	<b>Comments</b>
22.	Core councillor capability requirements should be established relating to their roles and responsibilities (such as financial fundamentals, ethics and meeting procedures).	Council supports the reform, and notes that any training provided needs to be accessible and flexible including the option for online training and delivery of training in regional areas.
22. cont	Planning Authority training for elected members should be compulsory.	Council supports the reform, and notes that any training provided needs to be accessible and flexible including the option for online training and delivery of training in regional areas.
29.	A rates oversight mechanism should be introduced, such as a role for the Tasmanian Economic Regulator to provide independent expertise and oversight on proposed rates increases that deviate from a council's Long-Term Financial Management Plan and are significantly greater than the Consumer Price Index (CPI).	Council does not support the notion of rates capping. Councils are currently subject to Annual Plan and Annual Reporting requirements and must justify any rates increase to the community.
35.	Councils should manage conflicts when undertaking statutory functions by referring matters to another body, where legally possible. For example, when a council is a developer, it should refer its own land use planning development application to another council or private planner to undertake the assessment.	Council notes that the example provided is currently subject to public scrutiny and would most likely result in additional costs to Council.

### **Reform Direction E – Adaptable Councils**

<b>Reform No.</b>	<b>Reform Description</b>	<b>Comments</b>
47.	Provisions should be introduced that support collaboration between councils and shared service opportunities, as well as the power for two or more councils to be serviced by one administrative organisation.	Council supports reforms aimed at increasing collaboration and resource sharing between Councils.
48.	The power to create Regional Councils should be introduced.  Regional Councils would be supported by a general manager and staff, while the local councils would be serviced by one administrative organisation. The Regional Council would be responsible for region-wide planning and service delivery. The local councils would retain some local decisions and remain the primary advocates for their communities. Membership of Regional Councils would include the mayors of the individual local councils, and any other members determined by those councils.	Council supports the concept of Regional Councils.
49.	Model by-laws should be created for common issues, to achieve consistency across municipalities. Councils would still be required to consult with their communities on municipality-specific issues before adopting the final by-law.	Council supports the simplification of and move to improve consistency in by-laws across Council.

### **Reform Direction F – Strategic Reviews**

<b>Reform No.</b>	<b>Reform Description</b>	<b>Comments</b>
51.	The new legislation should include a power for a voluntary amalgamation to occur, without the need for a Local Government Board review, if it is requested by two or more councils.	Council supports streamlining the amalgamation process if two or more councils have determined to proceed with amalgamation.