

Enquiries: Sally Blanc  
Phone: (03) 6443 8311  
Our Ref: CM 16092019

17 September 2019

Department of Premier and Cabinet  
Local Government Review  
Online Submission – [www.dpac.tas.gov.au/LGRewview](http://www.dpac.tas.gov.au/LGRewview)

**RE: Reform Directions Paper – Council Response**

---

Please find attached Waratah-Wynyard Council response to the Reform Directions Paper as resolved at an Ordinary Council Meeting on 16 September 2019.

Should you have any queries, please contact us on (03) 6443 8311.

Yours sincerely,



Shane Crawford  
**GENERAL MANAGER**

## WARATAH-WYNYARD COUNCIL - REFORM DIRECTIONS PAPER

Area	Reform	Comments	Support
<b>PART A: A flexible innovative and future-focused legislative framework</b>			
	1. Principles based legislation	This provision will allow for legislation that can be flexible to move with changes over time	Yes
	2. Accessible, easy to read legislation	This should be a fundamental principle of all legislation	Yes
	3. A new Act for electoral purposes	Given the electoral provisions are only used every four years, a separate Act will make it easier to understand and administer	Yes
	4. Consolidating related local government legislation	Consolidating legislation, including the Local Government (Building and Miscellaneous Provisions) Act 1993 will be welcomed	Yes
<b>PART B: Representative and Democratic Councils</b>			
<b>Eligibility to vote</b>	5. Reform eligibility for the General Manager's Roll	Support the concept that you must be an Australian Citizen to be eligible to vote on LG elections	Yes
	6. Reform the voting franchise to reflect 'one person, one vote' principle in any one municipality	One vote per municipality is supported	Yes
<b>Increasing Voter participation</b>	7. Simplify the election process for the positions of mayor and deputy mayor	There are differing views regarding the election process however the majority of Councillors support a popularly elected Mayor and Deputy Mayor	Yes
	8. Make alternative voting methods available	The concept of electronic voting should be explored	Yes
	9. Simplify the voting process to reduce informal voting rates	Simplified voting as proposed is reasonable.	Yes
<b>Electoral Integrity</b>	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	The election period is currently challenging regarding significant decisions and any provisions to clarify direction is supported	Yes
	11. Move administration of the General Manager's Roll from councils to the Tasmanian Electoral Commission	Council supports the Tasmanian Electoral Commission to fulfil this role.	Yes
<b>Candidate Changes</b>	12. Introduce a pre-nomination training package	A simple, information-based training package is supported	Yes
	13. Introduce a candidate nomination fee	The proposed fee is not significant and may deter candidates who are not serious. The fee must not become so great that it prevents some candidates from nominating	Yes
	14. Require the disclosure of gifts and donations by all local government	It is fair for all candidates to declare gifts and donations received during the election period.	Yes

Area	Reform	Comments	Support
	candidates received during the electoral period		
	15. Align eligibility requirements to nominate as a candidate with State eligibility requirements	Support for consistency	Yes
<b>Modern Councillor titles</b>	16. Remove the title of 'Alderman'	Not applicable to Waratah-Wynyard Council but support the principle of consistent and modern terminology	Yes
<b>PART C: Councils Connected to their Communities</b>			
<b>Community Engagement</b>	17. All councils will develop and adopt a community engagement strategy	Council already have a communication and engagement strategy and would support a continued review of this document. It is imperative engagement requirements are not prescribed thus creating more administration, delays and "red-tape" delaying decision making and implementation.	Yes
<b>Removing prescription and giving councils autonomy and flexibility</b>	18. Removing prescriptive consultation requirements	Support the abolishment of AGMs and other changes as suggested	Yes
	19. Remove requirements for public meetings and elector polls	Agree to remove this provision	Yes
<b>PART D: Responsible and Effective Councils</b>			
<b>Good Governance</b>	20. Legislate the eight good governance principles	It is recommended that Council retain control to provide flexibility in this area. Councils should be given discretion and be guided by their community's needs which can change over time.	No
<b>Financial Governance</b>	21. Set high-level financial management principles that encourage efficiency and value for money in council service delivery	This principle is supported	Yes
<b>Elected Member Development</b>	22. Establish core capability requirements for elected members	This concept need further exploration however is supported in principle	Yes
	23. Require councils to publicly report the core capability training that each elected member has completed annually	Each elected member will require a different level of training based on their skills, background and experience. Reporting training undertaken in a period will not provide a complete picture of capability or existing qualifications. The requirement is an unnecessary administrative task for minimal/if any benefit.	No
<b>Council Staff Accountability</b>	24. Establish principles for all council staff that set minimum standards of behavior	Councils should all have Codes of Conduct and a suite of HR policies that outline expectations without need for further legislative reference through this Act	No
<b>General Manager Performance</b>	25. Prescribe minimum standards for general manager recruitment,	There is general support for this area to have prescribed minimum standards.	Yes

Area	Reform	Comments	Support
	contracts, performance management and termination		
<b>Complaints Management</b>	26. Include principles on complaints management in legislation	The current Act provides very limited guidance in this area and further detail would be beneficial	Yes
<b>Rating Policies</b>	27. Ensure council rating policies consider taxation principles and align with their budget and financial planning documents	This is supported.	Yes
	28. Introduce more flexibility for councils to easily transition from one rating approach to another, to manage rating impacts on ratepayers	This is supported	Yes
<b>Transparent and accountable rate setting</b>	29. Establish an independent rates oversight mechanism	It is recommended that Council retain control to provide flexibility in this area. Councils should be given discretion and be guided by their community's needs which can change over time.	No
<b>Transparent and accountable fees and charges</b>	30. Set principles or guidelines for setting fees and charges	There is a view that Councils should retain flexibility in this area	No
<b>Budget Management</b>	31. Provide for a more autonomous and less prescriptive budget process	Support in principle however question the need to prescribe a half-yearly financial report stating actual expenditure against budget	Yes
<b>Significant Business Activities</b>	32. Clarify significant business activities	This is supported	Yes
<b>Council Meetings</b>	33. Require electronic recording of council meetings to be made publicly available	This is supported	Yes
<b>Conflict of Interest Framework</b>	34. Simplify what is a conflict of interest	Clarity in this area would be beneficial.	Yes
<b>Managing Conflicts in the Exercise of Statutory Functions</b>	35. Enhance the integrity of council decisions made when exercising statutory powers	This is supported	Yes
<b>Independent Oversight</b>	36. Strengthen the information gathering powers of the Director of Local Government	This is supported	Yes
	37. Create a power for the Director of Local Government to require an undertaking from a council as a measure to address compliance issues	This is supported	Yes
	38. Establish a	This is a reasonable proposition	Yes

Area	Reform	Comments	Support
	Monitor/Advisor role		
	39. Establish the power to appoint a Financial Controller	Hopefully would not be required but support the principle	Yes
	40. Continue to conduct formal investigations by the Director of Local Government	This is supported	Yes
<b>Ministerial Intervention</b>	41. Provide for the Minister to dismiss a council or individual Councillor	This is supported	Yes
<b>Mal-administration</b>	42. Create offences for mismanagement and to address poor governance (maladministration)	Support the concept of consequences for non-compliance with Act.	Yes
<b>Complaints Management</b>	43. Simplify the complaints framework	It would be beneficial to clearly outline the complaints process	Yes
<b>Performance Reporting Framework</b>	44. Introduce a local government performance reporting framework	Support the full use of consolidated data to provide greater information to the community	Yes
	45. Require councils to publish a compliance statement in the Annual Report	Existing Audit Panel requirements are sufficient to ensure compliance and this suggestion again adds duplicate tasks for no benefit	No
	46. Remove prescription around Annual Report	This is supported	Yes
<b>PART E: Adaptable Councils</b>			
<b>Collaboration across Councils</b>	47. Introduce provisions that support efficient and high-quality council operations and collaborative shared service opportunities	The existing legislative does not provide practical mechanisms for resource sharing and it is imperative this is addressed as part of this process	Yes
	48. Introduce the option to create Regional Councils	The concept of working with other councils is supported however should model simply add another layer of bureaucracy and cost it will not be beneficial. It is unclear how these Regional Councils will be funded. More information is required prior to giving full support to this reform area	No clear direction
<b>Consistent By-laws</b>	49. Create model by-laws for common issues, with streamlined administrative processes	Common by-laws would be beneficial in addition to any process that reduces the timeframes associated with by-law development and review	Yes
<b>PART F: Strategic Reviews</b>			
<b>Local Government Board</b>	50. Strategic reviews of councils	This is supported	Yes
	51. Voluntary amalgamation	This is supported	Yes