

Local Government Amendment (Targeted Reform) Bill 2025 – Exposure Draft Consultation

Derwent Valley Council Comments – 13 November 2025

Discussion Questions:

1. What are Council's views on the proposed mandatory training and professional development requirements for elected members?
2. Are there any concerns about the expanded powers of the Director and the introduction of temporary advisors?
3. How might the new performance reporting and internal audit obligations impact Council's operations and resources?
4. Does Council support the proposed changes to the Code of Conduct framework, including the definition and handling of serious councillor misconduct?
5. What feedback should be included in the submission regarding the implementation of the Local Government Charter and community engagement strategy?

Question	Issue	Comment
1	Learning and Development Obligations	<p>1. Flexible Delivery Options</p> <ul style="list-style-type: none"> • Offer training in multiple formats (e.g. online modules, regional workshops, self-paced learning) to accommodate different learning styles and availability. • Consider tailored content for returning councillors to avoid duplication and maintain engagement. • Include compulsory learning for any candidates, and flexible delivery opportunities for Councillors as individuals learn through different methods and that some individuals reside in remote areas that may impact access to appropriate ICT for the delivery of learning and development obligations <p>2. Reasonable Timeframes</p> <ul style="list-style-type: none"> • While the 12-month window is generally appropriate, allow extensions or staged completion for councillors with competing responsibilities or accessibility needs. <p>3. Support for Councils</p> <ul style="list-style-type: none"> • Provide guidance materials, templates, and funding support to help councils develop and implement learning plans. • Ensure smaller councils are not disadvantaged by limited resources. <p>4. Clear Consequences and Incentives</p> <ul style="list-style-type: none"> • Clarify the implications of non-compliance with training requirements.

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		<ul style="list-style-type: none"> • Consider positive incentives (e.g. recognition, access to further development opportunities) to encourage participation. <p>5. Professional Development Policy</p> <ul style="list-style-type: none"> • To what extent does this apply to “this or any other Act” such as LUPA, EMPCA, Public Health, Building, Dog Control, etc? • Do the mayor and deputy mayor have greater professional development needs than ordinary councillors? • Cost estimates to implement the policy would vary per year and the availability and costs of courses, conferences, memberships, etc.
2	Temporary Advisors	<p>The exposure draft refers to the introduction of temporary advisors as an early intervention tool to support councils experiencing governance challenges.</p> <p>1. Cost Burden on Councils Understanding the thresholds and the rationale for councils bearing the cost of advisor appointments, could the exploration of alternate funding mechanisms for these appointments assist in supporting councils through;</p> <ul style="list-style-type: none"> • Exploring State co-funding models, particularly for smaller councils with limited resources. • Considering financial hardship exemptions or cost-sharing arrangements where appropriate. <p>2. Transparency and Public Reporting To build public confidence and ensure accountability:</p> <ul style="list-style-type: none"> • Advisor reports should be publicly released, subject to privacy and procedural fairness considerations. • Councils should be given the opportunity to respond to findings before reports are finalised. ○ Will a council that is aggrieved under the rules of natural justice by the findings of the temporary advisor be able to have the ability for an independent review of those findings. <p>3. Role Clarity and Sector Guidance To ensure effective implementation:</p> <ul style="list-style-type: none"> • Develop guidelines or a handbook outlining the advisor’s role, powers, and expected conduct. • Provide training or briefing sessions for councils on how to work constructively with advisors. • Ensure adequate feedback and support is provided in establishing the model with room for review. ○ Is it possible for the temporary advisor to work with a council to adopt recommendations during the period of the review? This could then be shown in the final report as a completed task. <p>4. Integration with Other Tools Temporary advisors should be clearly positioned within the broader regulatory framework:</p>

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		<ul style="list-style-type: none"> • Clarify how advisor recommendations interact with Performance Improvement Directions and other interventions. • Ensure advisors have access to relevant council data and audit findings to inform their work. <p>5. The Temporary Advisor is all powerful:</p> <ul style="list-style-type: none"> ○ Has the power to do all things necessary or convenient to fulfil the required functions. ○ Councils must pay for the advisor’s expenses that are open ended to the advisor’s requests that are unaccountable. ○ While the functions of the temporary advisor are stated to monitor, to advise and to provide general assistance and advice there is a possibility that the advisor could be judgemental: <ul style="list-style-type: none"> ○ Giving advice involves active listening and aims to empower, while judging focuses on finding fault. ○ Recommendations that may be made with good intentions can be seen to be critical and definitive which may create unintended issues for a council and staff. <p>6. The introduction of advisors is not supported:</p> <ul style="list-style-type: none"> • This is due to a potential financial impact on Councils (especially smaller Councils) and the current lack of a definition of the role and responsibilities of an advisor.
3	Internal Audit Requirements	<p>The exposure draft refers to the internal audit requirements, consideration of the experience and expertise provided through existing Audit Panel functions and input from them on the impacts, such as;</p> <p>1. Flexibility for Smaller Councils</p> <ul style="list-style-type: none"> • Smaller councils may face resourcing challenges in establishing standalone internal audit functions. • consider allowing for shared services models, regional audit partnerships, or access to state-supported audit resources. <p>2. Clear Guidelines and Support</p> <ul style="list-style-type: none"> • The Ministerial Order should include practical guidance on: <ul style="list-style-type: none"> ○ Scope and frequency of audits. ○ Reporting requirements. ○ Qualifications and independence of auditors. • Templates and training should be provided to support implementation. <p>3. Avoiding Duplication</p> <ul style="list-style-type: none"> • Clarify how internal audits will complement existing external audit processes to avoid unnecessary duplication or confusion. • Ensure councils can integrate internal audit findings into broader governance and compliance frameworks.

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		<p>4. Cost Considerations</p> <ul style="list-style-type: none"> • Consider funding support or phased implementation for councils with limited budgets. • Encourage cost-effective approaches such as rotational audits or risk-based audit planning. <p>5. This has been raised by council's Audit Panel during many occasions</p>
4	Serious Councillor Misconduct Provisions	<p>Noting the intent of the provisions, the following is provided for consideration in the implementation:</p> <p>1. Clarity and Consistency in Definitions</p> <ul style="list-style-type: none"> • Ensure the definition of "serious misconduct" is precise and consistently applied. • Consider including examples or case studies in Ministerial Guidelines to assist interpretation. <p>2. Procedural Fairness</p> <ul style="list-style-type: none"> • Maintain strong safeguards for natural justice, including the right to respond and appeal. • Ensure councillors are provided with clear information about the process and their rights. <p>3. Transparency and Public Confidence</p> <ul style="list-style-type: none"> • Consider publishing summary outcomes of serious misconduct cases (with appropriate privacy protections) to build public trust. • Provide regular updates to councils on the operation and outcomes of the new framework. • Some serious unacceptable conduct has occurred by some Councillors (and former Councillors) throughout this state <p>4. Training and Education</p> <ul style="list-style-type: none"> • Offer training for councillors and council staff on the new provisions, including how complaints are assessed and referred. • Include misconduct awareness as part of the mandatory learning and development program.
5	Strategic Planning and Reporting	<p>Community Engagement Strategy - Councils must establish and implement a strategy for engaging the community in planning, policy development, and major activities. This includes consultation protocols and principles for transparency and participation.</p> <p>Strategic Plan Requirements - Strategic plans must identify community wellbeing priorities and align with the Local Government Charter. Consultation must be conducted in accordance with the council's engagement strategy.</p> <p>Recommendations for consideration</p> <p>1. Support Materials and Templates</p> <ul style="list-style-type: none"> • Provide standardised templates and/or guidance documents to assist councils in developing strategic and statutory plans.

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		<ul style="list-style-type: none"> • This will be especially helpful for smaller councils with limited planning resources. <p>2. Phased Implementation</p> <ul style="list-style-type: none"> • Ensure a staged rollout of new planning requirements to allow councils time to adjust and build internal capacity. • Consider transitional provisions for councils mid-way through existing planning cycles. <p>3. Community Engagement</p> <ul style="list-style-type: none"> • Offer best-practice guidelines for community consultation to ensure engagement is meaningful and inclusive. • Encourage councils to tailor engagement strategies to local demographics and needs. • A best practice strategy to engage with community through appropriate community and consultation processes <p>4. Integration with Existing Plans</p> <ul style="list-style-type: none"> • Clarify how new plans (e.g. workforce development) should integrate with existing financial and asset management plans. • Avoid duplication and ensure alignment across planning documents. <p>5. Ministerial Guidelines</p> <ul style="list-style-type: none"> • Ensure any guidelines issued by the Minister are developed in close consultation with councils and allow for flexibility based on council size and capacity.