

Dear Minister Vincent,

This submission has been prepared mindful of government's flagged intention to reform the Local Government Act – SEE <https://lgr-7250.blogspot.com/2025/10/local-govt-reform.html>

I have longstanding concerns to do with Thasmania's Local Govt. Act and its strategic purposefulness. An overall concern is that it was framed in 1993. In a 21st C context its fitness-for-purpose is arguably challengeable on the grounds that the social, cultural and economic paraadigm that pertained at that time and all that has been disrupted since – *and arguably funamenally so.* - SEE <https://lgr-7250.blogspot.com/2025/04/submission-sstategec-planning-and.html>

For context, the first WEBSITE ever was a demonstration model and it was not in place until 1991. It went live on August 6, 1991, created by Tim Berners-Lee at CERN to explain the World Wide Web project itself. The site, hosted on his NeXT computer, served as a guide to the new system, detailing how to access documents and resources available on the nascent web.

Moreover, it wasn't until the 1990s when the internet grew rapidly with the emergence of commercial internet service providers and the development of the World Wide Web, making it accessible to the public and businesses. This fundamentally changed the ways in which '**governance**' could be delivered. Plus, The first smartphone was invented by IBM, with the prototype announced in 1992 and released to the public in 1994 as the IBM Simon Personal Communicator..

Altogether, these technological developments have fundamentally disrupted governance and '**representational governance**' in particular. This is evidenced by the rise in '**Direct Delieratie Democracy**' where mechanisms such as [CITIZENS juries/assemblies](#) are being used to deliver inclusive, accountable and transparent governance in national, regional and local jurisdictions.

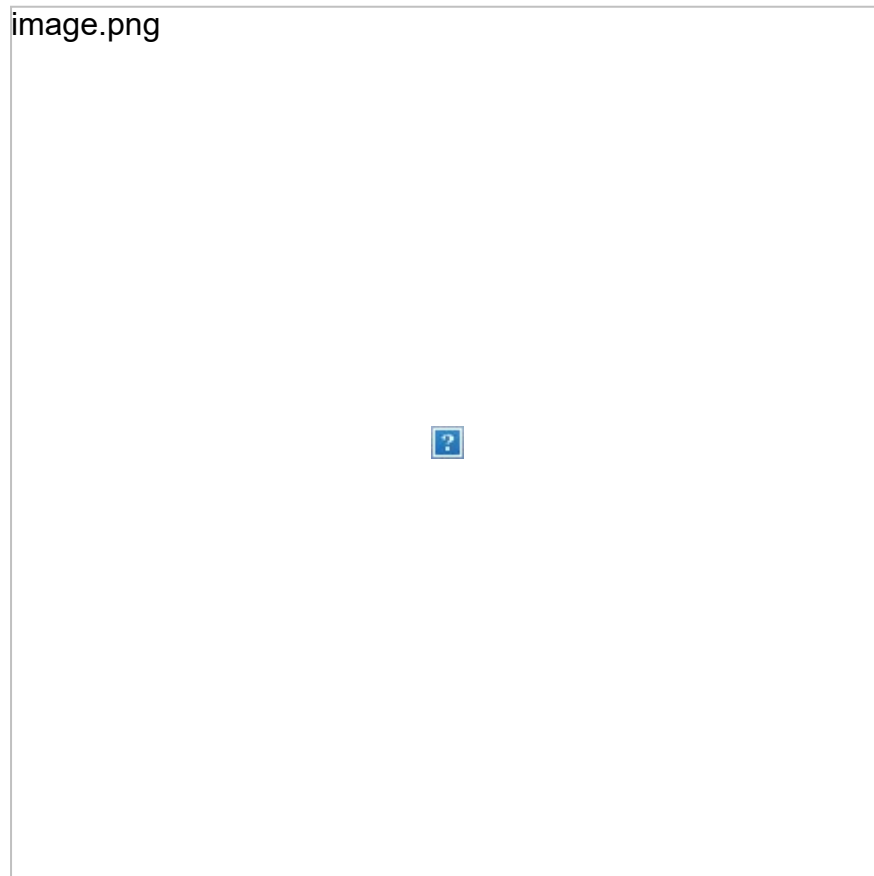
Also, there is a growing concern in regards to the ways communities' cultural realities are understood and engaged with. The concept of '**stakeholdership**' becomes increasingly challengeable as the layers of cultural realities within a community becomes increasingly diverse and less and less '**mono-cultural**'. Consistent with this, the acknowledgement of layered [Communities of Ownership and Interest \(cOI\)](#) becoemes something of an imperative.

Constituencies need to be better understood in order that can be better served!

It is not within the scope of this submission to canvass all of that in reference to

the here and now in Local Govt in Tasmania but it does provide a background for the consideration of paradynamic change in regard the the utility of an Act framed in 1993 from a 21st C perspective.

See ... <https://localgovtas.blogspot.com/> ...
<https://democracy21tasmaina.blogspot.com/> ... <https://lgiptas7250.blogspot.com/>.



[LINK TO SOURCE](#)

LOCAL GOVT'S STRATEGIC PURPOSE

[REFERENC CLICK HERE](#)

Given current understandings relative to '*placemaking*', planning and governance the case for the status quo enshrined in the Act (*circa 1993*) it is at least arguable that the **OVERARCHING PURPOSE** of Local Govt. is to facilitate the development of, and the realisation of, a cultural and social landscape that affords a council's constituency a safe and secure environment in which to live and engage in the enterprises that affords them:

- 1 ... An environment that is a safe, secure and sustainable place for a constituency to live and work.
- 2 ... A cultural landscape that is an inclusive and sustainable place to live and work plus being a place where the acknowledgment of diversity is both celebrated and honoured.

3 ... An economic environment that is an inclusive and sustainable place to live and work.

After that, Local Govt. may more specifically, as the Act currently states, strategically:

"(a) *to formulate, implement and monitor policies, plans and programmes for the provision of appropriate services and facilities to meet the present and future needs of the community;*

(b) *to facilitate and encourage the proper planning and development of the municipal area in the best interests of the community;*

(c) *to manage, improve and develop efficiently and effectively the resources available to the municipal area;*

(d) *to develop, implement and monitor strategic plans for the development and management of the municipal area;*

(e) *to provide for the health, safety and welfare of the community;*

(f) *to represent and promote the interests of the community;*

(g) *to provide for the peace, order and good government of the municipal area."*

Arguably **SECTION 62** of the Act, in a **21st C context** needs serious consideration and review. In particular, **SECTION 62/2** might well have been fit-for-purpose in 1993 in an emergency. However, GMs/CEOs have used this provision in ways that run counter to '**good and transparent governance**' and in ways that has arguably undermined the authority of the elected representatives. For instance, when a constituent poses a question on a matter, either on notice or without notice. **GMs/CEOs** have been known to declare that the matter is '**operationally confidential**' or '**commercial in confidence**' when such '**confidentiality**' should be determined by a majority of the elected representatives.

In the 21st C there are ample opportunities for the '**elected representatives**' to be consulted and have their opinions acted upon **EXCEPT** perhaps in the case of a civic emergency (*or civil emergency*) is a situation that threatens serious damage to human welfare, the environment, or security, requiring an **immediate, coordinated response** using significant community resources to contain the threat.

These events can be natural (*like floods or earthquakes*) or human-caused (*like*

riots, terrorism, or major utility failures) and may range from local incidents to those of national significance. In these cases there is utility in the Act for a GM/CEO to have emergency powers – **but only then**.

Arguably, the case for retaining SECTION 62/2 without contextualisation could only be regarded as feeble at best. There is a case to put that SECTION 62/2 has been misused and some might say serially and surreally.

SECTION 65 OF THE ACT

Arguably, this section of the Act needs to be tightened

65. Qualified persons

(1) A **general manager must ensure that any advice** information or recommendation given to the council or a council committee is given by a **person who has the qualifications** or experience necessary to give such advice, information or recommendation.

(2) A council or council committee is **not to decide on any matter** which requires the advice of a qualified person without considering such advice unless –

(a) the general manager certifies, in writing –

(i) that such advice was obtained; and

(ii) that the general manager took the advice into account in providing general advice to the council or council committee; and

(b) **a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.**

This provision affords a considerable amount of latitude to GMs/CEOs to subjectively deem that their own advice, **OR** that of someone who they appoint, is indeed **EXPERT ADVICE**. As is ever likely to be the case, that ‘**expert advice**’ has been challenged, typically off the record, after the event when an outcome is less than satisfactory. Also, within any community there are many ‘**experts**’ qualified to challenge the expert advice a GM/CEO deems to be **THE expert..**

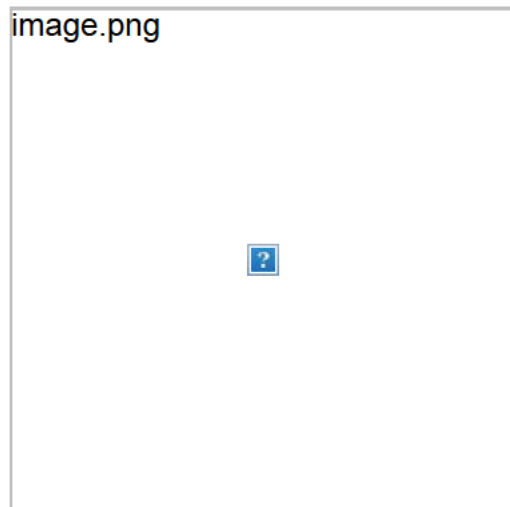
By extension, communities are arguably often denied the benefits of the expert advice within them and moreover face all kinds of challenges in getting their expert’s advice to the decision making table. In one sense this is not entirely bad but nonetheless there is a case to be put that the Act might well:

- ... Afford community members with a mechanism to formally challenge the expertise a GM/CEO depends upon to satisfy SECTION 65; and/or
- ... Afford a community to formally put in place a **CITIZENS** *assembly/jury* to ensure that in a council's 'placemaking' on behalf of its constituency is best placed to go forward with the advice of the appropriate experts.

The status quo has been disrupted and arguably The Act has long since outlived its use-by-date.

PLEASE CONSIDER THESE QUOTES

- ... I'm not interested in preserving the status quo; I want to overthrow it. ... *Niccolo Machiavelli*
- ... Status quo, you know, is Latin for 'the mess we're in'.... *Ronald Reagan*
- ... Bureaucracy defends the status quo long past the time when the quo has lost its status.... *Laurence J. Pete*



[CLICK HERE FOR BACKGROUNDING](#)

IN SUMMARY

In order find a way forward a number of steps need to be taken:

FIRSTLY: The State Government needs to be persuaded that it will be cost effective, and electorally acceptable, to move to, or towards, Direct Democracy Modelling for local governance in Tasmania as an alternative to council amalgamations – *and sooner rather than later.*

SECONDLY: The State Government needs to proactively initiate a set of '*arm's length*' protocols that facilitate **Local Government Citizen's Assemblies** that will enable Tasmanian ratepayers, residents, planners et al to interrogate options and opportunities for change relative to local governance towards achieving more

sustainable and more equitable placemaking outcomes.

THIRDLY: The State Government needs to proactively '*market*', advocate and facilitate the use of **Citizen's Assemblies and Cyber Facilitated Referenda** to engage Tasmanian ratepayers, residents, planners et al more directly in local placemaking initiatives and developments towards achieving more sustainable and more equitable placemaking outcomes.

FOURTHLY: The State Government needs to proactively work towards building and establishing and/or acquiring the **CYBER***networks* and **DIGITAL***technologies* required to service a 21st Century Direct Democracy Model for Tasmania.

Once these things have been achieved there will be an ongoing need to refine protocols and adjust legislation as the changes embedded in legislation shift from a "**elected representational INDIRECT model**" in respect to local governance, to a **Direct Democracy Model** requires fundamental and multi-dimensional change in the short, medium and longer term. In order to find a way forward a number of steps need to be taken:

FIRSTLY: The State Government needs to acknowledge that it will be cost effective, and electorally acceptable, to move to a **Direct Democracy Model** for local governance in Tasmania as an alternative to council amalgamations – *and sooner rather than later*.

SECONDLY: The State Government needs to initiate a set of '*arm's length*' protocols that facilitate **Local Government Citizen's Assemblies** that will enable Tasmanian ratepayers, residents, planners et al to interrogate options and opportunities for change relative to local governance towards achieving more equitable and sustainable outcomes.

THIRDLY: The State Government needs to '*market*', advocate and facilitate the use of Citizen's Assemblies and Cyber Facilitated Referenda to engage Tasmanian ratepayers, residents, planners et al more directly in local placemaking initiatives and developments towards achieving more equitable and sustainable outcomes.

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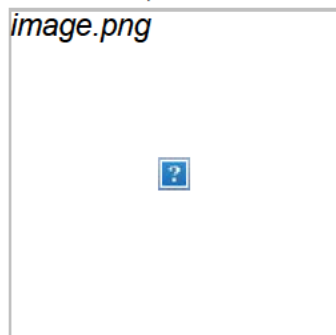
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I loof forward to recieving an acknowledgement of the receipt of this submission and to seeing what idea your government regards as appropriate legislative reform of a Local Government Act that given the passing of time it is no longer fit for purpose.

Yours sincerely,

Ray Norman

Polemicist, Cultural Producer, Cultural Geographer, Researcher



The lifestyle design enterprise and research network



WEBSites: <http://www.raynorman7250.blogspot.com>

"A body of men holding themselves accountable to nobody ought not to be trusted by anybody." Thomas Paine

"The standard you walk past is the standard you accept" David Morrison

Consultant



<https://raynorman7250.blogspot.com/p/zingconsult.html>



<https://notrubbish.blogspot.com/>

I acknowledge the First Peoples – the Traditional Owners of the lands where we live and work, and recognise their continuing connection to land, water and community. I pay respect to Elders – past, present and emerging – and acknowledge the important role Aboriginal and Torres Strait Islander people continue to play within the research zingHOUSEunlimited undertakes

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