



HUON VALLEY COUNCIL

HUON VALLEY COUNCIL COMMENTS *LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM) BILL 2025*

Thank you for the opportunity to make a submission on the proposed *Local Government Amendment (Targeted Reform) Bill 2025*.

Councils comments in relation to the proposed clauses of the Draft Bill are set out in the below table.

Specific comments are as follows:

Council Staff

From a drafting perspective the Draft Bill introduces the term staff, see sections 214P(3)(a) and 214R(4) as examples (there may be more).

The Act, as drafted, uses the term “employee”.

All references to “staff” should be “employee”.

Code of Conduct Process

The Council supports the need for provisions to deal with serious misconduct, however, the Council does not support the need to establish an additional process to deal with these matters.

What is proposed unnecessarily creates two potential code of conduct processes for, with respect to the proposal, no reason.

One process will go through the Current Code of Conduct Panel process and the other will go through TASCAT.

The only difference between both processes is the degree of the breach that relates to the Code of Conduct.

If an alleged breach is deemed serious it is a different process however TASCAT will still have the option to impose the same 4 sanctions as the Code of Conduct Panel with 2 additional sanctions available at TASCAT’s discretion.

This is clear inefficiency of process and should strongly be discouraged.

The code of conduct process has been subject to significant review following previous criticism regarding its operations and findings.

Changes to the Code of Conduct processes, with the introduction of Council’s Dispute Resolution Processes and the initial assessment of code of conduct complaints being undertaken separately from a Panel have seen significant reduction in the number of complaints for trivial matters and there are fewer perverse outcomes from Code of Conduct Panel findings.

The reforms to date are considered to have been successful.

As a result, code of conduct complaints that now progress are of a more serious nature and there is no need to have two processes.

Rather the Council's submission is to simply abolish the Code of Conduct Panel process and place the whole code of conduct complaint process into TASCAT and provide TASCAT with all sanctions as are currently provided in the proposed section 28ZX of the Draft Bill.

This would remove any duplication of process, administration and cost that is currently associated with maintaining a Code of Conduct Panel and Executive Officer.

TASCAT would then be in the position to classify any given complaint as serious misconduct as defined and apply the appropriate sanction in those circumstances.

This is now the time and opportunity for the Government to streamline the Code of Conduct process rather than introduce unnecessary processes and regulation.

CONSULTATION ISSUE – BILL CLAUSE	COUNCIL COMMENT AND SUBMISSION
Part 1 - PRELIMINARY	
1. Short Title 2. Commencement	No comment
Part 2 – LOCAL GOVERNMENT ACT 1993 AMENDED	
3. Principal Act	No comment
4. Section 3 amended (Interpretation)	No comment
5. Section 20 substituted 19A. Role of council 20. Local government charter	<p>With respect to the proposed 19A the Council does not support the current proposed wording of subsection (1).</p> <p>Consistent with a previous Council submission, the following alternative role description is recommended. Statement 1 replaces the subjective existing first statement. Statement 2 is expanded to incorporate climate change which has been removed from statement 4 as social, economic and environmental sustainability is broader than, but inclusive of climate change.</p> <ol style="list-style-type: none"> 1. engaging with local communities and including them in decision making; 2. providing infrastructure, services and climate change mitigation and adaption actions that to be effective, require local approaches; 3. representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making; and 4. promoting the social, economic, and environmental sustainability of local communities. <p>With respect to the inclusion of a specific legislative requirement for local government “to mitigate and plan for the impact of climate change” this raises considerable concern.</p>

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	<p>Council is aware of its general obligations to address the impact of climate change as a key strategic risk to the Council. Council is working actively in this space.</p> <p>The fact that such a direct obligation, without any qualification, is to be specifically placed in legislation will create the community expectation that the Council will and must respond to these issues as raised relating to any event in its municipal area.</p> <p>This could become a clear shift of cost and responsibility from the State Government to Local Government that is not acceptable</p> <p>The State Government regularly refers local communities to the Council to address climate change impacts on Crown land under the responsibility of the State. There is concern that this, as a legislated provision, will be used by the State Government to place responsibility for climate change adaptation for which the State Government is otherwise responsible for, onto the local Council.</p> <p>To the extent that climate change should appropriately be referenced within the role of Local Government there must be some qualification to that requirement. This is proposed in the Council’s submission to those issues that require local approaches.</p> <p>Council also notes there is a lack of consideration for the broader roles under other Acts such as the <i>Land Use Planning and Approvals Act 1993</i> that ought be recognised.</p> <p>No issues are raised regarding the proposed section 20 for the Local Government Charter and this is consistent with the proposed reform.</p> <p>The Local Government Charter should be used as an opportunity to define Local and State Government’s shared responsibilities for public service outcomes, principles for engagement, and the obligations of each when</p>

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	delivering community services and legislative responsibilities. The principles and processes for development of the Charter, as proposed, are considered appropriate deliver this as an outcome.
6. Section 27A amended (Order relating to Mayor’s functions)	No comment
7. Section 28AA amended (Order relating to functions of councillors)	No comment
<p>8. Sections 28AB and 28AC inserted</p> <p>28AB. Mandatory core learning and development activities for councillors</p> <p>28AC. Policy for continuing professional development</p>	<p>Subsection (5) provides a requirement for a Councillor to complete the course of learning and development activities within a specified time period or as extended under subsection (6).</p> <p>There appears to be no consequence for a Councillor who fails to undertake that training.</p> <p>Whilst the Council has no submission on what this may be, clarity is sought as to whether this will be a matter included in the Councillor Code of Conduct or is it proposed to be dealt with through the new Elections Bill?</p>
9. Section 28ZA amended (Initial assessment of code of conduct complaint)	<p>See comments above in this submission regarding the Code of Conduct process generally.</p> <p>No comment</p>
10. Section 28ZBA inserted 28ZBA. Referral of code of conduct complaint on initial assessment to Director	<p>See comments above in this submission regarding the Code of Conduct process generally.</p> <p>No comment</p>
11. Section 28ZFA inserted 28ZFA. Investigation of multiple code of conduct complaints after convening of investigating Panel	<p>See comments above in this submission regarding the Code of Conduct process generally.</p> <p>No comment</p>
12. Section 28ZK amended (Notification of determination of code of conduct complaint)	See comments above in this submission regarding the Code of Conduct process generally.

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<p>13. Part 3, Division 3B inserted <i>Division 3B – Serious councillor misconduct</i> <i>Subdivision 1 – Preliminary</i> 28ZQ. Interpretation 28ZR. Serious councillor misconduct 28ZS. Ministerial guidelines in relation to serious councillor misconduct <i>Subdivision 2 – Assessment of serious councillor misconduct</i> 28ZT. Assessment of serious councillor misconduct 28ZU. Determination of Director following investigation of code of conduct referral 27ZV. Referral of complaints back to initial assessor <i>Subdivision 3 – Tribunal</i> 28ZW. Application to the Tasmanian Civil and Administrative Tribunal 28ZX. Orders of the Tasmanian Civil and Administrative Tribunal</p>	<p>See comments above in this submission regarding the Code of Conduct process generally.</p> <p>With respect to the proposed sections:</p> <table border="1" data-bbox="1122 437 2033 735"> <tbody> <tr> <td>28QZ</td> <td>No comment</td> </tr> <tr> <td>28ZR</td> <td>No comment</td> </tr> <tr> <td>28ZS</td> <td>No comment</td> </tr> <tr> <td>28ZT</td> <td>No comment</td> </tr> <tr> <td>28ZU</td> <td>No comment</td> </tr> <tr> <td>27ZV</td> <td>Should be 28ZV</td> </tr> <tr> <td>28ZW</td> <td>No comment</td> </tr> <tr> <td>28ZX</td> <td>No comment</td> </tr> </tbody> </table>	28QZ	No comment	28ZR	No comment	28ZS	No comment	28ZT	No comment	28ZU	No comment	27ZV	Should be 28ZV	28ZW	No comment	28ZX	No comment
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14. Section 62 amended (Functions and powers of general manager)	No comment.																
15. Section 62A amended (Order relating to general manager’s functions generally)	No comment																
16. Section 62B amended (Order relating to general manager’s function to liaise with mayor)	No comment																
17. Section 66 amended (Strategic plan)	No comment																
18. Section 70DA inserted 70DA. Community engagement strategy	No comment																
19. Section 70E amended (Review of plans, strategies and policies)	No comment																
20. Section 70F amended (Orders determining minimum contents of plans, &c., and classes of assets)	No comment																
21. Sections 84A and 84B inserted 84A. Council performance reporting 84B. Internal audit	No comment																

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22. Section 122A inserted 122A. Order specifying information in rates notices	<p>No comment on the section as proposed.</p> <p>Consistent with Council’s previous submission though, as proposed, this will though make a rates notice an almost unreadable document.</p> <p>As it is, section 122 of the <i>Local Government Act 1993</i> requires a significant amount of information on the rates notice. This takes up a significant amount of space and adding more information may result in ratepayers being turned off from reading the notices.</p> <p>There needs to be a balance for this information especially in communities where there are low levels of literacy and an overload of information may reduce the impact of compliance issues.</p> <p>Information on a rates notice should be that relevant to the individual property rating impacts only.</p>
23. Section 214L amended (Recommendation for issuing performance improvement direction)	No comment
24. Section 214O amended (Consequences of failing to comply with performance improvement direction)	No comment
25. Part 12C inserted PART 12C – Temporary Advisors 214P. Recommendation to appoint temporary advisor 214Q. Appointment of temporary advisors 214R. Functions and powers of temporary advisors 214S. Report by temporary advisor	No comment
26. Section 338AA amended (Director may require information, &c., for purposes of investigation)	No comment
27. Section 338A amended (Disclosure of information)	No comment
28. Section 339 amended (Improper use of information)	No comment

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29. Section 339EA amended (Investigations of complaints and other matters)	No comment
30. Section 341 amended (Immunity from liability)	No comment
PART 3 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED	
31. Principal Act	No comment
32. Schedule 2 amended (General Division)	<p>See comments above in this submission regarding the Code of Conduct process generally.</p> <p>No comment</p>