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Office of Local Government
Department of Premier and Cabinet
PO Box 123 Tasmania 7001

LG.consultation@dpac.tas.gov.au

Attention: Director of Local Government

Dear Sir

Thank you for the opportunity to provide feedback on the proposed targeted amendments to the *Local Government Act 1993*.

Devonport City Council (DCC) generally agrees the proposed reform areas have merit and support the intent of the amendments.

Council request that the following points be considered in developing the draft legislation.



Item	Topic	DCC Comment
1	**Legislating the Good Governance Principles**	DCC currently has a Governance Policy based on the Local Government Good Governance Guide and agrees the sector would be strengthen with the inclusion of the key governance principles in legislation. Provisions for regulatory intervention where a council is acting contrary to the principles, is necessary to ensure compliance.
2	**Introducing Serious Councillor Misconduct Provisions**	The definition of serious misconduct should include reference to behaviour which materially and negatively impacts the reputation of a council, not just its operations as proposed. It is noted the powers for referral to TASCAT are only for the Director of Local Government. DCC consider this is appropriate and negates claims of political motives if the powers rested with the Minister.
3	**Broadening Performance Improvement Direction Provisions**	DCC agrees the current conditions which limit the use of PIDs should be broaden, providing the Minister greater authority to address material failures by councils which ultimately reflect poorly on the reputation of the sector as a whole.
4	**Introducing Temporary Advisors for Councils**	It is noted the legislation will make it an offence to wilfully obstructor hinder an Advisor. Consideration should be given to ensure these provisions are robust and extend to providing protections for the Advisor against defamation and other forms of publicly criticising or politicising the Advisor's role.
5	**Clarifying Work Health and Safety Obligations**	The inclusion of additional provisions to remove the current ambiguity for Councillors and General Managers relating to WHS are needed. The discussion paper focuses on the intent not to transfer responsibilities from WorkSafe, and the clarity that will be extended to the Director of Local Government, however, detail in regard to proposed new provisions and the intended outcomes (i.e. which way will the "ambiguity" fall) as they relate to Elected Members and General Managers is limited. Further information should be provided on this reform item for consultation prior to progressing.
6	**Mandating Council Learning and Development Obligations**	Public reporting should be via the Annual Report and be limited to the mandated learning and development activities as outlined in the Ministerial Order. Reporting should not extend to other activities that may be undertaken as part of the learning and development plan. It is noted the initiative to mandate candidate training will be considered under the new Local Government Elections Bill, however regardless this training should sit outside the responsibility of individual councils and be coordinated and provided at a statewide level. This

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		would ensure consistency and importantly avoid potential politicising by removing connections with the specific council, existing Councillors or General Manager.
7	**Introducing a Contemporary Role Statement and a Charter for Local Government**	DCC have concerns with the second dot point relating to the proposed purpose and scope of the Charter. It is overly prescriptive and requires the Charter to detail the principles and practices to guide when and how councils should move into areas outside of legislated core functions. This will require the Charter to provide onerous and potentially unnecessary obligations on councils. This may deter councils from progressing beneficial and much needed initiatives for their community. Requirements mandating specific engagement practices in relation to a planned service or project, can at times just provide a further pathway for the vocal small minority of opposers to stifle an opportunity. The dot point could be refined to: • establishes the core functions of councils (as provided for in legislation), and identifies when councils may move into areas outside of these.
8	**Improving the Strategic Planning and Reporting Frameworks**	Improving council planning and reporting frameworks is supported, however DCC would question whether the proposed specific changes are the most appropriate to achieve maximum community benefit. With well being captured as a function within the local government role statement and charter, and the fact that wellbeing is already be inherent in most strategic plans, the need to single out this function is considered unnecessary. It will only add complexity to a process which works best when it is as simple as possible. The requirement to report annually on progress of high-level wellbeing priorities with a 10 year plus horizon will add little value. Whilst mandating a community engagement plan, workforce development plan and elected member capability and professional development plan may assist in driving some improvements in the sector, this will be incremental at best. DCC considers more meaningful community benefit could be driven through a framework which elevates the council to look at more wholistic priorities across the 4-year period which are focused on achieving longer term strategic priorities. DCC has embraced this model in recent years establishing a Term Plan 2022-26, to bring focus to longer term strategic goals and ensure increased strategic focus for each year’s Annual Plan.

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9	**Improving Consistency in Data Collection and Reporting Methodologies**	DCC would welcome increased data reporting which provides accurate benchmarking of councils' performance. Data collection should be as simple as possible and align with current data collection obligations.
10	**Enhancing Transparency of Information in Council Rates Notices**	Whilst acknowledging increased data on rate notices is a positive improvement in greater transparency, it will result in an increase in rating queries and greater negative sentiment towards council for the collection of its main revenue source. Other levels of government are not exposed to such reporting in relation to income generation. Highlighting variances at a property level which are most commonly a result of valuation changes will not only increase queries but most likely valuation referrals to the Valuer-Generals Office, which currently has resourcing challenges that impact on the timeliness of council's supplementary valuations (and therefore income generation). Year on year comparisons presented at a property class level would allow accurate benchmarking between Councils without generating some of the issues that will occur from a property-based comparison. Detailing total rates paid over the preceding 5 years seems excessive and beyond other examples where year on year comparisons are provided (i.e. insurance).
11	**Mandating Internal Audit for Councils**	DCC have had an externally managed internal audit function, reporting directly to the Audit Panel for several years. Any new mandated internal audit process should not impact any established multi year schedules which are already in place.

Yours sincerely

Matthew Atkins
CHIEF EXECUTIVE OFFICER