

28th March 2025

The Office of Local Government

By email: lq.consultation@dpac.tas.gov.au.

Dear Sir/Madam,

Thank you for the opportunity to provide feedback on the "Targeted Amendments to the Local Government Act 1993" discussion paper.

We appreciate the Tasmanian Government's commitment to improving council governance and elected member conduct through the Priority Reform Program 2024-26. The opportunity to contribute to shaping these reforms is valued, and we look forward to seeing how feedback from across the sector informs the final legislation.

Our comments on the discussion paper are as follows:

Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity

Legislating the good governance principles – We support legislating the principles of good governance. Embedding these principles into the Act will reinforce their importance and assist councils in promoting a strong governance culture. We encourage the timely development of clear, practical guidelines to assist councils in effectively interpreting and implementing these principles.

Introducing serious councillor misconduct provisions - We support stronger provisions addressing serious misconduct by councillors. Empowering an independent tribunal to handle such matters will help ensure procedural fairness and impartiality. We suggest ensuring the definition of serious misconduct adequately addresses conduct with significant operational and reputational impacts on councils.

Broadening performance improvement direction provisions - We agree with broadening the scope of Performance Improvement Directions (PIDs). Expanding their application provides a practical and flexible tool for addressing governance and compliance concerns early, preventing issues from escalating and adversely affecting council operations.

Introducing temporary advisors for councils - We support introducing temporary advisors to assist councils experiencing governance challenges. To ensure effectiveness, precise guidelines outlining the circumstances for such appointments should be established, clearly defining the advisory nature of the role.

Clarifying work health and safety obligations - We support clarifying work health and safety (WHS) obligations within the Act, particularly regarding councillors' roles and responsibilities. Clear mechanisms must be established for managing significant WHS risks, including escalation processes for addressing serious workplace safety behaviours, particularly psychosocial hazards.

Mandating council learning and development obligations - We do not support mandating councillor learning and development obligations and would prefer if more voluntary training opportunities were offered.

Perhaps there could be two tiers of allowance – one for Councillors who have done the required training, and another (lower) for those that have not. This may be seen as a way to incentivise training rather than taking a punitive approach.

Strategic Priority 2: Driving a high-performing, transparent, and accountable sector

Introducing a contemporary role statement and a charter for local government - We support the proposed contemporary role statement and charter. Clearly articulating councils' roles, responsibilities, and their relationships with state government entities will enhance clarity and collaboration. The charter should facilitate meaningful engagement and communication between councils and state government and prevent the appearance of cost shifting by state government.

Improving strategic planning and reporting frameworks - We support enhancing strategic planning and reporting frameworks, especially integrating community wellbeing priorities. We recommend that workforce development planning practically addresses existing workforce challenges, including strategies for attracting and retaining key staff. Any additional reporting requirements must be funded though, as many Councils are already operating at capacity.

Improving consistency in data collection and reporting methodologies - We support improving data collection and reporting methodologies. Enhanced consistency will aid councils in benchmarking performance, promoting transparency, and enabling informed community engagement. Any additional reporting requirements must be funded though as many Councils are already operating at capacity.

Enhancing transparency of information in council rates notices - We do not support the proposed additional requirements for council rates notices. This would unnecessarily duplicate existing reporting obligations and increase administrative workloads without clear benefits. We recommend reconsidering or simplifying this proposal.

Mandating internal audit for councils - We do not support mandating internal audits, as this imposes significant administrative and financial burdens on smaller councils. Internal audits should remain voluntary or, if mandated, requirements must be scalable and supported by adequate financial and resource provisions to ensure manageability and effectiveness.

Should there be further opportunities to contribute, particularly in relation to the exposure draft legislation anticipated in May 2025, we would welcome the chance to participate.

Thank you once again for providing this valuable consultation opportunity.

Yours faithfully,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal line and a circular flourish at the end.

Rachel Summers
Mayor