

17 November 2025

Luke Murphy - Gregory
A/Director of Local Government
Office of Local Government
Via email: lgconsultation@dpac.tas.gov.au

Dear Luke,

Local Government Amendment (Targeted Reform) Bill 2025 Exposure Draft

Thank you for the opportunity to provide a submission on the Local Government Amendment (Targeted Reform) Bill 2025 Exposure Draft. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of our members, all 29 councils. LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania.

A number of councils have made direct submissions to this process providing their municipality's perspective and highlighting specific issues. Where our submission omits a council's specific comments it should not be viewed as lack of support by LGAT for that specific issue.

The local government sector is broadly supportive of the targeted reforms of the *Local Government Act 1993* (LG Act), as they are a combination of high priority recommendations from the Future of Local Government Review and direct responses to sectoral concerns.

We note that there are several measures in the Bill that will have a material impact on councils' resources or require external capabilities to develop. The detail of these measures will be developed by Ministerial Orders. These include the Workplace Development Strategy, Community Engagement Strategy, internal audit function, and the mandatory information in rates notices, where software changes are required. The sector will need time to develop the capacity and capability and adjust budgets accordingly. It is critical that the Office of Local Government (OLG) works with councils on the development of these measures and subsequently provide detailed guidance and templates to support their implementation. At this time, with OLG's decline in funding over the forward estimates, this appears challenging.

We welcome the improved powers for the Director of Local Government to manage serious misconduct. However, Section 28ZR(1) limits misconduct to matters that contravene the Code of Conduct. This constrains the issues that should be considered and may create conflicts where there is quasi second Code of Conduct pathway. This second pathway would be considered by the Director of Local Government and may be referred to the Tasmanian Civil and Administrative Tribunal, alongside the normal Code of Conduct Panel process that also includes Dispute Resolution and legal review. This may result in confusion and overlap, and requires clarification.

We have provided specific feedback on sections of the Local Government Amendment (Targeted Reform) Bill 2025 Exposure Draft in the table below. We have noted 'no comment' where the clause is a mechanical change within the LG Act.

In addition, we request amendments to the Bill from local government sector resolutions made at LGAT's General Meetings and earlier work. These are provided at Appendix A.

Please contact me if you have any questions or would like further information.

Yours sincerely,



Dion Lester
Chief Executive Officer

Specific comments on the Draft Bill

No. in Consultation Draft Bill	Draft Bill causes	Comments / Concerns
	General	<ul style="list-style-type: none"> • A new term ‘staff’ has been introduced in the Bill, where the LG Act uses ‘employee’. • We would recommend that the LG Act allow for both ‘General Manager’ and the more contemporary ‘Chief Executive Officer’, as is being used by a number of councils.
5	Section 20 substituted <ul style="list-style-type: none"> • 19A. Role of council • 20. Local government charter 	<p>Broadly supported.</p> <p>There is some concern that the unqualified inclusion of ‘climate change’ into Section 19A(1)(d) will significantly raise the expectations of communities, and of the Crown, in how councils respond to climate change. We note that State Government does not have a commensurate responsibility in, for example, the <i>Climate Change (State Action) Act 2008</i>. Should this wording remain, it will be important for the Local Government Charter to clearly articulate the role and responsibilities of councils alongside the State Government in mitigating carbon emissions and responding to climate risks.</p> <p>The Charter is supported. The consultation requirements embedded in the Act are welcome. There are some views that the principles relating to governance, financial management and community engagement should be embedded in the Act. The Charter, provided there is robust engagement with councils to develop and review it, can provide adaptability over time that an Act cannot.</p> <p>It is important that the State Government work with the sector to use the Charter to articulate the specifics of locally-delivered services and functions, beyond ‘principles and processes’. The Charter provides the opportunity to move to an agreed outcome-based approach and away from uncertainty,</p>

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		variable grant-based service delivery and later to a permanent cost-shift to councils. This is particularly important where councils work as a co-regulator, or play a key role in State systems, such as building, planning, wellbeing and environment.
6	Section 27A amended (Order relating to Mayor’s functions)	No comment.
7	Section 28AA amended (Order relating to functions of councillors)	No comment.
8	Sections 28AB and 28AC inserted <ul style="list-style-type: none"> • 28AB. Mandatory core learning and development activities for councillors • 28AC. Policy for continuing professional development 	<p>The local government sector has previously supported mandating councillor learning and development obligations. We recognise the importance of continuous learning and that councillors need to fully understand how to fulfil their role. LGAT are leading the further development and provision of learning and development for councillors. Recognising that people learn differently, we are developing a range of learning modes, in addition to the existing online platform. We would also encourage the State Parliament consider how it can support members to undertake their roles given the trend for members to be independents, or from smaller parties without the structures of the major parties.</p> <p>It is our view that 12 months to complete the core learning requirements is too short. This is particularly the case where face-to-face learning modes may be the most effective approach, rather than online, and there are 263 councillors.</p> <p>There does not appear to be any consequences for a councillor not completing the prescribed learning, which requires addressing. We would welcome advice if this matter will be dealt with in a reviewed Code of Conduct or in the Local Government Electoral Bill.</p>

No. in Consultation Draft Bill	Draft Bill causes	Comments / Concerns
9	Section 28ZA amended (Initial assessment of code of conduct complaint)	Supported.
10	Section 28ZBA inserted 28ZBA. Referral of code of conduct complaint on initial assessment to Director	Supported.
11	Section 28ZFA inserted 28ZFA. Investigation of multiple code of conduct complaints after convening of investigating Panel	Supported.
12	Section 28ZK amended (Notification of determination of code of conduct complaint)	Supported.
13	Part 3, Division 3B inserted Division 3B – Serious councillor misconduct Subdivision 1 – Preliminary <ul style="list-style-type: none"> • 28ZQ. Interpretation • 28ZR. Serious councillor misconduct • 28ZS. Ministerial guidelines in relation to serious councillor misconduct • 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 • 28ZW. Application to the Tasmanian Civil and Administrative Tribunal • 28ZX. Orders of the Tasmanian Civil and Administrative Tribunal 	Supported. Section 28ZR(1) limits misconduct to matters that are contraventions to the Code of Conduct. We have previously recommended that ‘serious councillor misconduct’ extend beyond matters contained in the Code of Conduct, such as: <ul style="list-style-type: none"> • behaviour which materially and negatively impacts the reputation of a council; or • material workplace health and safety breaches. There remains a fundamental challenge for General Managers / CEOs of councils to effectively discharge their responsibilities under the Work Health and Safety Act 2012 when seeking to manage the actions of councillors, who are also their employer. The regulatory pathway via the Work Health and Safety Act 2012 remains unclear and untested. Note that Section 27ZV is misnumbered and should be 28ZV.

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14	Section 62 amended (Functions and powers of general manager)	<p>The intent of this clause is supported. However, it is likely that this will require specialist, external expertise at a cost to councils. The OLG must work closely with the sector to support and articulate what is need in the workplace strategy.</p> <p>We have also previously recommended that the underlying workforce challenges need to be addressed, rather than just adding a new planning requirement. As the Local Government Board in its Future of Local Government Review Final Report recommended (#36) that LGAT:</p> <ul style="list-style-type: none"> • be funded to develop and implement a sector workforce development toolkit • be funded to lead and develop a statewide approach to workforce development for key technical staff. <p>Neither of these initiatives appear to have been funded in the State Budget 2025-26 or forward estimates. Attracting and retaining skilled staff is a key issue for councils and requires an ongoing and funded program to address. The sector is very willing to work with the Government on what this might entail.</p> <p>The word ‘workplace’ should be replaced with ‘workforce’. The workforce is the group of people who work for an organisation. The workplace is the physical or virtual location where work is performed. In short, workforce refers to the "who," while workplace refers to the "where" of work.</p>
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.

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17	Section 66 amended (Strategic plan)	Broadly supported. The term ‘wellbeing’ is not defined and means different things to different people. This may create unrealistic expectations of councils by the community and State agencies.
18	Section 70DA inserted <ul style="list-style-type: none"> • 70DA. Community engagement strategy 	Supported. Similar to the Workplace(force) Strategy, many councils may need external expertise to develop and then deliver these strategies.
19	Section 70E amended (Review of plans, strategies and policies)	Supported.
20	Section 70F amended (Orders determining minimum contents of plans, &c., and classes of assets)	Supported.
21	Sections 84A and 84B inserted <ul style="list-style-type: none"> • 84A. Council performance reporting • 84B. Internal audit 	Supported. We recommend that the State Government consult with the community and with councils around the key requirements of performance reporting to ensure the right information is being captured and reported.
22	Section 122A inserted <ul style="list-style-type: none"> • 122A. Order specifying information in rates notices 	Councils already provide a range of information to their ratepayers to help them understand changes to their rates and how their rates are being spent. As for the performance reporting, consultation is needed to make sure only the most important information is required to be included given the limited space on rates notices. Consideration must be given to the cost and time for councils to modify rating software.
23	Section 214L amended (Recommendation for issuing performance improvement direction)	Supported.
24	Section 214O amended (Consequences of failing to comply with performance improvement direction)	Supported.

No. in Consultation Draft Bill	Draft Bill causes	Comments / Concerns
25	Part 12C inserted – Temporary Advisors <ul style="list-style-type: none"> • 214P. Recommendation to appoint temporary Advisor • 214Q. Appointment of temporary advisors • 214R. Functions and powers of temporary advisors • 214S. Report by temporary advisor 	Supported. However, the bar for appointing a temporary advisor is low, set at any failure to comply with a statutory requirement under the LG Act, or any other legislation. We believe the intent is not to capture any breach, however minor, rather those that are serious, ongoing, egregious and/or systemic. 214P – note the duplication in numbering of subsection (3).
26	Section 338AA amended (Director may require information, &c., for purposes of investigation)	Supported.
27	Section 338A amended (Disclosure of information)	Supported. Councils expressed caution with the risk of confidential information being released. It is unclear the circumstances where subsection 1B would be required, and further how this would interact the current Section 28C Confidentiality Undertaking.
28	Section 339 amended (Improper use of information)	No comment.
29	Section 339EA amended (Investigations of complaints and other matters)	No comment.
30	Section 341 amended (Immunity from liability)	No comment.
31-33	<i>Tasmanian Civil and Administrative Tribunal Act 2020</i> Amended <ul style="list-style-type: none"> • Principal Act • Schedule 2 amended (General Division) • Repeal of Act 	No comment.

APPENDIX 1: Other Matters

Topic	Comments / Concerns
Code of Conduct – timeframes for lodgement	<p>The six-month timeframe for lodging a Code of Complaint after an incident / issue is too generous. This extended timeframe has, in some instances, caused psychosocial harm as the threat of a Code has been weaponised by individuals to intimidate councillors. A timeframe of two months has been suggested as it allows due consideration of the issue. Consideration would need to be given to ‘stopping the clock’ where the Dispute Resolution Process has been entered into.</p> <p>This was a resolution of the local government sector in November 2024.</p>
Worker’s compensation for councillors	<p>Councillors performing their duties are considered an ‘other person in the workplace’ under the <i>Work Health and Safety Act 2012</i>. At the same time, they are fulfilling a representative, statutory role that, unfortunately, exposes them to psychosocial safety risks. Given the risk of harm, legislative change should provide for workers’ compensation insurance (or equivalent) to be made available to councillors.</p> <p>This was a resolution of the local government sector in September 2024.</p>
The rating of independent living units	<p>The exemption of Independent Living Units (ILUs) operated commercially by charities / not for profits remains. This was previously agreed by the Tasmanian Government, who then reneged in November 2023 when they said this reform would not proceed. This situation requires renewed consideration.</p> <p>This is a fundamental inequity that is particularly cutting at a time of high cost of living. A retired person living in their family home must pay rates while a person of similar circumstances, who has sold their house to move into an ILU owned by a not-for-profit, does not pay rates. The typical ILU resident is not a</p>

Topic	Comments / Concerns
	<p>person or couple requiring charitable assistance, they usually have substantial assets and often do not qualify for the full age pension.</p>
<p><i>Local Government (Meeting Procedures) Regulations 2025 – Regulation 43 Audio recording of meetings</i></p>	<p>Clarification is required where a technical problem renders an audio recording unusable, which may mean a council is then in breach of Regulation 43(2).</p> <p>We understand that in the consultation version of the Regulations a clause was provided that provided an exemption where the “<i>council was unable to record, in full or in part, the audio of the meeting due to technical difficulties</i>”. This was then removed on the grounds that audio recordings were “not mandatory” and that councils could make procedures relating to technical difficulties. Given audio recording is now mandatory this provision needs to be put back into the Regulations.</p>
<p>Councillor standing for State or Federal Parliament</p>	<p>To provide clarity for the community and to provide confidence in the Council, a leave of absence should be required of a councillor who is standing for State or Federal Parliament. This should be for the period between issuing of the writ and declaration of the poll.</p> <p>This was a resolution of the local government sector in July 2018.</p>
<p>Alderman title</p>	<p>The title of ‘Alderman’ should be removed from the LG Act providing consistency with ‘Councillor’ for all elected representatives.</p> <p>This was a resolution of the local government sector in July 2018.</p>