



14 March 2025

The Hon. Kerry Vincent
Minister for Local Government
Level 1 7-9 Franklin Wharf
326 Macquarie Street
Hobart Tas 7000

Dear Minister Vincent,

Local Government Act Review

Council has reviewed the discussion paper on the proposed reform to the Local Government Act 1993 and provide the following comments on the discussion paper.

Strategic Priority 1: Lifting Standards of professionalism, conduct and integrity.

Code of Conduct Provisions

The current provisions are clearly too onerous in the most part and there is a clear need to make the provision simpler and to also improve the time taken to deliver an outcome. Some improvement has been undertaken. By that we mean the provision of a more vigorous mediation process prior to referring the code of conduct complaint to the Local Government Division.

There is some concern with the provision that the General Manager/ Chief Executive Officer being the person to determine if a code of conduct complaint is justified, and then, possibly being involved in the new mediation process. This in our view could go a long way in causing a serious conflict between the parties and the General Manager/Chief Executive Officer.

There is a view that the system could be set up similar to the demerit point system for driving infringements. That is all councillors are provided with say 8 demerit points and for a minor breach the penalty could be one (1) demerit point.

Administration & Works & Services
Tarleton Street Tel: (03) 6286 3202
Hamilton, Tasmania 7140 Fax: (03) 6286 3334

Development & Environmental Services
Alexander Street Tel: (03) 6259 5503
Bothwell, Tasmania 7030 Fax: (03) 6259 5722

website www.centralhighlands.tas.gov.au

A Councillor could accept this or go through a mediation process determined under a policy of council to have the decision investigated with the outcome to either accept or overturn the complaint.

More serious breaches would attract a high number of points. Once they had reached the Maximum number they could be suspended for a period up to 6 months.

The points system would be for three years commencing from the first loss of points.

In the most part the process could be determined by mediation within council and could in the most part be a simpler and more cost-efficient process.

Those that carry higher points if not resolved by mediation, then the complaint would be forwarded to a code of conduct panel, which would have a strict time frame to deal with the complaint.

Mandating Council Learning and Development Obligations

Council has some concerns regarding the mandating of training especially as it relates to the first year after being elected. There is a view that training in meeting procedures, the Good Governance Guidelines and council's policies on Occupational Health and Safety and Bullying be the training conducted in the first twelve months.

It is also felt that some learning packages are best done in a workshop with all councillors being present. These could be conducted by council officers or using a facilitator. Other options could be through regional training workshops conducted by the LGAT. This would be best undertaken 'like with like', that being the cities making up Greater Hobart have separate training developed for their needs and the regional and rural council having separate training developed to meet their needs.

This training should possibly take into account that some councillors have been on council for many years and their training needs may be different to those who are newly elected. Those councillors with many years' experiences could be used to help in the training of the newer members.

Strategic Priority 1: Driving a High-performing, transparent, and accountable sector

The reports done by the Board charged with developing a report on the future of local government makes frequent and recurrent reference to the health and well-being of communities. Many smaller councils in Tasmania currently provide facilities to support doctors to practice in their towns. Council is also involved in the provision of

Independent Living units for elderly residents all with minimal support from the State or Federal Governments. We see that for these to improve in our area there needs to be significant input from the State and Federal Governments. This would also assist in the reopening of the Medical Centre (Hospital) at Ouse

Under the wing of the Local Government Division a co-ordinated approach could be developed by having as part of their organisation an advisory arm that would be charged with the function of co-ordinating in consultation with Regional and Rural councils the development and funding of GP and Allied Health Services especially where the council is already meeting some of the costs for the provision of these services.

There is also the necessity for consideration from all spheres of Government of the best ways to help smaller councils to receive their fair share of funding from renewable energy projects, as it is these rural councils who are being looked upon by the proponents of the renewable energy sector to provide the sustainable future energy needed to ensure there is sufficient power capacity for Tasmania and mainland Australia for the long term.

The Future of Local Government Report also commented on the PiLOR System of Rating suggesting that it was possibly a better way for entities such as solar, and wind farms to be rated. We are of the same view, but this needs to be in place sooner rather than latter as it is an income stream that will help to increase the viability of some rural councils. This does not mean that it should be the only option for rating. We say this based on the fact that the current review being undertaken by the Valuer General extends far beyond just rating the solar and wind farms.

This will then give those councils greater options in the future.

Temporary Advisors

Council recently was requested to use the services of a temporary advisor to help council through a difficult period. This as a good option to help a council if there is an issue that they are having regarding operational or procedural matters. In those circumstances the utilisation of an independent advisor would be extremely beneficial.

Developer Charges

The suggestion that the Tasmanian Government work with the sector and the development industry to further investigate and consider the introduction of a marginal cost-based integrated developer charge regime we consider to be extremely commendable.

State Grants Commission Methodology Transparency.

This has been an issue for many years. It is extremely important within the context of the national framework, that the Tasmanian Government seek advice from the State Grants Commission on how its financial assistance grant methodology can be made transparent and be well understood by councils and their communities. In the Central Highlands case the issue of our itinerant population has now been supported for inclusion by the State Grants Commission which could see our income from this source of funding increased over the next few years.

This aligned with an increase in revenue once PiLOR and the changes to the Land Valuation Act for the rating of solar and wind farms is enabled. That implementation will all help to improve the revenue base of numerous LGAs, once completed. We feel that the best option is PiLoR as it can be brought online much quicker than having the Valuer General change the land valuation act. PiLoR can be used now for those solar and wind farms already operating.

Another factor which should be considered by the Government and included in the methodology for the calculation of grants to some councils is the need to have a factor for the loss of Income from Hydro developments as these do not pay rates to the local Council but contribute a rate equivalent to the State Government. None of these funds are received by those council with Hydro power generating facilities in their area.

Heavy Vehicle Motor Tax

The amount paid to local government from this source of income has not changed since its inception. The Local Government Association of Tasmania in a press release in August 2021 advised that they were in the process of pursuing with the State Government a fairer portion of the Heavy Vehicle Motor Tax being passed on to councils. The statement also advised that the tax had not increased in the 25 years' that it has been in place. It is therefore well past the time for it be reviewed.

Collection of Data Sets

The Tasmanian Government is suggesting that there should be developed clear and consistent guidelines for the collection, recording and publication of datasets that underpin the new performance reporting system to improve overall data consistency.

There are currently many data sets filled out by Local Government. If this process is to streamline these, and bring them all into one reporting document, that will be worthy, if not, why introduce another reporting mechanism that might be relevant today but useless in several years' time?

The information sought must be able to be sourced easily without undue cost implications. The data sets should also be developed to measure the performance based on large, medium and small Councils, as one size will not provide us with the relevant comparison we need to determine our performance.

Internal Audits

Like most businesses councils currently are audited annually for their financial accounting. This does not mean that there is not an interim audit carried out during the year. Councils also have under the legislation a requirement for Audit Panels. There would appear to be no real benefit for the inclusion in any legislation a mandated Internal Audit function.

Resource Sharing

This has been in place for local government for many years and is being used to varying degrees by local government. This process, when first implemented was seen as a good way for a small council to receive a service on a part time basis in a cost-effective way. Since that time methods for calculating the hourly rates have included administration fees bringing them more into line with the private sector providers.

It becomes unfortunately more costly when one council receives the service but is unable to provide a service back the other way.

An expansion of this model could be done by including the State and Federal Governments under this resource sharing function which could include services such as GP's and other allied health services. This occurs in some council areas now but could be expanded to ensure the improvement of the health and wellbeing of these smaller communities.

Other things that should be considered in rural areas where wind and solar farms are being developed is the setting up through TAFE training hubs to deliver the required skills in a location close to where the workers will be required.

Service Tasmania

This is another facility that would be extremely beneficial in small communities but most probably on a limited scale that could mean just one day of operation per week with council providing the office space and or staff. If this was not possible, an option could be that the local post office be charged with this task.

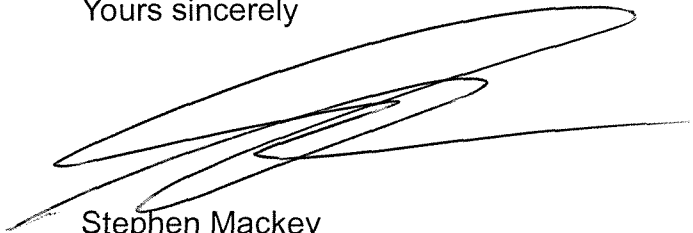
Community Engagement

Some Councils currently hold their council Meetings at different locations on a regular basis, others have their meetings streamed online something that is being proposed in the new Act. Some hold workshops on a regular basis and some hold meeting when developing the strategic plans.

From the discussion paper there is a view that councils should adopted a community engagement plan. This would appear a good way to get input from a greater cross section of our communities, but should it be legislated or included as a possible measure for achieving best practice in Local Government.

Hoping these comments are of some assistance to you in making amendments to the Local Government Act.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Stephen Mackey
Acting General Manager

