

Proposed Reforms		
	STRATEGIC PRIORITY 1: LIFTING STANDARDS OF PROFESSIONALISM, CONDUCT, AND INTEGRITY	COMMENTS
1.	Legislating Good Governance Principles • Good governance principles will be embedded in the Local Government Act 1993 to set clear standards and expectations for how Tasmanian councils should make decisions as a collective on behalf of their communities. • The principles will mirror those currently captured in the local government Good Governance Guide, which are themselves based on well-accepted standards drawn from national and international best practice. • The change will mean all councils will have a general duty under the Act to uphold and act in accordance with the principles when performing their statutory roles and functions. • The Minister for Local Government will be empowered to issue guidelines to support councils to interpret and apply the principles in different circumstances and contexts. New mandatory learning and development modules for councillors will also include a focus on the practical application of the principles to the everyday business of councils. • Legislating the principles will provide a further avenue for early regulatory intervention where a council is clearly acting contrary to the standards established under those principles	SUPPORT STAFF COMMENT: OLG to provide detailed guidance, including templates and best practice guidelines, for councils to integrate these principles into their decision-making and reporting processes. Smaller councils may struggle to complete this work without adequate resources and support.
2.	Introducing Serious Misconduct Provisions for councillors • New provisions will be included in the Act which allow for stronger sanctions (including removal and barring from office for up to seven years) where councillors are found to have engaged in serious councillor misconduct under the councillor Code of Conduct. • Serious councillor misconduct will be defined as a serious and severe breach of the code, determined by reference to clear criteria which go to the impact of the conduct in question, and its reflection on a person's fitness (or otherwise) to hold public office. • Serious councillor misconduct complaints will be heard and determined by the Tasmanian Civil and Administrative Appeals Tribunal (TASCAT), and not the existing Code of Conduct Panel. The Code of Conduct Panel will be retained in its current form and will continue to consider all other complaints. • Serious councillor misconduct complaints will only be able to be referred to TASCAT by the Director of Local Government. • In response to a finding of serious councillor misconduct, TASCAT will be able to issue an expanded set of sanctions (in addition to those already available to the Code of Conduct Panel) including dismissal and disqualification from office for a period of up to seven years	SUPPORT STAFF COMMENT: That OLG define "serious councillor misconduct" with greater specificity to ensure clarity and consistent application. For example, provide illustrative examples or thresholds for misconduct for each type of breach. Ambiguities in definition could lead to inconsistent enforcement or legal challenges
3.	Broadening Performance Improvement Direction Provisions • Changes will be made to performance improvement direction (PID) provisions under the Act, which will provide that the Minister for Local Government may issue a PID to a council or councillor in response to a broad range of performance and governance concerns, including:	SUPPORT STAFF COMMENT: Ensure there is a focus on education and training and that councils receive adequate training and support to address

	○ breaches of or non-compliance with a council policy made under the Local Government Act 1993 that are not of a minor nature; and ○ a serious and material failure by a council to act in a way that is consistent with the good governance principles. • This change will make clear that PIDs can be issued in response to circumstances beyond clear-cut statutory breaches, which is consistent with their original regulatory intent as an early intervention tool to flexibly and promptly address issues with council performance and compliance. • In addition, a failure to comply with a PID may also trigger the appointment of a temporary advisor (see reform 4 below).	identified issues proactively before escalating to regulatory intervention. Preventative measures are often more cost-effective and less disruptive than regulatory penalties. Imposing penalties does not address the issue at hand.
4.	Introducing Temporary Advisors for Councils • New provisions will allow for the Minister for Local Government to appoint – in response to evidence of existing or emerging governance issues at a council – a temporary advisor to a council to provide advice and recommend governance improvements to the council, the Director of Local Government and the Minister for Local Government. • Advisors would be given all necessary and appropriate powers to undertake these functions. Specifically, advisors would have the authority to enter council premises, review its operations, request information from the council administration and its audit panel, provide guidance to elected members and senior staff, and make recommendations to the council on governance improvements. • At the end of their period of appointment, advisors would provide a final report to the Minister for Local Government and recommend any further action (including regulatory intervention) as they saw fit. • Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction (PID). • Temporary advisors would complement and reinforce existing and proposed regulatory tools (including broadened PID provisions) and provide a means of understanding whether there are serious issues present at a council which may justify further action, including a Board of Inquiry	SUPPORT STAFF COMMENT: Clarification from OLG of the scope of advisors' powers and responsibilities is essential to avoid overlap or conflict with council operations. Additionally, consider cost-sharing models to alleviate financial pressure on councils. Financially constrained councils may find the cost of a temporary advisors difficult.
5.	Clarifying WHS obligations • Doubts removal provisions will be included in the Local Government Act, removing any ambiguity elected members are bound by, and have obligations under, work health and safety (WHS) legislation. • The changes will further clarify that councils – and specifically elected members – have legislative obligations to prudently and actively manage WHS hazards. They will not conflict with, replace, or duplicate any existing obligation under the WHS framework, nor in any way insert the Director of Local Government as a workplace safety regulator for councils.	SUPPORT STAFF COMMENT: That OLG develop standardized WHS training programs tailored to the local government context to ensure councillors understand their obligations. This should be delivered during inductions following election and refreshed each year to ensure ongoing focus. Many councillors may lack the expertise to navigate WHS requirements independently. Consistent training across all councils would avoid duplication of the same work being doing at every council.
6.	Mandating council learning and development obligations • New legislative provisions will require all councillors (both new and returning) to undertake minimum learning and development activities within the first 12 months of being elected.	SUPPORT

	• The requirements will focus on councillors' core roles and responsibilities (including their various statutory obligations) will be set out in a Ministerial Order, allowing for flexibility and adjustment over time, as necessary. • The provisions would ensure that mandatory requirements must be relevant to the performance of a councillor's functions and duties, and the Minister for Local Government would be required to consult with councils on the contents of any order before it is issued. • General managers would also be required to develop an elected member learning and development plan for the council at the beginning of each term, and councils would need to make reasonable provision in their budgets to support participation of councillors in learning and development opportunities consistent with those plans. • Councils would need to publicly report on each councillor's completion of mandated learning and development activities. Non-compliance with the new requirements would be a breach of the Local Government Act, and therefore could result in the potential issuing of a performance improvement direction on a council or councillor. • Mandatory pre-election education (completion of an information session) would also be introduced, but this will be implemented via the new Local Government Elections Bill. • The reform implements key recommendations from the Future of Local Government Review and will ensure councillors are better supported and equipped with the skills and knowledge they need to perform their important functions and duties.	STAFF COMMENT: Ensure training is offered in a variety of delivery options. Currently, on-line training is available, this poses some challenges for councillors who are not used to this mode of training and there are also challenges where IT services are less than ideal in regional and more remote councils. Ensuring equitable access for all will increase compliance and effectiveness. COUNCILLORS: Supported staff comments above.
	STRATEGIC PRIORITY 2: DRIVING A HIGH-PERFORMING, TRANSPARENT, AND ACCOUNTABLE SECTOR	
7.	Introducing contemporary role statement and charter for Local Government • The local government role statement developed by the Future of Local Government Review will be included in the Local Government Act, setting a clear, contemporary vision for councils, focused on the wellbeing of local communities. • A head of power will also be included in the Act for the Minister for Local Government to issue via Ministerial Order a Local Government Charter to support the delivery of the new role, subject to first consulting with the local government sector. • The charter will clarify and consolidate councils' core functions and duties, offer principles for financial management and engagement, and facilitate strategic state and local government collaboration on issues like regional land use planning and emergency preparedness. • The charter will provide a more flexible mechanism for capturing core functional responsibilities of councils which, in turn, will improve sector and community understanding of local government responsibilities. • The new role statement and charter will be complemented and put into practice via changes over time to the strategic planning and reporting framework, aligning council actions with community priorities, particularly in respect to wellbeing (see reform 8)	SUPPORT STAFF COMMENT: Detailed and appropriate consultation and collaboration with councils and communities during the charter's development is required to ensure it reflects diverse regional needs. It will be important to understand that a one-size-fits-all approach will not address the unique challenges of different councils and communities e.g. urban -v- rural
8.	Introducing strategic planning and reporting frameworks • Changes to the Local Government Act will provide the statutory underpinning to improve (flexibly and over time) the way councils plan for the future and report to the community on their progress and achievements.	SUPPORT

	- The current 10-year strategic planning period will be retained, but councils will now be required to link their strategic plans to identified community wellbeing priorities. - New statutory requirements will be introduced for councils to develop and adopt community engagement plans and workforce development plans, consistent with FoLGR recommendations. - Beyond these broad parameters, councils will retain significant flexibility to set strategic priorities that are relevant and important to each of their communities. - The Government is not proposing changes to the existing suite of council financial and asset management plans at this time, but other changes being introduced mean these will need to align with and support implementation of their strategic plans, based on community wellbeing priorities.	STAFF COMMENT: That OLG provide councils with guidelines, tools and resources to engage effectively with communities during the planning process. Updates to the LGAT Procurement panel to include approved consultants in this area may be beneficial. Where Councils lack the expertise or resources for robust community engagement, access to others who can assist in this area at a reasonable price through LGAT procurement is pragmatic .
9.	Introducing consistency in data collection and reporting methodologies - New provisions will give the Minister for Local Government the ability to issue clear and binding instructions to councils in relation to a broader range of performance indicators and their associated data collection and reporting requirements. - More consistent collection and reporting of key council performance data is essential to, and will support the development of, a new performance monitoring framework for the local government sector. - Better data and improved confidence in performance monitoring will empower communities to understand how well their council is performing and support better and more proactive monitoring and regulatory intervention	SUPPORT STAFF COMMENT: Consultation with Local Government will improve the development of the performance indicators. This should include understanding councils' systems capacity to collect, collate and analyse data. Ensuring the performance indicators are practical and relevant, and the data sources exist will improve compliance and confidence in the data quality.
10.	Enhancing transparency of information in council rates notices The Act will empower the Minister for Local Government to prescribe additional information requirements for council rates notices so ratepayers will have a clearer picture of how and why their rates change over time, and how rating revenue is supporting different council services and functions	SUPPORT STAFF COMMENT: Include explanatory notes or FAQs with rates notices to help ratepayers interpret the additional information. Remove collection or make abundantly clear the state-based levy's collected on rates notices. Ratepayers will need guidance to fully understand the new disclosures.
11.	Mandating internal audit controls - New provisions will require all councils to establish and maintain an internal audit function, bringing them into line with Tasmanian Government agencies. - This reform responds directly to a Future of Local Government Review recommendation and recognises councils are responsible for managing significant public assets and resources. - General managers, through audit panels, will be responsible for delivering their council's internal audit function. - An amendment to the Local Government Act 1993 will provide for the application to councils of Treasurer's Instructions for internal audit issued under the Financial Management Act 2016 (subject to adjustments as and where necessary and appropriate). - The Director of Local Government will also be given explicit authority to request targeted internal audits, promoting stronger compliance and proactive regulatory intervention	SUPPORT STAFF COMMENT: Councils to consider shared internal audit services or regional audit hubs to reduce costs and improve efficiency. Establish a training program for internal auditors. State to provide funding for first round of training e.g. 4 people per council. Smaller councils may struggle to independently establish and maintain internal audit functions so shared arrangements would assist

