

**CITY OF CLARENCE SUBMISSION**

**LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM) BILL 2025 EXPOSURE DRAFT**

PAGE NO	CURRENT ACT REFERENCE	AMENDMENT	COUNCIL COMMENT
7	Section 20 Functions and Powers	<p>Repealed and substituted with Section 19A Role of Council</p> <ol style="list-style-type: none"> <li>1. The Role of Council is to support and improve the wellbeing of the community by –               <ol style="list-style-type: none"> <li>a. harnessing and building on the unique strengths on the community; and</li> <li>b. providing infrastructure and services that; to be effective require local approaches; and</li> <li>c. representing and advocating for the specific needs and interests of the community in regional, statewide and national decision making; and</li> <li>d. promoting the social, economic and environmental sustainability of the community, including but not limited to by mitigating and planning for climate change impacts.</li> </ol> </li> </ol>	<p>Council holds concerns around some of the proposed expanded roles. The central role of Council should be framed to focus on service delivery. The insertion of “appropriately” before the word “support” as currently drafted in (1), would help set realistic expectations around the breadth and scope of the role of Council.</p> <p>Many levers that impact wellbeing sit within the remit of Federal and State government; as such holding councils responsible for improving wellbeing seems an unreasonable and impractical legislated obligation.</p> <p>Council has concerns about point (a) due to the unnecessarily expansive definition and capacity for misinterpretation.</p> <p>Council is generally supportive of points (b) and (c) as they meet core community expectations and understood functions of the role of local government, again noting (b) should be front and centre as the core role of local role of Council.</p> <p>Point (d) is poorly defined and exposes Council to risk of unanticipated scope creep and increased compliance burden. There is an opportunity to instead more proscriptively focus on asset management, natural disaster resilience, climate change adaption and mitigation.</p>

**CITY OF CLARENCE SUBMISSION**

9		<p>New Section 20 Local Government Charter</p> <p>Relating to powers of Minister to issue a charter relating to:</p> <ul style="list-style-type: none"> <li>• Performance of council’s role</li> <li>• Core functions</li> <li>• Principles to be followed</li> <li>• good governance</li> <li>• financial management</li> <li>• community engagement</li> <li>• collaboration with other councils</li> <li>• support provided by Tas government</li> </ul>	<p>Council is broadly supportive of a Local Government Charter that provides further clarity to Council’s role.</p> <p>However, Council notes that a local government charter must maintain flexibility to allow local priority setting or innovation. The Charter should recognise council’s ability to pursue non-core initiatives, provided core functions are met. The process for amending or revoking the Charter should ensure meaningful sector wide consultation.</p> <p>The Charter should be a disallowable instrument of Parliament to ensure accountability and oversight.</p>
11	Section 27A Order relating to Functions of Mayor	Amended to include reference to new section 20	No comment
12	Section 28AA Order relating to functions of councillors	Amended to include reference to new section 20	No comment
12		<p>New section 28AB</p> <p>Introduces a requirement for course of mandatory core learning and development activities for councillors relating to roles and responsibilities</p>	<p>Council is generally supportive of this proposed reform. Given that council elections are a year away, councils need to have further information on this requirement as soon as possible so that it can start reviewing its own internal induction and training requirements for councillors.</p> <p>Council also considers that a councillor should only have to complete mandatory training modules once (rather than ‘within 12 months after the election of the councillor’ - which suggests that the modules must be completed after each election).</p>

**CITY OF CLARENCE SUBMISSION**

13		<p>New Section 28AC</p> <p>Requirement for councils to adopt a policy in relation to the continuing professional development of councillors within 6 months after an ordinary election. Policy must</p> <ul style="list-style-type: none"> <li>• relate to matters relevant to councillors’ roles and responsibilities</li> <li>• Have regard to professional development needs of councillors</li> <li>• Estimate expenditure to be spent in financial year in implementing the policy</li> </ul>	<p>Council supports the intent of this reform – ensuring elected members have access to continuing ongoing learning and development is essential to good governance, informed decision-making and strong leadership.</p> <p>Council considers it appropriate that a provision be included to enable the Minister to provide councils with further guidance on policy content, to promote a degree of consistency between councils. In this context, it may be helpful for the legislative framework to include a draft / template Continuing Professional Development policy (in the same way that the legislation previously included a template Code of Conduct policy that could be accepted in full or amended by each council)</p> <p>The requirement to adopt a policy within 6 months after an ordinary election may be problematic. There are already several matters for councils to consider post-election. Placing another matter on that list, especially for first term councillors, may not be ideal. Another time frame should be considered</p> <p>Consideration should be given to including a provision that limits overlap with section 28AB, to minimise the potential for duplication.</p>
14	Section 28ZA Initial Assessment of Code of Conduct Complaint	Amended to allow initial assessor of a code of conduct complaint to refer a complaint or part of a complaint to the Director	Council is supportive of this proposed reform.
	Section 28ZBA	New Section 28ZBA	Council is supportive of this proposed reform and the proposed non-exhaustive definition of “serious councillor misconduct”. Council appreciates and

**CITY OF CLARENCE SUBMISSION**

		Allows initial assessor to refer code of conduct complaint to the Director if considered that the complaint includes conduct that is capable of amounting to serious councillor misconduct	welcomes the legislated requirement for the Minister to consult with councils before making, amending, revoking or substituting an order relating to serious councillor misconduct.
		New Section 28ZFA I  Powers for a convened investigating panel to consider additional complaints against the same councillor or same contravention of the code of conduct	Council is supportive of this proposed reform.
	Section 28ZK Notification of determination of code of conduct complaint	Remove subsection 6 – relating to appeal period and reporting to council  Remove subsection 7 relating to the report being kept confidential until publication on the agenda  Replacing subsection 11 regarding disclosure of document	Council is supportive of this proposed reform.

**CITY OF CLARENCE SUBMISSION**

		<p>New Division 3</p> <p>Sections 28ZQ, 28ZR, 28ZS, S28ZT, S28ZU, 28ZV</p> <p>Relating to serious councillor misconduct</p>	<p>Council is supportive of this proposed reform.</p>
		<p>New section 28ZW and 28ZX relating to application to the Tasmanian Civil and Administrative tribunal</p>	<p>Council is supportive of this proposed reform, however, suggests that the provision should also require the Director to provide notice to the council's General Manager that application has been made to the Tribunal.</p>
30	<p>Section 62 functions and powers of general manager</p>	<p>Amended 62(1)</p> <p>Adding requirement to develop and maintain a workplace development strategy that addresses the immediate and long-term human resourcing requirements of the council</p>	<p>Council is supportive of this proposed reform.</p>
30	<p>Section 62 order relating to general managers' functions generally</p>	<p>Amended to include reference to new Section 20</p>	<p>No comment</p>
31	<p>Section 62 Order relating to general managers function to liaise with mayor</p>	<p>Amended to Include reference to new Section 20</p>	<p>No comment</p>
31	<p>Section 66 strategic plan</p>	<p>Amended to replace subsection 3 with additional subsections:</p> <p>(2a) Strategic plan to identify community wellbeing priorities and specify strategies</p>	<p>Council generally supports the formal inclusion of appropriate community wellbeing priorities in the Strategic Plan. This aligns with Council's draft strategic planning framework which is divided into the following four pillars:</p> <ul style="list-style-type: none"> <li>• Strategy and Delivery</li> </ul>

**CITY OF CLARENCE SUBMISSION**

		<p>for achieving outcomes in relation to these priorities.</p> <ul style="list-style-type: none"> <li>• Consultation with community</li> <li>• Having regard to local government charter</li> <li>• Consultation to be in accordance with community engagement strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Sustainable Growth</li> <li>• Culture and Place</li> <li>• Wellbeing and Belonging</li> </ul>
32	Section 70D Asset Management Strategies	New Section 70A relating to establishment and implementation of a community engagement strategy	Council supports this reform as it formalises what is already considered best practice. Council has a strong history of community engagement through its own Community Engagement Policy 2020.
33	Section 70E Review of Plans strategies and policies	Amended to add new clause referring to community engagement strategy	Council supports this amendment. Including the engagement strategy in the review cycle ensures it remains up to date and aligned with community expectations.
33	Section 70F Orders determining minimum contents of plans etc. and classes of assets	<p>Amended to include:</p> <ul style="list-style-type: none"> <li>• community engagement strategy</li> <li>• continuing professional development policy</li> <li>• workplace development strategy</li> </ul> <p>Enabling Minister to specify requirements in regard to preparation, development, consultation, review, contents and publication of strategies or policies</p>	<p>Council notes the intent to improve consistency across the sector, however there is a risk that over prescriptive requirements may undermine council’s ability to tailor strategies to their unique circumstances and community needs.</p> <p>Council considers that there should be a requirement that the Minister consult with the local government section before any Ministerial Orders are to be issued.</p>

**CITY OF CLARENCE SUBMISSION**

34 and 35	Section 84	<p>New Section 84 and 84B</p> <p>Relating to council performance reporting and internal audit</p>	<p>Council is supportive of council performance reporting. Noting the requirements set out within the proposed section, council considers that the provisions need to be bolstered to ensure that there is a proper description of each performance reporting measure, to ensure that the data collected represents an ‘apples for apples’ comparison between councils. The aim should be to minimise, as far as possible, the risk of differing interpretations by councils.</p> <p>Council considers that the requirements related to internal audit lacks sufficient clarity. There is no definition of ‘internal audit’. There is no clarity as to whether internal audits are conducted by council staff, external contractors, or both. There is no apparent consideration of the cost of internal audits and how that cost may be met by some councils, or within what timeframe.</p>
JM 36	Section 122 Rates	<p>New Section 122A Order specifying information in rates notices</p> <p>To allow minister to specify information in addition to S 122(1) to be included in the rates notice and to consult with councils as to the matters included</p>	<p>Council considers that, due to current requirements under Section 122(1), there is little room left on rates notice for more information. While section 122(2) allows for another document if required, council’s preference is for one page only.</p> <p>It is also important to note that some councils may not have computer systems with the ability to provide more information. Within this context, the requirement for the Minister to consult with councils should include a requirement that consultation occur with a technical reference group made up of relevant councils officers with a background in rates generation and council computer systems.</p>

**CITY OF CLARENCE SUBMISSION**

36	Section 214L recommendation for issuing performance improvement direction	Amended to replace subsection (2) allowing Director to make recommendations if the council or councillor has failed to comply with statutory requirement	Council is supportive of this proposed reform.
37	Section 214O Consequences of failing to comply with performance improvement direction	Amend S214O to allow appointment of temporary advisor to the council	Council is supportive of this proposed reform.
37	Part 12	<p>New Part 12C Section 214Q Section 214R Section 214S</p> <p>Specifying conditions for appointment of temporary advisor to a council to assist in addressing emerging governance or operational issues</p>	<p>Councils should be provided with a right of reply before the Minister can appoint an internal advisor particularly given the very broad application of Part 12C.</p> <p>Council does not have any particular comment in relation to proposed sections 214Q-R inclusive, however, has concerns with the overall proposed reach of proposed Part 12C. Specifically, in respect to section 214P, the threshold for recommendation is too low. Council suggests that the following amendments be considered (in <b>bold</b>):</p> <p>s.214(2)(a)(i) - the failure to comply with a statutory requirement should be amended to 'failed to <b>systematically</b> comply with statutory requirements...'</p> <p>s.214(2)(a)(ii) - there is evidence that suggests <b>significant</b> emerging governance or operational deficiencies...'</p> <p>The legislation should also include some limits in terms of costs incurred by a council, should a temporary advisor be appointed. It should not be the case that a</p>

**CITY OF CLARENCE SUBMISSION**

			council be exposed to unlimited costs associated with such an appointment.
43	Section 338A Disclosure of information	<p>New subsection requiring councillors attending a closed meeting remotely by electronic means to guarantee that the meeting cannot be viewed or heard by another person or recorded</p> <p>Temporary advisors not to disclose information acquired on the condition it is confidential,</p>	<p>Council queries proposed section 338A(1B) which enables a majority of councillors to permit an unauthorised person to hear or view a closed meeting. This power, if deemed that it is even required, should sit with the Chair.</p> <p>Council considers that the proposed Part 12C does not provide councils or affected individuals an opportunity to respond prior to a report or adverse finding being made.</p> <p>This lack of natural justice and procedural fairness is concerning.</p>
45	Section 341 Immunity from liability	Amended to include temporary advisor	Council is supportive of this proposed reform.