

26 March 2025

Office of Local Government
Department of Premier and Cabinet
PO Box 123 Tasmania 7001

LG.consultation@dpac.tas.gov.au

Dear Director of Local Government

Thank you for the opportunity to provide feedback on the proposed targeted amendments to the Local Government Act 1993.

West Coast Council generally agrees the proposed reform areas have merit and support the intent of the amendments.

West Coast Council request that the following points be considered in developing the draft legislation, and the way forward for the sector.

1. Legislating the Good Governance Principles
West Coast Council agrees the sector would be strengthened with the inclusion of the key governance principles in legislation providing clear provisions for regulatory support and intervention where a council is misaligned and acting contrary to the principles is a positive way to ensure compliance and provide greater resilience to the sector of Local Government as a whole. However, this must be considered against scale, and the frame works of smaller rural councils to ensure no unnecessary regulatory burden.
2. Introducing Serious Councillor Misconduct Provisions
The clarification and definition of serious misconduct should include a reference to clearly articulate and provide a benchmark to behaviour which materially and negatively impacts the capacity and reputation of a council, not just its functional operations as proposed. For smaller rural Council's, the interface of community connectedness needs to be reflected on in this consideration. Many smaller communities have multi-

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layer relationships and leadership needs that are not in-appropriate if managed well by declaration, however, can be perceived in the negative with limited understanding of declaration processes. Smaller communities should not be disadvantaged by any reforms proposed as this forms the fabric of community in rural & remote locations.

3. Broadening Performance Improvement Direction Provisions

West Coast Council seeks support for changes and agrees the current conditions which limit the use of PIDs to address material issues only should be broadened to include a strategic focus as well. Providing the Minister greater authority to address strategic and material failures by the sector is positive, which ultimately if left unaddressed reflect poorly on the reputation of the sector as a whole and undermine the democratic confidence of communities.

4. Introducing Temporary Advisors for Councils

West Coast Council notes the legislation will make it an offence to wilfully obstruct or hinder an Advisor. Consideration should be given to ensure these provisions are robust and extend to providing protections for the Advisor against defamation and other forms of publicly criticising or politicising the Advisor's role. It is important to establish the advisor's role in a capacity building / lifting framework that supports the Local Government sector.

5. Clarifying Work Health and Safety Obligations

The inclusion of much needed additional provisions to remove the current ambiguity for Councillors and General Managers relating to WHS is essential. The discussion paper focuses on the intent not to transfer responsibilities from WorkSafe, and the clarity that will be extended to the Director of Local Government.

The lack of clarity is a direct effect on all local governments and needs to be addresses with clear respectful engagement with the sector prior to any change.

6. Mandating Council Learning and Development Obligations

West Coast Council seeks this reform to be built fit for purpose.

Many elected members across the sector have substantial years of service and hold considerable knowledge of systems and processes.

If the reform proceeds it is logical to grandfather certain provision to allow for sector time to embrace and shift the capacity of knowledge. The avoidance of duplication is a critical component in enacting this proposed reform and should focus on what is fit for purpose.

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7. Introducing a Contemporary Role Statement and a Charter for Local Government

West Coast Council has concerns with this reform being overly prescriptive for smaller rural Councils. This will require the Charter to provide onerous and potentially unnecessary obligations on councils. This may deter smaller rural councils from progressing beneficial and much needed initiatives for their community that are essential for liveability and well-being in the absence of other service providers. Over prescriptive requirements in smaller population centres are at times counter productive and this reform needs to be fit for purpose. West Coast Council would like to see a focus to embrace partnerships as a way forward to creating sustainable community outcomes.

8. Improving the Strategic Planning and Reporting Frameworks

Improving council planning and reporting frameworks as referenced is supported, however this must be undertaken in a fit for purpose scale approach that is reflective of the risks to smaller organisation with cyclic economies.

West Coast Council holds some core concerns, whether the proposed specific changes are the most appropriate to achieve maximum community benefit. At best, West Coast Council would like consideration to be given to measures that provide more meaningful community benefit through a framework which elevates the council to look at more wholistic priorities focused on achieving longer term strategic goals.

Yours Sincerely


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