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1 December 2025

REFORMS TO COUNCILLOR NUMBERS AND ALLOWANCES

In response to the Discussion Paper about the above, I make the following brief comments.

Quorums in small councils

I make no comment on the proposal to reduce the number of councillors and, at the same time, increase councillor allowances. However, I am concerned about the stresses on governance in the five councils where the proposed number of councillors is to be reduced to five, i.e., Central Highlands, West Coast, Flinders, King Island and Tasman.

It would seem to me risky in a governance sense for significant decisions to be taken on a five-member council which is quorate (with three councillors present) but where two are absent. There are many legitimate reasons why councillors may not be able to attend a particular reason, such as sickness, other commitments and so on.

I see that the Discussion Paper has considered this matter. May I suggest that a solution is to be found in the legislation in Victoria which governs body corporates of strata title properties. The problem in that jurisdiction was that body corporates frequently struggled to achieve quorums, so a solution is in s 78 of the *Owners Corporation Act 2006* (Vic). In summary, a general meeting of an owner's corporation can proceed without a quorum but all resolutions it makes are interim resolutions. There are certain explicit exclusions about what can be obtained in an interim resolution (see s 78(1B)) but essentially if an interim resolution is passed, owners must be notified within 14 days, and an interim resolution becomes a 'full' resolution within 29 days unless a special meeting is convened to vary or reverse it.

I would see this as essential for five-member Councils, and it may also be desirable for larger councils. The Local Government Act could provide that an interim resolution can be passed but its text must be provided to all councillors within a set time period and it would not have effect if, say, a majority of councillors notify the General Manager that they want the matter listed at the next Council meeting. This would allow the smallest councils to conduct business with only three councillors present but not expose the Councils to the governance risk of such a small number of elected members approving significant decisions when two councillors are absent. Major decisions, such as for instance the striking of annual rates or the appointment

of senior officers, could be excluded as not capable of being dealt with by interim resolutions.

I offer this as a viable solution which is already in place, albeit in another context, in another jurisdiction.

Leave of absence for a councillor

Although this is not part of the Discussion Paper, if amendments are being considered for the Local Government Act relating to councillors, I submit that it would be desirable to amend the Act to streamline the arrangements for a councillor seeking leave of absence to avoid the situation that recently occurred on the King Island Council.

Item 3(1)(c) of Schedule 5 of the Act provides that a councillor vacates his or her office if the councillor is absent without leave from three consecutive meetings of Council.

On my understanding from the press reports, a King Island councillor caring for her dying husband was deemed to have vacated her position because she had not sought leave of absence from the Council and had not attended three consecutive meetings. At the subsequent by-election, the former councillor was the only nominee and was duly returned. This showed the community's regard for the person concerned.

However, as Councils are charged by the Tasmanian Electoral Commission for the cost of elections and by-elections, I suggest this was an unnecessary cost to a very small Council which could be avoided if the General Manager was empowered, of his or her own motion, to place on the agenda a motion for leave of absence for a councillor who had not been present for two consecutive meetings, where the councillor had not submitted one, or where another councillor did not initiate it.

It would still be a matter for the Council as to whether to vote to grant leave of absence, depending on the individual case, but that is far preferable to a councillor being removed from office by omission, rather than by a positive resolution. Whatever the circumstances in the King Island case, it looked heartless to the independent observer and incurred unwanted expense.

Please accept my apologies for the lateness in this submission, as I have been briefly in hospital, which delayed my sending it.

Yours faithfully,

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