



20 March 2025

Mr Michael Mogridge  
Acting Director of Local Government  
Office of Local Government  
Department of Premier and Cabinet

By email: [michael.mogridge@dpac.tas.gov.au](mailto:michael.mogridge@dpac.tas.gov.au)

Dear Mr Mogridge,

**Submission to the Priority Reform Program Consultation**

Thank you for inviting the Commission to review the proposed legislative reforms to the *Local Government Act 1993* (Tas) (the Act) as part of the Local Government Priority Reform Program 2024–26.

We understand that 11 reforms for inclusion in the amendment Bill have been put forward. We make the following observations about some aspects of the proposed reforms.

**Reform 1. Legislating the Good Governance Principles**

The proposed reform provides that the Director of Local Government (“the Director”) will be able to recommend to the Minister that a performance improvement direction (“PID”) be issued, or a temporary adviser be appointed, where they are satisfied that there has been a serious and material failure by a council to act in way that is consistent with the good governance principles.

**Performance improvement directions**

While the issuing of PIDs is already in the Act, our understanding is that this proposal is aimed at lowering the threshold for their use, and it is anticipated that it would serve somewhat like an “infringement” notice, that is, by directing councils to address deficiencies in performance and compliance and encouraging improvement and avoiding more serious and costly later actions such as a Board of Inquiry. We support this proposed reform.

**Temporary advisers**

Recognising that that these principles are at a high level and guidelines will be issued, we note that unlike proposed Reform 2, there is limited detail about what would be required to enable the Director to form a reasonable belief that a council was not meeting appropriate standards of governance. We suggest that consideration be given to including some guidance about this.

## **Reform 2. Introducing serious misconduct provisions for councillors**

### **Definition of serious councillor misconduct**

The proposed definition of “serious misconduct” provides useful and appropriately general criteria for evaluating seriousness.

The definition of “serious councillor misconduct” clarifies the type and degree of conduct that falls under that definition. It is anticipated that this may assist in educating councillors about the type of conduct of greatest concern, which in turn may help to prevent such conduct.

There is a risk in defining “serious misconduct” with too much specificity. This is because it may fail to deter a wide range of other conduct that might otherwise be regarded as questionable.

The proposed definition appears to strike the right balance without being unduly specific.

Importantly, it appears that the proposed definition measures seriousness by referencing the impact of such conduct on the operations of a council and the health and safety of people.

## **Reform 3. Broadening performance improvement direction provisions**

No comment.

## **Reform 4. Introducing temporary advisers for councils**

No comment.

## **Reform 5. Clarifying work health and safety obligations**

No comment

## **Reform 6. Mandating council learning and development obligations**

We support these provisions, noting the importance of general managers receiving appropriate support and guidance to develop learning and development plans, and sufficient resources to support councillor participation in learning and development opportunities.

## **Reform 7. Introducing a contemporary role statement and a charter for local government**

No comment.

## **Reform 8. Improving the strategic planning and reporting frameworks**

No comment

## **Reform 9. Improving consistency in data collection and reporting methodologies**

No comment

## **Reform 10. Enhancing transparency of information in council rates notices**

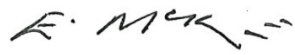
No comment

## **Reform 11. Mandating internal audits for councils**

No comment

Thank you for the opportunity to make this submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'E. McKenzie'.

Ellen McKenzie  
Chief Executive Officer