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# **Local Government (Targeted Reform) Amendment Bill 2025**

## **Exposure Draft Consultation**

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**Local Government Priority Reform Program  
2024-26**

# Contents

Introduction.....	3
Purpose and Structure.....	4
Part One: Outcomes of the Discussion Paper Consultation .....	5
Scope of Consultation .....	5
Approach to Consultation .....	5
Submissions Received .....	5
Consultation Summary .....	6
Part Two: Exposure Draft Overview.....	8
1.    Introducing serious councillor misconduct provisions.....	9
2.    Broadening performance improvement direction provisions .....	11
3.    Introducing temporary advisors for councils .....	13
4.    Mandating council learning and development obligations .....	15
5.    Introducing a contemporary role statement and a charter for local government.....	17
6.    Improving the strategic planning and reporting frameworks .....	18
7.    Improving consistency in data collection and reporting methodologies .....	20
8.    Enhanced transparency of information in council rates notices.....	21
9.    Mandating internal audit for councils .....	21
10.   Miscellaneous amendments .....	22
Next Steps – Consultation on the Exposure Draft .....	24
Appendix 1: Consultation Responses – Summary Table .....	26

# Introduction

On 13 December 2024, the Tasmanian Government publicly released the *Local Government Priority Reform Program 2024-26 – Targeted Amendments to the Local Government Act 1993 – Discussion Paper* (the Discussion Paper).

The Discussion Paper outlined proposed targeted amendments to the *Local Government Act 1993* (the Act) that are needed to implement the Government's *Local Government Priority Reform Program 2024-26* (the Priority Reform Program). The Priority Reform Program encompasses five Strategic Priorities, with the legislative amendments in the Discussion Paper primarily addressing two of the strategic priorities. For more information about the Priority Reform Program, go to [Department of Premier and Cabinet - The Government's response to the Future of Local Government Review](#).

A full list of proposed reforms outlined in the Discussion Paper – and the strategic priority they support – is provided below.

## Proposed amendments and aligned strategic priority

### **Strategic Priority 1 - Lifting Standards of Professionalism, Conduct, and Integrity**

1. Legislating the Good Governance Principles
2. Introducing Serious Councillor Misconduct provisions for councillors
3. Broadening Performance Improvement Direction provisions
4. Introducing Temporary Advisors for councils
5. Clarifying Work Health and Safety obligations
6. Mandating council learning and development obligations

### **Strategic Priority 2 - Driving a High-Performing, Transparent, and Accountable Sector**

7. Introducing a contemporary role statement and a Charter for local government
8. Improving the strategic planning and reporting frameworks
9. Improving consistency in data collection and reporting methodologies
10. Enhancing transparency of information in council rates notices
11. Mandating internal audit for councils

The Discussion Paper is the first phase of consultation on the targeted amendments to the Act. Feedback on the Discussion Paper has now closed, with submissions reviewed and synthesised, and all feedback incorporated where possible into the

Local Government (Targeted Reform) Amendment Bill 2025 – Exposure Draft (the draft Bill). This leads the way for the opening of the second and final phase of consultation on this program of targeted legislative reforms, now inviting community feedback on the draft Bill.

The draft Bill also includes three new legislative reform proposals that were not previously outlined in the Discussion Paper. An overview of these reforms, and the context for their inclusion in the draft Bill, is provided in part 2 of this report.

## **Purpose and Structure**

This paper provides an overview of feedback received in response to the Discussion Paper, and a description of how this feedback has been incorporated into the draft Bill. This paper also opens consultation on the draft Bill as the final stage of consultation on these legislative reforms.

The paper is structured in two parts:

**Part One:** Consultation Report – Analysis and Outcomes of the Discussion Paper Consultation

**Part Two:** The Local Government (Targeted Reform) Amendment Bill 2025 – Exposure Draft –Overview of Legislative Reforms

# **Part One: Outcomes of the Discussion Paper Consultation**

## **Scope of Consultation**

The Local Government Priority Reform Program 2024-26 follows extensive, multi-year review processes which have involved broad-based consultation. The purpose of the Discussion Paper was not to test the merit of the reforms, but rather to seek stakeholder and community feedback on their proposed design.

Councils, other stakeholders, and the broader community were encouraged to consider potential technical concerns and implementation challenges for the proposed amendments to ensure robust legislative models are developed that are fit for purpose and have a meaningful impact.

## **Approach to Consultation**

Consultation on the Discussion Paper was open for 14 weeks from Friday 13 December 2024 until Friday 21 March 2025.

Councils and sectoral peak bodies were directly alerted to the publication of the Discussion Paper and invited to submit feedback on the proposed amendments.

Six online workshops were scheduled for councillors, mayors, and council staff to see an overview of the amendments described in the Discussion Paper, ask questions, and discuss the proposed changes. The one-hour workshops were offered in morning, afternoon, and evening timeslots to accommodate varying work and personal schedules of invitees.

Relevant agencies were consulted on how the reforms would work in practice in relation to core business activities and responsibilities of those agencies. Those agencies included the Tasmanian Civil and Administrative Tribunal (TASCAT) and WorkSafe Tasmania. The Office of the State Litigator, the Office of the Solicitor General, and the Office of Parliamentary Counsel were consulted on how the reforms would operate most effectively within and in relation to existing legislation and policy frameworks.

## **Submissions Received**

A total of 26 individual submissions were received in response to the Discussion Paper. These included:

- 16 submissions from Tasmanian councils
- five (5) submissions from organisations

- five (5) submissions from community members.

## Consultation Summary

Consultation responses indicated broad support for the proposed reforms. Most submissions agreed on the need for clearer standards, better early intervention tools (through enhancements to Performance Improvement Directions, and the introduction of temporary advisors), and more robust accountability measures.

Some concern was expressed about the practical implications of the reforms that could arise from mandating new processes and reporting requirements, mandatory training, and internal audit. Concern was raised about the practicality of regulating compliance with internal council policies if this is a legislative requirement under the reforms. Some responses called for State support, cost-sharing models, or alternative approaches to implementation where reforms may increase costs and administrative burdens for councils.

Responses were generally supportive of the proposed reforms that are designed to improve council culture, performance, and accountability. Key insights included the need to clearly define the criteria and triggers for early-intervention tools, and to focus response mechanisms on capacity-building and positive improvement, rather than penalties and disciplinary actions.

There was some concern that the Good Governance Principles (the principles) did not fit well into primary legislation – the *Local Government Act 1993* – because a greater level of detail is needed about each principle to understand how it applies in the context of council governance. Feedback suggested the principles should instead be legislated via subordinate legislation (such as Regulations or Ministerial Order) where a description of each principle could be expanded to give the principles meaning and context for council practices. As a result of this feedback, the principles have not been included in the draft Bill, and it is proposed instead that they be incorporated as part of the local government charter.

Advice and feedback have also led to a change in direction for the proposal to include ‘doubts removal’ provisions in the *Local Government Act 1993* regarding the work health and safety obligations of elected members. The advice received through consultation was that there is no legal doubt about this matter, and that including work health and safety provisions for elected members in the local government legislative framework could be misleading and potentially undermining of the work led appropriately by WorkSafe Tasmania. In response to this advice, and upon further consideration, work health and safety provisions have not been included in the draft Bill, and it is instead proposed that this issue be addressed through focused

education and communication, in partnership with the sector and WorkSafe Tasmania.

All consultation responses – received in writing and through agency-level discussions – have been considered and informed the development of the draft Bill. Appendix 1 provides a more detailed overview of the feedback received in relation to each of the reforms outlined in the Discussion Paper. It also notes how the feedback has been incorporated into the draft Bill and the rationale for adjustments to policy positions, where relevant.

Submissions in response to Consultation Paper are available on the [Office of Local Government's website](#).

## Part Two: Exposure Draft Overview

With consultation on the Discussion Paper now closed, and all feedback considered and synthesised, the Local Government (Targeted Reform) Amendment Bill 2025 – Exposure Draft (the draft Bill) has been prepared with sectoral and community feedback incorporated.

The draft Bill includes:

- Amendments to deliver legislative reforms that have previously been introduced by the Discussion Paper, namely:
  1. **Introducing serious councillor misconduct provisions.**
  2. **Broadening performance improvement direction provisions.**
  3. **Introducing temporary advisors for councils.**
  4. **Mandating council learning and development obligations.**
  5. **Introducing a contemporary role statements and charter for local government.**
  6. **Improving the strategic planning and reporting framework.**
  7. **Improving consistency in data collection and reporting methodologies.**
  8. **Enhanced transparency of information in council rates notices.**
  9. **Mandating internal audit for councils.**
- Several miscellaneous amendments to support the more efficient, effective and transparent operation of the Code of Conduct complaints handling framework, and to ensure confidentiality of closed council meetings where a councillor attends such a meeting remotely, in anticipation that amendments to the Meeting Regulations will soon proceed, to allow for remote meetings in certain circumstances.

A brief reform snapshot is given for each of the proposed reforms below, including a description of how the Discussion Paper consultation has influenced the shape of the reform as presented now in the draft Bill (where relevant).

It should be noted that the draft Bill provides heads of power for the making of Ministerial Orders in relation to several matters, and the details of those Orders will need to be developed in close consultation with the sector over the coming months. The logic of using Ministerial Orders is that it allows for technical and prescriptive details to be adjusted – as needed – in a timely way response to changing needs and circumstances, without having to amend primary legislation.

This approach is consistent with a broader move towards a more principles-based and less prescriptive Local Government Act. As an important check on unilateral



Ministerial power, all Orders-making provisions proposed under the Bill are subject to mandatory consultation with councils. Where appropriate, provisions will also be subject to Parliamentary oversight and potential intervention as disallowable instruments.

To assist in understanding the full parameters of the legislative changes, the Office of Local Government expects to work with councils in the preparation of key components of the proposed Orders prior to the Targeted Bill being debated in Parliament.

## **1. Introducing serious councillor misconduct provisions**

### **Reform snapshot**

- New provisions are included in the draft Bill 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 (the code).
- Serious councillor misconduct is defined as a serious and severe breach of the code, determined by reference to criteria and considerations outlined in the Bill and which will be supported further via legislated Ministerial Guidelines.
- 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 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.

### **Reform detail**

Consultation on the Discussion Paper revealed strong community and sectoral support for this reform. Comments suggested that the current Code of Conduct system is inadequate for dealing with instances of repeated or particularly egregious misconduct by councillors, and there was a significant level of support for stronger sanctions to be available for serious misconduct, providing the definition of what

constitutes 'serious misconduct' is clear. The legislative reform model outlined in the Discussion Paper was largely supported by consultation respondents, so the proposed framework has mostly been carried forward into the draft Bill.

In response to consultation feedback, development of a clear definition of serious councillor misconduct has been prioritised in the draft Bill to reduce subjectivity and enhance the consistency of assessment and prosecution processes and outcomes if needed.

The draft Bill sets out the factors to be considered when determining whether conduct, or an attempt to engage in conduct, by a councillor constitutes a serious or significant breach of the Code of Conduct (see the table below). The assessment process may regard one or more of the considerations set out in the draft Bill.

To further support implementation of these new provisions, the draft Bill provides the Minister for Local Government is to issue guidelines that specify matters and considerations that are to be taken into consideration by decision-makers in the process for determining serious misconduct. The matters and considerations that are to be included in the guidelines will be developed in consultation with councils, and serious misconduct provisions will only be activated once those guidelines have been settled.

Under the reform, a Code of Conduct complaint that potentially meets one or more of these considerations may be referred to the Director of Local Government by the Code of Conduct initial assessor for further investigation. The Director of Local Government will have discretion to investigate a complaint referred by the initial assessor or investigate a matter that has come to the Director's attention via other channels. The Director may also initiate an 'own motion' investigation into potential serious councillor misconduct. The Director (and only the Director) then has sole discretion to refer the matter to TASCAT if there is sufficient evidence to suggest the councillor's conduct may constitute a serious breach of the Code of Conduct.

## **Local Government Amendment (Targeted Reform) Bill 2025 – Exposure Draft**

### **Section 28ZR(2) - serious councillor misconduct**

#### **Factors to be considered when determining 'serious councillor misconduct'**

- a. Whether the conduct is unlawful.
- b. The extent of any actual or potential harm or risk caused by the conduct to an individual, the council, or public safety.
- c. The degree to which the conduct negatively impacts on the ability of the council to perform its functions under the Local Government Act or any other legislation.

- d. Whether the conduct involves deliberate and intentional misuse of council resources, information, or authority for personal gain, undue influence, or detriment to the council, community, or a community member.
- e. The nature and extent of any material benefit or detriment caused by the councillor or others as a result of the conduct.
- f. Whether the conduct is part of a repeated pattern of contravention or involves collusion with others, and the councillor's role in such collusion.
- g. Such other public interest considerations as considered relevant.
- h. Such other matters or considerations as are specified in Guidelines issued by the Minister to support these legislative provisions.

All the usual procedural aspects of TASCAT will apply once a matter is brought into that jurisdiction (including legal representation and appeal rights). In this context, the Director of Local Government will adopt the role of applicant in the matter and will present to TASCAT relevant evidence to support a serious councillor misconduct complaint.

In addition to all other existing sanctions currently available to the Code of Conduct Panel, TASCAT will be empowered, in making a finding of serious councillor misconduct, to dismiss the councillor and disqualify the councillor from being eligible to stand for election as a councillor for a period of up to seven years.

## **2. Broadening performance improvement direction provisions**

### **Reform snapshot**

- 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 for **any** statutory breach, 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 3 below).

## **Reform detail**

Feedback from respondents showed a favourable response to the PID being strengthened as an early intervention tool to address governance difficulties in councils before identified problems escalate.

This reform in the draft Bill makes a small but important adjustment which broadens the circumstances in which a PID can be recommended, so that there is no need (as is currently the case) for there to be a single ‘serious’ breach, or multiple minor breaches. The current drafting in the Act negatively impacts on a PID’s ability to be used as an early intervention proactive compliance support tool, rather than a later-stage, more punitive regulatory intervention.

The Discussion Paper proposed that under the reform a PID may be issued in response to a breach of a council policy. While the intention of this proposal was to ensure broad application of a PID, an outcome of the Discussion Paper consultation feedback was that linking the PID to the charter and good governance principles within the local government legislative framework was a more appropriate approach for regulatory purposes.

### 3. Introducing temporary advisors for councils

#### Reform snapshot

- 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 will be given all necessary and appropriate powers to undertake these functions. Specifically, advisors will 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 will provide a final report to the Minister for Local Government and recommend any further action (including regulatory intervention) as they see fit.
- Temporary advisors will be able to be appointed separately to, or in conjunction with, a performance improvement direction (PID).
- Temporary advisors will 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.

#### Reform detail

The Minister for Local Government will have broad discretion to appoint a temporary advisor in response to a reasonable belief that a council is not meeting appropriate standards of governance, and the appointment of an advisor will assist in getting the council back on track. The Minister for Local Government will be able to appoint an advisor in response to a recommendation from the Director of Local Government, or on the request of the council itself.

The role of a temporary advisor will be advisory only, with their key functions being to monitor and observe council governance and operations and provide advice and recommendations to the relevant council, the Director of Local Government, and the Minister for Local Government. Unlike a commissioner or administrator, advisors would not have any administrative, contractual, or financial control over the operations of council.

Temporary advisors may be appointed separately to, or in conjunction with, a performance improvement direction. The Minister for Local Government will be able to request an advisor to investigate and report on specific matters. Advisors will be given all necessary and appropriate powers to undertake these functions, including the authority to enter a council, 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 appointment, advisors will provide a final report the Minister for Local Government and recommend any further action as they see fit, which may include some form of reporting and continued oversight, the potential issuing of performance improvement directions, a Board of Inquiry, or a Local Government Board Review.

To ensure natural justice and procedural fairness, before providing any report containing an adverse finding, the advisor will be required to give anyone implicated in that finding a reasonable opportunity to respond. The temporary advisor will be appropriately bound by confidentiality.

Feedback on this reform through the Discussion Paper consultation was largely positive, as the reform was recognised by respondents as a complementary support to other early intervention tools, such as the broadened PID process (see Reform 2). Given the positive response to the reform details outlined in the Discussion Paper, the described model has been upheld and reflected in the draft Bill. However, respondents were also concerned to see clearly defined roles, responsibilities, and appointment triggers. This feedback has been addressed in the draft Bill, with clear criteria set out that describes when a temporary advisor can be appointed, and the level of evidence required for the Minister to make the appointment.

The draft Bill also provides that temporary advisors will be appointed on terms and conditions under an instrument of appointment, and the cost of their appointment will be borne by the relevant council, as foreshadowed in the Discussion Paper. While the potential costs were raised as a concern for councils during consultation, this detail has been retained in the draft Bill, as it is the same cost arrangement that currently applies for other governance interventions in the Local Government Act, such as cost responsibilities for a Board of Inquiry. As the draft Bill describes that the appointment of an advisor will be when there is clear and substantiated evidence of need, or at the request of the council itself, it is proposed that the cost will remain as the responsibility of the council.

## 4. Mandating council learning and development obligations

### Reform snapshot

- New legislative provisions will require all councillors (both new and returning) to undertake core minimum learning and development activities within the first 12 months of being elected.
- The requirements will focus on councillors' core roles and responsibilities (including their various statutory obligations) and will be approved by the Director of Local Government, allowing for flexibility and adjustment over time, as necessary.
- The provisions will ensure that mandatory requirements are to be relevant to the performance of a councillor's functions and duties, and the Director will be required to consult with LGAT on the approved training.
- General managers will also be required to develop an elected member learning and development plan for the council at the beginning of each term, and councils will need to make reasonable provision in their budgets to support participation of councillors in learning and development opportunities consistent with those plans.
- Consistent with recent changes to the *Local Government (General) Regulations 2025*, councils are required to publicly report on each councillor's completion of mandated learning and development activities. Non-compliance with the mandatory requirements would be a breach of the Local Government Act.
- Mandatory pre-election education (completion of an information session) is also planned to be introduced, but this will be implemented via the new Local Government Elections Bill.

### Reform detail

This reform was widely supported by respondents through consultation on the Discussion Paper. Many councils supported the proposal of a core mandatory training component for new councillors, focusing on meeting procedures, the good governance principles, and councillor's statutory responsibilities. It was seen as critical to ensure candidates understood what their role and responsibilities are. Feedback also requested that consideration be given to tailoring the mode of training to meet the varying preferred learning styles of individual councillors.

With strong support for this reform through consultation, the details outlined in the Discussion Paper have been carried forward to the draft Bill. This includes the requirement for all councillors to undertake a set of reasonable, core learning and development activities within 12 months of their election to office, and that the requirement applies to both new and returning councillors in recognition of the constantly evolving statutory and regulatory operating environments of councils.

The content of the mandatory training program for councillors will be approved by the Director of Local Government, following consultation with LGAT. The draft Bill specifies that the scope of learning content is to relate to a councillor's functions and duties, as defined in the Local Government Act, to provide assurance to councils of its relevance.

The mandatory training program will be open to review to ensure it remains relevant and contemporary.

The draft Bill also provides that a council must adopt – within six months of a council election - a policy in relation to the continuing professional development of councillors and indicate as part of this funding that will be made available to support its implementation.

In addition to the reform initiatives set out in the draft Bill, these provisions will be complemented by a modest mandatory pre-nomination information session for all prospective candidates within six-months of nominating for an election. This training will cover the roles and responsibilities of councillors, providing potential candidates with a clear understanding of what the role entails. As previously advised in the Discussion Paper, this requirement is not included in this draft Bill as it will be included in the Local Government Elections Bill which is currently under development.



## 5. Introducing a contemporary role statement and a charter for local government

### Reform snapshot

- 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 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 good governance principles will be embedded in the charter to set clear standards for Tasmanian council decision-making, accountability, and transparency.
- 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).

### Reform detail

Respondents to the Discussion Paper were widely supportive of a role statement and charter that clarify core functions, promote collaboration, and support strategic planning. Some submissions emphasised that the charter should be linked to state and local partnership agreements and be developed through extensive consultation. There was also some concern expressed that an overly prescriptive charter could limit the flexibility needed for councils to operate in a locally autonomous way.

In response to this feedback, the draft Bill largely upholds the reform model as it was described in the Discussion Paper, including the requirement for the Minister to consult with the public and councils in developing the charter. The draft Bill

establishes the high-level purpose, scope, and effect of the charter, and establishes the process for developing the charter in consultation with community and the sector.

The Discussion Paper proposed that the good governance principles be legislated in the Act. However, feedback through consultation was that the principles were better placed in subordinate legislation so that adequate detail and guidance can be provided to support effective implementation. In response to this feedback, the good governance principles will instead be built into the charter where they can meaningfully set the standard for how councils perform their core business.

As signposted in the Discussion Paper, it is anticipated that the development of the charter will follow a consultative process by the Tasmanian Government with local government, the community, and other local government partners. It is anticipated that this will be undertaken following implementation of this amendment Bill, with the charter coming into effect in 2026.

## **6. Improving the strategic planning and reporting frameworks**

### **Reform snapshot**

- 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.
- 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, and ensure consistency with the new role statement and local government charter.
- 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.

## **Reform detail**

Consultation on the Discussion Paper showed a high-level of support for council strategic planning that integrates community wellbeing, workforce development, and elected member capability plans.

The draft Bill establishes a high-level legislative framework to support a gradual implementation of an enhanced strategic planning and reporting framework, aligning with the intent of Future of Local Government Review recommendations.

Councils will continue to prepare 10-year strategic plans but will be required to consult with local communities to identify and include agreed community wellbeing priorities, objectives and outcomes. The strategic plan will be required to be in place for council within 12 months of an ordinary election, and councils will be required to report annually on progress against the plan's strategic priorities as part of their annual reports.

Existing obligations remain unchanged for councils' financial and asset management planning, including the current suite of required documents and their content. These plans must continue to align with the council's strategic plan.

New statutory plans to be introduced by the draft Bill include:

- a community engagement plan
- a workforce development plan.

The draft Bill includes only high-level parameters for these plans, and that is to allow for maximum flexibility for councils to plan according to community need.

Some concern was expressed through consultation about the potential administrative burden for councils with the roll out of this reform, with some submissions requesting support materials, templates and guidelines to aid implementation. In response to this feedback, the draft Bill provides that the Minister for Local Government may issue guidelines to specify requirements relating to the preparation, contents and review of council plans. Additionally, this reform will be implemented in a phased approach to support a smooth transition and manage administrative burden for the local government sector.

It is intended for this reform to complement the development of an enhanced performance reporting system as outlined under Reform 7.

## 7. Improving consistency in data collection and reporting methodologies

### Reform snapshot

- New provisions will give the Minister for Local Government the ability to issue clear and binding instructions to councils in relation to a range of performance indicators and their associated data collection and reporting requirements.
- More consistent and streamlined 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, will support councils with strategic planning and policy development, and support better and more proactive monitoring, support and regulatory intervention.

### Reform detail

Feedback on the Discussion Paper supported enhanced data consistency if performance indicators are tailored to varying council capacities, and providing the process can be integrated with existing systems to reduce avoidable costs.

Respondents recommended that data collection methods be developed in consultation with councils to ensure they are practical and useful, and adaptable to the capacity of the council. The intention through this reform, is to improve the consistency of data, while being more targeted in annual data requests to reduce administrative burden.

The draft Bill expands the provisions of section 84 of the Act to empower the Minister for Local Government to specify by Order a broader range of performance indicators than those currently set out in the *Local Government (Management Indicators) Order 2014* (which is narrowly focused on financial and asset management indicators).

The Ministerial Order may also specify the methodologies and data protocols for reporting and presentation of data against these metrics.

In response to consultation feedback, and to ensure the reform achieves its objective while integrating with the existing systems and operational capacity of councils, the Minister will be required to consult with councils on the content of the Ministerial Order before it is finalised.

## 8. Enhanced transparency of information in council rates notices

### Reform snapshot

- 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.

### Reform detail

Respondents to the Discussion Paper were supportive of enhancing transparency by prescribing clear, concise information in rates notices. There were suggestions of explanatory notes or Frequently Asked Questions accompanying the rates notice as an alternative to listing all information in the rates notice itself to ensure information is accessible and not overwhelming to rate payers.

In response to this feedback, the draft Bill allows the Minister for Local Government to specify via Ministerial Order the minimum information that councils must include in rates notices, but the content of the order has not yet been determined. Again, the order will be developed in consultation with councils to ensure the outcome is achievable and effective in implementation.

## 9. Mandating internal audit for councils

### Reform snapshot

- 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.
- The Minister for Local Government will be empowered to specify, by Ministerial Order, the requirements that apply to councils in relation to internal audits.
- Councils will retain broad discretion in the strategic direction of any internal audit function, along with discretion to explore cost-effective solutions in response to this requirement (such as aligning common audits, shared-service solutions).

## **Reform detail**

The response to this reform through Discussion Paper consultation was mixed. While some respondents were supportive of enhanced audit functions for better council accountability, others expressed concern about the associated financial and administrative burdens. While some responses supported stronger internal audit practices, there were also recommendations to explore shared services between councils or state-run audits to reduce costs and avoid conflicts of interest.

As an outcome of consultation, this reform has been included in the draft Bill to give the Minister a head of power to specify, by Ministerial Order, the requirements that will apply to councils in relation to the conduct of internal audits. The content of the order has not yet been decided, as this will be determined in consultation with councils. It is anticipated requirements will mirror – as much as possible and having regard to the specific needs and circumstances of the sector – the Treasurer’s Instructions that apply to internal audit for Tasmanian Government agencies.

## **10. Miscellaneous amendments**

As flagged above, the draft Bill also contains several minor amendments to address identified issues with the practical operation of the current Code of Conduct complaints handling framework, and to introduce security and confidentiality provisions to support remote meeting provisions, which the Government has committed to introduce via changes to the Meeting Regulations.

The proposed amendments are briefly summarised below.

### **Remote council meetings – security and confidentiality provisions**

New provisions will require councillors who attend a closed council or committee meeting remotely (such as by videoconference) must take reasonable steps to ensure unauthorised persons cannot view or hear the proceedings of the meeting (unless council explicitly agrees that the person may be present or overhear the discussion).

This reform has been included in the draft Bill to support proposed new provisions in the *Local Government (Meeting Procedures) Regulations 2025* (the Regulations) that will allow councillors to remotely attend council meetings. Similar provisions were temporarily introduced during the COVID-19 pandemic response to support continuity of council business during periods of lockdown and isolation. Through consultation on the Regulations, the sector and community has indicated strong support for these regulatory provisions to be reinstated to improve the likelihood of council meetings proceeding with quorum in circumstances where a councillor might otherwise be unable to travel to attend a meeting. The provisions are expected to open the

opportunity for community members to join council where travel to meetings may previously have been a barrier, such as people with caring responsibilities at home.

### **Minor changes to Code of Conduct complaints handling processes**

Several minor amendments are proposed:

- Firstly, confidentiality surrounding a code of conduct complaint will come to an end as soon as a determination report is provided to all relevant parties. Under current arrangements, a determination report is to be kept confidential until it is placed on the agenda for a council meeting with publication of the report. However, at present it cannot be placed on the agenda if the determination is under appeal with the Magistrates Court. The reform does not change that a determination can be appealed, it only acts to remove the requirement for confidentiality through the appeal process, which is more transparent and brings the Code process into alignment with other judicial appeal processes. The draft Bill also clarifies that confidentiality comes to an end in respect of a complaint where it is dismissed at the initial assessment phase, as soon as the initial assessor provides that advice to the complainant.
- Secondly, a minor change will ensure that the Executive Officer has the flexibility to refer further complaints relating to the same alleged breach to an investigating panel while that panel is still actively investigating a complaint into that matter. Changes introduced in 2024 have been found to have inadvertently constrained the Executive Officer's ability at an operational level to practically manage and efficiently coordinate multiple complaints, and this amendment will restore that discretion. This reform is expected to accelerate the resolution of complaints and ultimately save councils money.

# Next Steps – Consultation on the Exposure Draft

The draft Bill is open for consultation until 5pm on **17 November 2025**.

This is an important opportunity for the public and interested stakeholders to influence the shape and effectiveness of Tasmania's local government legislative framework.

You can make a submission by email or post to:

Email: [LG.consultation@dpac.tas.gov.au](mailto:LG.consultation@dpac.tas.gov.au)

Post:

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

Other than indicated below, submissions will be treated as public information and will be published on our website at [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au). No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact [localgovernment@dpac.tas.gov.au](mailto:localgovernment@dpac.tas.gov.au).

*Note: Separate consultation processes will be run to support the development of a range of sub-legislative instruments that are flagged in this draft Bill and will be needed to fully implement the Local Government Priority Reform Program 2024-26. This includes the charter for local government, and a number of Ministerial orders and guidelines.*



## **Tasmanian Government Submission Policy**

In the absence of a clear indication a submission is intended to be treated as confidential (or parts of the submission), the Department of Premier and Cabinet will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department of Premier and Cabinet will not publish, in whole or in part, submissions containing defamatory or offensive material. If your submission includes information that could enable the identification of other individuals, then either all or parts of the submission will not be published.

### ***The Right to Information Act 2009 and confidentiality***

Information provided to the Tasmanian Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated you wish all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide further comment.

## Appendix 1: Consultation Responses – Summary Table

#	Reform	Consultation Feedback	Outcome of Feedback
1	Legislating Good Governance Principles	<ul style="list-style-type: none"> <li>• Wide support for this reform across councils generally.</li> <li>• Councils note that the principles reflect the existing Good Governance Guide and provide a basis for early intervention (such as triggering PIDs or temporary advisors).</li> <li>• Emphasis on the need for clear, practical guidelines to assist interpretation and implementation.</li> <li>• Caution that, without robust enforcement mechanisms, broad or unclear principles may be misused or ‘weaponised’.</li> <li>• Timely and detailed guidelines for how the principles apply to councils are necessary.</li> <li>• The principles may be better legislated in a subordinate legislative instrument (rather than in the primary Act) to allow for the necessary level of detail and guidance about each principle.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>• Legislated principles are widely supported.</li> <li>• Clear, detailed guidelines and robust enforcement measures that prevent misuse are needed.</li> </ul>	<p>The Good Governance Principles will be legislated as part of the Local Government Charter via Ministerial Order so that adequate detail and guidance can be provided to support effective implementation.</p> <p>This reform has <b>not</b> been included in the draft Bill.</p>
2	Introducing Serious Councillor Misconduct Provisions	<ul style="list-style-type: none"> <li>• Many councils support stronger sanctions for serious misconduct, provided the definition is clear.</li> </ul>	Feedback has been noted and actioned where possible in the draft

#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Support for expanding the definition to cover persistent breaches, reputational damage, and material health and safety issues—but warns against overly detailed definitions that might be inflexible.</li> <li>Caution against processes that presume guilt.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Define ‘serious misconduct’ with clear thresholds (possibly using examples or a demerit point system) to ensure consistency and fairness. Enforcement processes must preserve procedural fairness and due process.</li> </ul>	<p>Bill. The Bill includes a more specific and developed definition of what constitutes ‘serious councillor misconduct’ than was presented in the Discussion Paper.</p>
3	Broadening Performance Improvement Direction (PID) Provisions	<ul style="list-style-type: none"> <li>Councils support broadening PID use to cover governance failures and non-compliance with council policies. An operational guide to clarify triggers has been suggested with some issues raised.</li> <li>Organisations view PIDs as a useful early intervention tool, emphasising that they should lead to remedial action (including training) rather than solely punitive measures.</li> <li>There was some call for stronger remedial actions to make PIDs more effective.</li> </ul> <p><b>Key Insights/Recommendations</b></p>	<p>Due to feedback about how non-compliance with council policies would be effectively regulated, this reform will focus on legislative breaches.</p> <p>Feedback has been noted and actioned where possible in the draft Bill.</p>

#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Expand PID provisions with clearly defined criteria and triggers. Link PIDs to remedial and capacity building measures so they serve as an early intervention rather than being seen merely as a penalty.</li> </ul>	
4	Introducing Temporary Advisors for Councils	<ul style="list-style-type: none"> <li>Councils support the use of temporary advisors to assist with governance challenges. They stress the need for clearly defined roles, responsibilities, and appointment triggers.</li> <li>Concern was raised about cost implications.</li> <li>Some feedback emphasised that temporary advisors should empower councils through timely, objective support. Guidance on their use is deemed essential.</li> <li>It was suggested that advisor reports be tabled publicly to ensure transparency and protection against defamation.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Clearly specify the circumstances and processes for appointing temporary advisors, including their advisory (not administrative) role, cost-sharing where appropriate, and public reporting of their recommendations to ensure transparency and accountability.</li> </ul>	<p>Public release of an advisor's report/s will be at the discretion of the Minister for Local Government.</p> <p>The draft Bill includes details of roles, responsibilities, and appointment triggers.</p>
5	Clarifying Work Health and Safety (WHS) Obligations	<ul style="list-style-type: none"> <li>Councils welcome clearer WHS obligations for elected members and staff, ensuring that WHS responsibilities are understood without transferring additional regulatory power.</li> </ul>	Advice received in relation to this reform was that there is no legal doubt that the requirements of the Tasmanian

#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Organisations support clarification but call for standardised WHS training and clear escalation pathways (especially for psychosocial hazards).</li> <li>Some individuals express concern over fairness, questioning whether councillors should be held to employee standards without appropriate benefits.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Implement clear, practical WHS guidelines that include standardised training tailored to the local government context and define escalation procedures to ensure obligations are met without imposing unfair burdens on councillors.</li> </ul>	<p>Work Health and Safety legislative framework applies to elected officials.</p> <p>The need for education and guidance on this matter is acknowledged.</p> <p>The Office of Local Government will work with the Local Government Association of Tasmania (LGAT) and WorkSafe Tasmania to address this need through training and communication strategies.</p> <p>This reform has <b>not</b> been included in the draft Bill.</p>
6	Mandating Council Learning and Development Obligations	<ul style="list-style-type: none"> <li>Many councils support mandatory training for new councillors, focusing on meeting procedures, Good Governance Guidelines, and statutory responsibilities.</li> <li>Councils recommend that training be tailored (such as regional workshops, differentiating between new and experienced councillors).</li> <li>Feedback suggested a strict 12-month mandate may be too short and that consequences for non-compliance needs clarity.</li> </ul>	<p>Feedback has been noted and actioned where possible in the draft Bill.</p>

#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Limited feedback opposed extensive mandated training as potentially discriminatory compared to other government levels.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Develop a tiered, flexible training program that provides comprehensive induction for new councillors and ongoing professional development for experienced members, with mechanisms to incentivise rather than penalise non-participation.</li> </ul>	
7	Introducing a Contemporary Role Statement and a Charter for Local Government	<ul style="list-style-type: none"> <li>Councils widely support a role statement and charter that clarify core functions, promote collaboration, and support strategic planning.</li> <li>Caution is advised against overly prescriptive language that could limit flexibility.</li> <li>Organisations stress that the charter should be linked to state local partnership agreements and be developed through extensive consultation.</li> <li>Individual submissions provide limited commentary, mainly emphasising the need to maintain local discretion.</li> </ul> <p><b>Key Insights/Recommendations</b></p>	<p>Feedback has been noted and actioned where appropriate in the draft Bill.</p> <p>Further consultation will support the development of the charter for local government to enable its timely rollout.</p>

#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Develop a flexible, consultative charter and role statement that clearly outlines councils' core functions while allowing for local variation and preserving council autonomy. Integration with existing partnership agreements is essential.</li> </ul>	
8	Improving the Strategic Planning and Reporting Frameworks	<ul style="list-style-type: none"> <li>Councils support statutory backing for strategic planning that integrates community wellbeing, workforce development, and elected member capability plans.</li> <li>Organisations emphasise the need for templates, guidelines, and phased implementation to ease the transition and ensure effective community engagement.</li> <li>Few individual submissions; general support if practical tools are provided.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Support materials would benefit councils for implementation. Ensure statutory timeframes minimise additional burdens on councils.</li> </ul>	<p>Feedback has been noted and actioned where appropriate in the draft Bill.</p> <p>Consideration will be given to providing materials to support implementation.</p>
9	Improving Consistency in Data Collection and Reporting Methodologies	<ul style="list-style-type: none"> <li>Councils support enhanced data consistency if performance indicators are tailored to the variation of council capacities and are integrated with existing systems.</li> <li>Organisations recommend that data collection methods be developed in consultation with councils to ensure they are both practical and useful.</li> </ul>	Feedback has been noted and actioned where appropriate in the draft Bill.

#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Limited individual commentary, focusing on the need for practical and achievable reporting requirements.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Establish flexible, consultative performance metrics and reporting frameworks that consider the capacities of smaller councils and integrate with current systems to enhance transparency without imposing undue costs.</li> </ul>	
10	Enhancing Transparency of Information in Council Rates Notices	<ul style="list-style-type: none"> <li>Many councils support increased transparency in rates notices but express concerns about overloading ratepayers with excessive detail (such as 5-year data).</li> <li>Councils suggest providing supplementary explanatory materials as an alternative to including information in the rates notice.</li> <li>Organisations propose using property-class level comparisons to ease the reporting burden and improve clarity.</li> <li>Some individual submissions stress the need for balanced information that aids understanding without causing confusion.</li> </ul> <p><b>Key Insights/Recommendations</b></p>	Feedback has been noted and actioned where appropriate in the draft Bill.



#	Reform	Consultation Feedback	Outcome of Feedback
		<ul style="list-style-type: none"> <li>Enhance transparency by prescribing clear, concise information in rates notices accompanied by explanatory notes or FAQs. Consider alternative formats (such as property class comparisons) to ensure information is accessible and not overwhelming.</li> </ul>	
11	Mandating Internal Audit for Councils	<ul style="list-style-type: none"> <li>Council views are mixed: while some support enhanced audit functions for better accountability, several smaller councils express concern about the associated financial and administrative burdens.</li> <li>Organisations support stronger internal audit practices but recommend exploring shared services or state-run audits to reduce costs and avoid conflicts of interest.</li> <li>Individual submissions argue against self-auditing, suggesting that independent, state administered audits would be preferable.</li> </ul> <p><b>Key Insights/Recommendations</b></p> <ul style="list-style-type: none"> <li>Strengthen internal audit functions by considering alternative models (such as shared services or state administered audits) that reduce costs and avoid conflicts of interest while ensuring robust oversight.</li> </ul>	Feedback has been noted and actioned where appropriate in the draft Bill.