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The Honourable Kerry Vincent,
Minister for Local Government
GPO 123
Hobart, TAS 7001

email: Minister.Vincent@dpac.tas.gov.au and lgconsultation@dpac.tas.gov.au

Dear Minister Vincent,

RE: Local Government Amendment (Targeted Reform) Bill 2025 -
Exposure Draft Consultation

Whilst I can appreciate the Local Government Act needs to be updated periodically at the behest of the vocal, uniformed general public cohort urging the State Government to change Local Government, who know who to complain to and complain about, but would not stand for election as a Councillor, themselves. In 2014, I was elected unopposed.

- I must insist there should be one standard for ministers and councillors. That is, the standards elected members of State Government expect of elected members of Local Government, should apply to them equally. A truly sore point is item 8., page 13, the issue of **Mandatory core learning and development activities for councillors (28AB.)** and **Policy for continuing professional development (28AC.)**

Regardless, whether serving as a minister or as a councillor these are roles require **Experiential learning** where *“learning is achieved through a continuous cycle of inquiry, reflection, analysis and synthesis.”* (Bartle, 2015) Further, David A. Kolb described experiential learning as *“the process whereby knowledge is created through the transformation of experience. Knowledge results from the combinations of grasping and transforming the experience.”* (Kolb, 1984) According to the Institute for Teaching and Learning Innovation, University of Queensland, ministers and councillors *“engaged in authentic learning experiences that position them as active participants in their learning. They develop the ability to bridge the gap between theory and practice and integrate learning beyond the classroom. Experiential learning can increase student engagement, improve learning effectiveness and enhance work and life skills.”* According to Kent State University, *“Experiential Learning is the process of learning by doing. By engaging students in hands-on experiences and reflection, they are better able to connect theories and knowledge learned in the classroom to real-world*

situations.” There is plenty of peer-reviewed papers asserting this. Again, I make my point, using the example of learning how to fly a helicopter at 5 feet hover over a spot, just by reading the ‘Helicopter Flying Handbook’. As a former Helicopter Flying Instructor, holding the highest credentials available, serving as an assessor, as well as a former Army helicopter pilot and Maintenance Test Pilot, I assure you that you will not be able to learn by reading all the theory available to you, just as you serving as a minister or I as a councillor would not learn all there is to know about our roles simply by reading theory and legislation. We should read the Local Government Act and Meeting Procedures Regulations, et cetera in a workshop, followed up by a sitting in parliament or council, to be engaged in the processes of government to get our heads around the various legislation, regulations, policies, et cetera that govern us, as in *experiential learning*.

Will you accept there are councillors who have completed a good portion of or all the learning modules who still make gross errors and do not understand Conflict of Interest or Planning? I have seen and heard it, with my own eyes and ears. So, if the learning and development activities and professional development has not eliminated errors, then what is the point of it all? Again, by imposing this on councillors by amending the Local Government Act, isn’t it the same as “Do as I say, not as I do.” Or, a double standard.

- Regarding **Role of council**, item 19A (1), page 7, please define “wellbeing of the community”. There would be residents of any municipality who are beyond help, are recalcitrant, are gossips and troublemakers, who are never satisfied. There are residents of any municipality who have stage 4 cancer, who are beyond help. There are wood hookers, deer poachers, hoons, trespassers, burglars, those who dump vehicles and rubbish on the side of the road or in the bush, et cetera. Without a **standardized set of By-laws that Local Government Association of Tasmania should provide councils** then providing support and improve the wellbeing of the community is challenging, at best.

An example would be a community member who has been continuously disturbed by a noisy neighbor, who idles their heavy vehicles in the very early hours of the morning creating clouds of diesel smoke and parks their vehicles illegally, leaking oil and coolant. I have exhausted every council resource, including writing and calling the Heavy Vehicle Regulator and Tasmania Police -all to no avail. The situation has persisted for years. The community member has a neighbor who is a councillor who has taken no action, according to them. The community member has put his house up for sale. That is not a solution to a problem neighbor. And, like the community member, I have been intimidated and driven off the road, merely for supporting and trying my best to improve the wellbeing of a community member.

Again, the State Government needs to step away from virtue signaling and making councillors looking like the bad guys and support us, support councils, give us real power to deal with these situations, i.e. a set of By-laws.

- Regarding the **Local government charter**, item 20, page 9, I would suggest eliminating (5), (6), (7), (8), and (9) . . . It is typical government prescriptive verbosity and contributes nothing meaningful.

- Regarding **9. Section 28ZA amended (Initial Assessment of code of conduct complaint)**, page 14 and **10. Section 28ZBA inserted** As the Code of Conduct tends to be weaponised by councillors wanting to “get even”, create trouble for a councillor, discredit a councillor prior to election, or because the vote didn’t go their way, I feel the Code of Conduct should be eliminated, entirely, except for serious misconduct that can be proved beyond a reasonable doubt, with substantial evidence. As for the Code of Conduct merely being weaponised (vexatious), it only contributes greatly to “petty politics” and acrimony. I suggest replacing the Code of Conduct process with councillor complaints being handled by an Independent Mediator, outside of council . . . I would suggest that council’s CEO or General Manager or Acting General Manager should not become involved to maintain their working relationship with councillors or so there is no hint of favouritism. The Code of Conduct process wastes a lot of time, money and human resources. It should be eliminated, generally. There must be a better way to resolve differences.

- Regarding **10. 28ZBA. Referral of code of conduct complaint on initial assessment to director**, page 16, please define what constitutes “*serious councillor misconduct*”. There should be a specific list of offences, such as:
 - Assault (physical or sexual)
 - Lying to council or any matters that demonstrate a lack of integrity
 - Misappropriating council property
 - Deliberately disclosing and misusing confidential information for the benefit of a councillor or an entity associated with the councillor
 - Substantially damaging the reputation of Council
 - Drug driving, Drunk driving (a public safety risk) . . . Oh, wait, that seems not to apply if one is a parliamentarian. Another double standard would be created.

- Regarding **13. Part Division 3B inserted, Division 3B - Serious councillor misconduct Subdivision 1 Preliminary and 28ZR. Serious councillor misconduct and (1)** For the purposes of this Act *serious councillor misconduct* means conduct or an attempt to engage in conduct, by a councillor that is or involves a serious or significant contravention of the code of conduct.

How convoluted! It could mean anything. It could easily be challenged in court. If the definition of *serious councillor misconduct* had a specific list of offences and there was substantial evidence, then the Minister for Local Government should make a determination of the punishment, for lack of a better word.

- Regarding **14. Section 62 amended (Functions and powers of general manager)**, page 30, I believe this requires participation of State Government, for example there should be TasTAFE courses, in various operational jobs, i.e. grader driver, administration, payroll, lawn mower operator and landscape

services, et cetera paid for by the State Government, Councils, and LGAT. We need to create an environment to assure human resource requirements are met. Workplace development strategy without funding is wasted ink.

• Regarding **24. Section 214O amended (Consequences of failing to comply with performance improvement direction)** . . . What if it is merely an individual councillor, mayor or deputy mayor who fails to comply? Why appoint a temporary adviser for the whole council or suspend the council? Imagine the consequences when the State Government has reduced the number of councillors in small councils to 5 . . . Various legislative thought bubbles need to be compatible and not cause the other to become unviable. That said, I am aware of a Performance Improvement Direction that did not address the “real” issue of a Mayor bullying two General Managers. So, was there any “improvement”? No! Bullying behavior still exists. Why waste time and effort, if the Director and Minister are not going to address the “real” issue(s)?

LOCAL GOVERNMENT ACT 1993 - SECT 214O Consequences of failing to comply with performance improvement direction

LOCAL GOVERNMENT ACT 1993 - SECT 214O

Consequences of failing to comply with performance improvement direction

(1) If a [council](#) or [councillor](#) fails to comply with a [performance improvement direction](#), the Minister may do one or more of the following:

(a) suspend all of the councillors or the [councillor](#) from office for a period not exceeding 6 months;

(b) under [section 214](#), require the [Board](#) to carry out a general [review](#), or a specific [review](#), of the council;

(c) under [section 215](#), establish a [Board of Inquiry](#) to investigate the [council](#).

(2) If the Minister suspends all of the councillors of a [council](#), the Governor, under Division 2 of Part 13, may appoint a person as commissioner for that [council](#) during that suspension and that Division applies in relation to the appointment of the commissioner.

Thank you, for your attention and time.

Sincerely,

