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From: greg Luck [redacted]
Sent: Thursday, 25 August 2022 12:34 PM
To: Local Government Board
Subject: Local Government Review Stage 1 - Response

[redacted] [redacted]

To Whom it may concern.

On August 8th 2022, I submitted my response to the Interim Stage One Report into the Local Government Review. I have attached a copy of that response to this Email for reference.

I have had the opportunity to read a submission presented by the Kingbrough Ratepayers Association Inc. and wish to endorse the sentiments contained within their submission as they align closely with my own views.

It is most interesting to note that the issues raised by KRAI are also prevalent within my own Municipal Council (Glamorgan Spring Bay) despite the vast difference in Council size. To my mind that indicates a failing in the Local Government System within Tasmania and an area requiring urgent review.

My response, attached below, indicates my concern at the lack of an empowered person or body able to act upon ratepayer/council management governance failures. I agree wholeheartedly with KRAI that the management and staff of a Council should be held responsible for their actions and subject to an appropriate code of conduct mandated by State Government and policed by an "industry" ombudsman dedicated to that role as opposed to our current Ombudsman.

I have previously lodged a complaint with our current Ombudsman who, although sympathetic, would not make a ruling that "over turned a democratically selected decision". I was referred , by the Ombudsman, to The State Integrity Commissioner as the issue related to the actions/and lack of action by a General Manager of our Council.

As the General Manager had not personally benefited from the actions being raised, and could not be charged with a criminal offence - no action was taken despite the General Manager "misleading a public official - the councillors". An empowered Ombudsman or Code of Practice may have led to a fairer result for the ratepayers of Glamorgan Spring Bay.

There appears to be a high level of collusion between LGAT and the bureaucrats they represent. Ratepayers are treated with contempt by LGAT - the very organization they are expected to fund .....

Regards Greg Luck, Swansea

Attachment 1 -- Kingborough Ratepayers Association Inc.
I endorse KRAI's submission to FoLGR Stage 1 Interim Report, 21/8/2022 and want my endorsement recognised by the Local Government Board.
OGA Chapters 4 and 6 exposes evidence of conduct contrary to the Kingborough Council's Administrative Employee Code-of-Conduct Policy by senior employees, behaviour apparently deemed to be acceptable – via no public disciplining of staff –by the GM.
Self-regulation associated with Kingborough Council's Administrative Employee Code-of-Conduct Policy has not worked at Kingborough Council and there is no evidence to suggest that it would work at any other council in Tasmania.

When misconduct is revealed, it should be acted upon. It should also be seen to have been acted upon. The State Government and the Local Government Board have a social obligation to enshrine employee code-of-conduct standards - similar to State Government employees - in legislation.

What other issues should we be trying to better understand?

Employee Code-of-Conduct legislation will have a beneficial multiplier effect within councils. It would underpin and improve organisational culture leading to better standards of service-provision, greater employee retention and customer satisfaction. As the roles and functions of councils in future will involve a greater role associated with service-provision, this issue has significant merit. A legislative change would also facilitate better outcomes across multiple reform areas because it underpins good governance and accountability, and offsets workplace misbehaviours that expose local governments to strategic, operational and reputational risks.

Attachment 2 -- Copy of my previous Response :

Comments on the Review Stage One : Interim Report 07/08/2022

I have read the FUTURE OF LOCAL GOVERNMENT REVIEW, ENGAGEMENT OUTCOMES REPORT, JULY 2022, and in particular noted the commentary, by the sector participants, titled " 4 - Engagement Findings: LGAT Workshops". With 151 staff and 74 elected members attending a reasonable sample of the sectors view was apparent.

The section headed "Elected representatives and staff " on page 37 highlights an issue prevalent in Local Government within Tasmania.
"Sector participants believed there should be strong leadership and elected representatives should act as a cohesive group. Elected representatives should be politically astute and aware, with clear motivations, passion, commitment, and a willingness to serve the community and work as part of a team towards a common purpose." - quote.

There is a clear misconception within the sector if it believes the democratically elected independent community representors (councillors) should act as a "team etc….." . This is clearly wrong as they are elected, by the ratepayers, to represent the views of the ratepayers and must maintain their independence of thinking. If they become a "part" of the council management team they are not fulfilling their roles under the Local Government Act 1993.

It would appear that there are members of various Council management teams/staff that would relish having "control" of the councillors but that mitigates the effectiveness of the elected representation system.

After wading through the many pages of summaries relating to the current review it would appear there are consistent themes becoming apparent. I am hopeful a worthy outcome may prevail however I again raise the issue of the outdated and partially irrelevant Local Government Act 1993. This document is the keystone for Local Government in Tasmania yet it is 29 years old and not being considered (under this review) for a rewrite more suited to this century.
Many of the issues raised, within the current review, could be addressed more easily if the Legislation was appropriate and up to date. We need a Local Government Ombudsman empowered to judge, and act, on breaches of Local Government powers – put an end to the "Local Government is a separate sphere of governance – we (The State) can't get involved" answers and give the community a policeman willing and able to rectify issues from Local Government governance failures to councillor code breaches.

If the review supports Local Government remaining then update the Legislation and empower an independent authority to represent the community when/if issues occur. Alternatively empower the Director of Local Government to adjudicate and "get involved" with Local Government issues.
I find it unfathomable how the current review of Local Government can be impartial when LGAT has

members on the review board and ran the sector (Local Government) consultation process - hardly impartial when the bureaucrats are reviewing their own bureaucrats .
LGAT are not likely to support putting their own sector to an end – maybe that is why abolishing local government and installing a modified single State authority (with elected councillors still) was not on the agenda.

Regards Greg Luck, Swansea