

Local Government Review - Stage 2 - Options Paper Public consultation - Response

LOCAL GOVERNMENT REVIEW - STAGE 2 - OPTIONS PAPER PUBLIC CONSULTATION - RESPONSE BY KEITH ANDERSON

Thank you for inviting further public comment on this important issue. The following comments are the personal views of one concerned citizen. They do not represent the views of any group having a special interest in the matter. They are sincere and intended to be helpful.

They reference the Options Paper – Stage 2, distributed circa 22 December 2022.

Summary

Generally, I am pleased, verging on impressed that the report is so thorough.

Nevertheless, I worry that we'll end up with a complicated compromise likely to make many problems worse and to please few. I think a lot of courage will be needed to fend off campaigns for compromises.

Although some of my comments might seem a bit grumpy, I'm mostly satisfied that most members of most councils do their best for their communities. We get grumpy because most councils have too many responsibilities and can't meet unreasonable expectations.

Comments

Page 11

Interviews with a wide range of sector experts focused on identifying innovative or unorthodox perspectives ...

I'm certainly not a sector expert, but I might be a person with an unorthodox perspective.

I think smaller Federal or State government could be a mistake, but we already expect councils to do way too much, and as well as amalgamating them so we have fewer of them, we need to reassign many of their chores to the State government or even to the Federal government, so the few councils that remain are able to do the chores we expect them to do.

Page 17

A proposed role statement for local government in Tasmania ...

The language here hints at substantial expansion of the activities of councils, becoming responsible for everything and anything, but able to achieve very little. I'd be happier with less ambitious goals that councils might be able to achieve.

Page 19

Service provider ... waste collection ...

Waste collection might continue to be a chore suitable for councils, but is only marginally suitable. Councils by their nature tend to have local short sighted concerns and seek only local short sighted solutions.

Local Government Review - Stage 2 - Options Paper Public consultation - Response

Big issues, like scouring our coastal environment to remove waste floating in the ocean near our shores is unlikely to be a priority for any council. Conversely, paying someone to walk along the beach picking up rubbish is something that councils could and should do. It'd be a horrible job on a horrible day, but on a beautiful day, I expect that the person doing it would think they'd landed the best job in the country.

The fashion for outsourcing hasn't helped. Many councils see the issues through the eyes of a contract and hope that if the contractor meets the terms of the contract, the paperwork will be happy, and if the paperwork is happy, everyone will be happy. In practice, contractors will do only those parts of the job that the contract requires them to do. As we are discovering with some recycling contracts, contractors can use bankruptcy to escape from their obligations, leaving the council to fix the mess.

Roads are a biggie.

I think councils have not a snowball's hope in hell of providing adequate urban transport.

Because we assign the chore to councils, we get sort sighted thinking limited to what councils think they might be able to do. It is all dressed up in fancy reports in fancy language, advocating oodles of novel ways of providing useless transport, while leaving solutions that might work to be taboo subjects denigrated with scorn.

Even public transport is probably too difficult for councils. Here near Kingston, we have an impressive new bus hub, but it can cope with only hundreds of passengers, not thousands. It caters for a niche market, while most travellers continue to travel in private motor vehicles.

Regulator ...

I think some councils do this moderately well, but only moderately well. Too often, it seems that councils feel obliged to allow unwanted developments because the legal costs of enforcing their regulations are overwhelming. Maybe we could solve some of these problems by a change to the principle of "onus of proof". Often, when councils reject ugly monstrosities the onus of proof rests with them to prove that ugly is ugly and monstrosity is monstrosity. I think we need some law somewhere that puts the onus of proof onto the developers.

Are councils really responsible for food safety inspections? I'd be amazed if many councils did this diligently. I'd be amazed if any council could do this diligently.

Facillitator, Coordinator, or Partner ...

Emergency response might be a suitable chore for councils for small emergencies, but for really big floods and/or fires, about all that councils can do is to dial 000 to ask for assistance. To consider fire: While we expect councils to do the job, we define the job to be a job that councils can do, so we buy a few fire trucks and build a few fire stations and hope a few volunteers will turn up to fight the fire. We don't buy a fleet of 747 water bombers, with an air crew ready to squelch the fire while it is small enough to squelch.

Our response to floods is similarly small minded and ineffective.

Advocate ...

Yes, these are jobs a council could and should do.

Local Government Review - Stage 2 - Options Paper
Public consultation - Response

Page 20

Local Government Charter ...

My initial reaction was, “Oh, no. Not more committees and reports and paperwork”, but I’ve read the proposal several times and I think I understand that the Charter is needed to consolidate the relevant duties in one place.

Page 22

Consultation questions ...

I think councils already struggle to the jobs they’ve been assigned, so I’m disinclined to demand that they should do more.

I think food safety, all land based transport, mostly roads, but also public transport, should be passed fully to the State government.

I think councils can do local waste management, cycle paths and parks reasonably well and should continue to be responsible for these.

Similarly, councils can provide adequate first response support for some natural disasters, but we need clear guidelines and understandings that if it gets out of control and too big for a council, it becomes a State Government responsibility.

I think councils can probably continue to do the chores in Table 2 that I haven’t mentioned.

Note: these are my opinions. I have no idea what general community support might be.

Page 25

Councils are clear on their role ...

I’ve persuaded myself that the Charter is needed.

I’m a bit lukewarm about the embedded wellbeing and the CIA. Done softly, softly, these could be good ideas, but I foresee an obsession, generating lots of beautiful paperwork, but little actual planning or consultation or anything tangible.

Councils are capable, conduct themselves ...

All four paragraphs in the Options column present good ideas.

The community is engaged in local decisions that affect them ...

The first two ideas are probably worthwhile, but I’d feel happier if the language reminded me less of an episode of “Utopia”.

The third item reeks of the language inviting the comment, “Have you just been on a management training course?”

Local Government Review - Stage 2 - Options Paper Public consultation - Response

Councils have a sustainable and skilled future workforce ...

The first two ideas seem worthwhile, but the third seems to be an idea that should have stayed on the whiteboard and not been copied to any formal document.

Page 26

Regulatory frameworks, systems and processes are streamlined, simplified, and standardised ...

“Simplified, standardized, and streamlined” seems good, but I suspect that this could become an excuse to make unwelcome decisions more often, and unwelcome monstrosities more common. Independent assessment panels try to persuade us to believe that they are omniscient, but I’d feel safer if the decisions were made by council staff, with councillors checking that the staff have done their jobs honestly and diligently, and maybe independent auditors checking that the councillors are similarly honest and diligent. I think we need to be careful to avoid allowing contractors, claiming to be independent, to make decisions which the council feels obliged or compelled to implement.

Nevertheless, despite these reservations, I expect that the last three outcomes can be achieved, and would be worthwhile.

Councils collaborate with other councils ...

I think this anticipates little amalgamation of councils.

Certainly, if councils are not merged, then collaboration will be essential. I expect it to be expensive, inefficient and cumbersome, with many committees and much paperwork and much misunderstanding, with little tangible action. It perpetuates the “too many cooks” problem.

I’m sure it would be better to amalgamate the councils so we don’t need umpteen talk fests.

The revenue and rating system efficiently and effectively funds council services ...

Sound principles are always welcome. Transparency is too.

Effective funding implies that income matches expenditure. This might imply a substantial reduction of expenditure. I could approve of this. I think councils shouldn’t attempt to do chores they are unable to do. It is important to achieve the appropriate balance wisely. Ideology threatens claims that “we must do this because...” when wisdom might ask, “Why?”

I’m lukewarm about user charges. Done wisely, they can be very useful; done pedantically or ideologically, they lead to nightmares. As a tangible example: Kingborough has many magnificent walking tracks. While young, I used them often. Now I’ve become lazy and find excuses not to use them. Nevertheless, I accept that they should be funded from my rates. I might not be paying because I do use them, I’m paying because I could use them. They also help to make Kingborough a place I want to live. If I become too stingy, it’ll become a place where only stingy grumpy people live, and I don’t want to live there.

If we do have user charges, I think we should consider progressive charges. The nearest example I can think of is the parking in the car parks in Hobart. I don’t remember the fees, but it becomes expensive only if I become greedy and use more than my fair share of the space.

Local Government Review - Stage 2 - Options Paper Public consultation - Response

The third and fourth items in this panel of questions are cans of worms. I think they should be opened rarely.

Councils plan for and provide sustainable public assets and services ...

Standardization has been one of the big failures and disappointments of the computing industry. For trivia, we have quasi standardization via various Microsoft products, but these still target people wanting to be different, to stand out from the crowd. It is theoretically possible to build well standardized systems, using industrial software, but these are expensive. Almost always, it must be done top down, with head office insisting: You must use product O and application A. This is not just a council problem; it infests the systems of State and Federal governments too.

The task is not impossible, but I anticipate many squabbles as ten or more data gathering communities campaign for their favourite product to be the standard to which everyone else must adhere.

Page 29

The status quo is not an optimal ...

I agree with these points. I consider them to be self evident facts, similar to a sore toe at a picnic.

Page 31

Gaps in public health ...

I doubt that councils can or could do public health. Back in the 1950s, I remember that a rat catcher visited often attempting to eradicate rats. The local council probably provided this service. But that was the 1950s. Salmonella is a lot more difficult to detect than a rat, and once found, a whack on the head is unlikely to be effective.

Indeed, I'm not convinced that even a State Government is big enough to do a good job of public health, but that is another controversial idea for another opportunity for public comment.

Uneven enforcement of building and plumbing regulations ...

I think councils should continue to define and enforce building regulations, but they need at least some rules of engagement to change so they are not always facing an impossible task. I think the onus of proof concept is the clue. From my side of most squabbles, the onus of proof seems to rest with councils trying to reject ugly monstrosities to prove that they are ugly monstrosities.

In Hobart, a squabble over a notorious blue box dragged on for years, with the developer dragging the HCC through a continual barrage of appeals. The issue should have been resolved in a few days: It doesn't comply with the regulations, pull it down. It wasn't pulled down. It now has a slightly less ugly skin. Similar examples are common and make nightmares for council staff.

A huge difficulty for councils is that often even the State Government is not an ally, but sides with the developer to oppose the council. Thanks, friend, buddy, pal.

Local Government Review - Stage 2 - Options Paper Public consultation - Response

Planning to maintain roads and other council assets ...

This is a biggie. I think councils have no hope of providing adequate transport systems. I think the whole task of land based transport must be passed to the State Government. I do not expect this change to be a complete solution. Rather, it is a bit like laying the keel of a ship. Until the keel has been laid, everything else will just make a jumbled heap cluttering the floor of the shipyard.

Once it is clear that the State Government must build a system that works, the relevant people can think clearly about what will work, and cease daydreaming about fantasies certain not to work.

Page 32

... challenges facing rural councils ...

Probably, the Charter, suggested earlier, should clarify that the council is not responsible for providing the service, but only for identifying the need for the service and reminding the relevant State or Federal authority that it is their responsibility to supply that service.

Some might see this as “tail wagging the dog” communication, but it is futile to assign tasks to entities unable to perform those tasks.

Page 33

Consultation questions ...

The answer to the “Do you agree...” question is, “Yes”.

I think I can answer the “big enough, small enough” question with one number. About five councils would be just right. Fewer than four would be too few and too big; More than eight would be too many and too small. Although Tasmania is a State, its population is about the same as that of Geelong, in Victoria.

I think the “most important...” question is relatively unimportant. Most futurists expect the population of the state to approximately double in 50 years. Probably, the ratio will be somewhat more than 2.0, but is unlikely to be more than 3.0. Although this is big, it is not huge. If we release councils from a few of their impossible responsibilities, this growth can be accommodated. Most of the big responsibilities, water, sewerage, power, roads, health, will be issues for the State government and/or its agencies to consider.

Probably, the most important issue for councils is the definition and enforcement of building regulations. I think we need to reconsider the current fashion for sardine housing. I think the theory is that if we squash a lot of people into each residential space, and they want to use public transport, there will be a big demand for public transport, and it will become profitable and inexpensive.

This seems to be getting the economic law of supply and demand back to front. Normally, high demand implies high prices. However, although the law of supply and demand is named as a law, it is really just an observation of what happens often, and exceptions do happen. Technology is particularly disruptive. If one person wanted one mobile phone, it would cost millions or billions and be useless unless at least two people want one. Mobile phones have become affordable because billions of people want one, and the “economies of scale” principle inverts the traditional law of supply and demand.

Local Government Review - Stage 2 - Options Paper Public consultation - Response

I'll be amazed if public transport would or could be so fortunate.

Similarly, I think the current fashion for shared areas or shared transport corridors is a mistake. The details are probably an issue for the State government, but councils should warn them that they should expect that more than half of the people in any area will arrive and depart by private vehicle and need appropriate roads and parking. It is reasonable to hope that alternatives, such as busses, trains, ferries, bicycles, e scooters, walking will absorb about one third of transport, but it is optimistic to hope for these alternatives to absorb more than half of the total demand.

Page 35

Pathway 1 ...

Initially, I was a bit confused by this pathway. I think a better name might be "Many councils sharing consolidated services."

Page 36

Mandatory state wide service consolidation ...

I think we make way too much fuss about competition. It can be useful, but it is not a panacea. The power industry is a salient example. Australia's power industry worked quite well for decades, at least since the 1950s. There were squabbles and disagreements, but generally it all worked to deliver abundant power at low cost. Instead of analysing the specific problems that occurred as they occurred, and addressing each squeaky wheel as just a squeaky wheel, a famous prime minister got a bee in his bonnet and negotiated with State Governments to persuade them to accept "throw the baby out with the bathwater" solutions, including privatization. We can all see how well that is working.

If we adopt about five councils, we'll be well protected from most dreaded monopoly issues.

Stripping away core local government responsibilities ...

It is useful to recognize that if we retain many dinky councils unable to do their chores properly, then this will be a big problem, and to recognize that if councils are to perform better, they need to be big enough to do that.

Page 37

What we heard: service consolidation ...

See earlier comments about "baby" and "bathwater".

Page 38

Pathway 2 ...

I think the advantages and challenges have been identified well and documented honestly. Honesty is important. Although the challenges are challenging, if we document them honestly, we can address them effectively.

Local Government Review - Stage 2 - Options Paper Public consultation - Response

It is useful to remember that although some details must be implemented as a package, most functions can be migrated incrementally. It is not written in stone that all branch offices must be closed immediately, or that everyone must move to head office immediately. It is not rocket science, either. Provided most planners are reasonably sensible and remember that “clever” risks being “too clever”, it is reasonable to expect about an average number of manageable difficulties.

Page 39

The second and third rationales, increasing economies of scope, and capacity and capability, are the primary objective of this Review ...

I am very pleased that this has been recognized and documented. Too often, amalgamations seek cost saving, and little else. Then everyone mills about with long faces, wringing their hands wondering why it all went wrong. For the council problem, amalgamation might achieve little cost saving. That is unimportant. The important reasons for amalgamation are to address the current problems: too small to do the job; too many cooks tripping over each other.

What we heard: fewer, larger councils ...

I identified eight dot points. Although some have probably been submitted as excuses for inaction, it is useful to identify them and to recognize that they are not show stopping problems, but just parts of a specification, similar to concerns that pneumatic tyres are vulnerable to punctures.

one-size-fits-all model driven ...

This assumes that the boundaries might be defined by dills. I think suitable selection criteria will ensure that we select suitably sensible and reasonable people for the task of assigning boundaries. For electoral boundaries, gerrymanders do happen, and candidates who lose by a whisker feel disgruntled, but in Australia, we have a reasonable history of assigning most boundaries reasonably honestly. For council boundaries the temptation to contrive a gerrymander is slight, and anomalies should be rare.

... arbitrary, pre-determined minimum size ...

This is a hint and a warning that someone really, really wants to keep at least one council too small to do its job properly. It will be a huge disappointment if progress can be thwarted by a stubborn minority.

At the risk of answering a question before it has been asked, I think five councils will be about right, leading to an average of about 120,000 people in each council. But that is an average, and I think it is reasonable that one council might be twice as big as this average, and another might be only half as big. I think I have identified reasonable limits. A bigger range might be pathological and warn of a mistake, and a smaller range might be healthier, but not something to demand at all cost.

Distance makes consolidation more complicated: ...

This could be a “briar patch” problem. Distance is a problem that can be eased by better transport networks. Amalgamation might make some problems more conspicuous in the short term, but conspicuous problems attract solutions. I anticipate a win, win outcome.

Local Government Review - Stage 2 - Options Paper
Public consultation - Response

Page 40

Pathway 3 ...

I suspect that this might be a popular model and might be adopted as a “path of least resistance”. I hope I’m wrong. The difficulty with this model is that we’d endure most of the pain of doing something, but enjoy none of the gain of doing the right something.

I notice the use of the word, “complex” in the panel at the bottom of this page, and elsewhere. It is useful to identify this. I hope we heed this warning.

Page 41

This option is preferred by some stakeholders ...

I suspect that what these stakeholders mean is that they hope to do very little, while everyone else does the chores that need to be done.

Consultation questions – which of the three ...

I think Pathway 2, amalgamation, is the obviously correct answer. The other options remind me of the convolutions a person with a fear of flying will consider when needing to travel from Tasmania to Tanzania. Yes, there are alternatives to flying, but they are certain to lose more on the swings than they gain on the roundabouts.

Consultation questions – biggest concerns ...

My biggest concern is that we’ll muddle about and do little. Next, I worry that we’ll adopt some hybrid model and use wonderful bureaucratese to convince ourselves that it is solving the problem.

To address these concerns, we just need to adopt the correct solution: Pathway 2, amalgamation.

Consultation questions – manage the different needs ...

Wow. If I knew how to do that, I’d have your job. I can easily see what will work and what won’t work, but for almost every controversial issue, there will always be a small group of people who have novel definitions of “better”.

If you have read to here, then thank you for your patience.

Keith Anderson