

**Submission to the Local Government Review Board re the Local Government Options  
Paper  
19<sup>th</sup> February 2023**

We are Hobart residents and have been following the process of Local Government Reform since the review began. We agree with the findings of the following University research.

*Australians now have an expansive view of the role of local government. More than nine in ten respondents, for instance, believed local councils should:*

- *advocate for the needs of the local community (93%)*
- *reflect local community values (93%)*
- *deliver services that contribute to a healthier and fairer society (91%).*

[https://theconversation.com/beyond-roads-rates-and-rubbish-australians-now-expect-local-councils-to-act-on-bigger-issues-including-climate-change-199861?fbclid=IwAR1EpNrRgllk1w9C55l604\\_ZrmF9T8PiQWBCcIW6CxuSEZYQqpc8nK9ZGNA](https://theconversation.com/beyond-roads-rates-and-rubbish-australians-now-expect-local-councils-to-act-on-bigger-issues-including-climate-change-199861?fbclid=IwAR1EpNrRgllk1w9C55l604_ZrmF9T8PiQWBCcIW6CxuSEZYQqpc8nK9ZGNA)

This submission will comment on each of the 8 recommendations and where we believe necessary each of the options.

**Outcome 1. Councils are clear on their role, focused on the wellbeing of their communities, and prioritise their statutory functions**

Local Government Charter

It would seem a good idea to legislate a Tasmanian Local Government Charter to clarify councils' role and responsibilities, summarise councils' core statutory roles and functions and to enshrine good governance principles and expected conduct of both elected members and council staff.

However such a mechanism is not the answer to better clarifying the roles of State and local government in service areas where both have responsibilities. Such matters would be best dealt with through negotiations and State-Local Government deals which allow for varying needs and priorities in Local Areas.

Establishing a practical set of decision-making principles, could be used to make processes better and more transparent but should not set service priorities because that would limit Councils. We elect them to set priorities. Councils must have flexibility to respond to changing circumstances and their communities' unique needs.

Well-being

We accept that Local Government well-being activities should be a key partner in the new Tasmanian Wellbeing Framework.

However responding to, collecting and reporting on place-specific community data is a substantial additional cost which should be met by the State.

KPI's as to what is collected and reported are not beneficial because they add administrative time and financial costs without allowing flexibility to respond to local needs.

Governments at all levels need to be conscious of the need to provide for the environmental factors which improve well-being. Greening areas in all urban zones, protecting water catchments, providing public pools and parks for recreation and helping establish community gardens are just some of the expectations of residents.

Community Impact Assessments

We believe CIA's have limitations. Substantial administrative costs are involved in such a process and this would impact service provision.

*CIA's would require councils undergo a transparent, thorough, and consultative process with their communities that considers the social and cultural impacts on communities and individuals, as well as clearly and succinctly documenting the whole-of-life costs for the community and how it will be paid for.*

This is a sizeable increase in administration and cost. It is an unfair and onerous obligation on Local Government when the State Government does not apply CIAs or even consult the community when pushing for Stadiums, expanded highways or other developments

We do not agree that with the following assumptions in the option. Residents are happy for Council to spend if it benefits them in some way but critical if it does not. It would not increase the number of people paying close attention to Council activities. We cannot see how it would assist in dealing with competing community expectations.

*They would enable communities to better appreciate the costs of expanding services into new or non-core areas, including the impacts on the rates and charges they pay, and the value they might derive. It would also provide councillors with a framework to manage diverse and competing community desires and practical expectations*

## **Outcome 2. Councillors are capable, conduct themselves in a professional manner, and reflect the diversity of their communities**

Develop an improved councillor training framework which will require participation in candidate pre-election sessions and, if elected, ongoing councillor professional development

We agree completely with the rationale and feedback points on this option.

Review the number of councillors representing a council area and the remuneration provided.

We do not see value or good governance in decreasing Councillor numbers. This has proved a disaster at State Government level where there are not enough Members to cover portfolios. Too few councillors would decrease possible talent, diversity and equity of representation.

We do believe that Councillors should be paid appropriately for their work and travelling allowances be provided if travel is necessitated. It would not be unreasonable for the State to provide and supervise travel finance.

We do not see costs of elected representatives to Council being reduced by consolidation. Sharing a General Manager and other staff would be more appropriate.

Democracy and providing for community needs will always be costly but sharing the cost is the best option.

Statutory sanctions and dismissal powers

We are concerned at 'the limited sanctions and limited accountability for misconduct by elected representatives'. It is pleasing the State has already taken some action and we hope this would be reviewed and adjusted as required.

We are not sure how equitable representation can be ensured but reducing Councillor numbers and forcing amalgamations would certainly not help.

## **Outcome 3: The community is engaged in local decisions that affect them**

Require consistent, contemporary community engagement strategies

There is no doubt that appropriate and consistent engagement guidelines would facilitate engagement approaches that are uniform across Tasmania and informed by best practice. Each council should use the guidelines to develop their own community engagement plan but still be allowed the autonomy and flexibility to tailor how they engage, and what they engage on, with their local communities.

Establish a public-facing performance reporting, monitoring, and management framework

Remove dated regulations about newspaper advertisements. A well-maintained and current website should be able to provide good public transparency, but for smaller Councils it would require financial

assistance from the State Government. Hobart has been providing this but I suspect not many people take advantage of it to keep informed.

#### Establish clear performance-based benchmarks and review 'triggers' based on the public-facing performance reporting, monitoring and management framework

We support the Local Government Legislation Review proposal for the introduction of new powers to install 'financial supervisors' and 'monitors/advisors' as an early intervention measure to address governance and/or financial concerns at the individual council level.

*Councils would have stronger incentives to risk manage and 'self-regulate', including acting on recommendations of their audit panels.*

*More robust information on council performance could also be used by the Director of Local Government to take a risk-based approach when overseeing council compliance activities under the Local Government Act 1993. It was proposed in the Local Government Legislation Review that audit panels be required to provide their reports to the Director of Local Government, upon the Director's request. This would be a solid first step in ensuring enhanced provision of information on council performance. [option 3.3]*

### **Outcome 4: Local councils have a sustainable and skilled workforce**

#### Implement a shared State and local government workforce development strategy

We support this option to achieve the desired outcome. We particularly support training local people in regional communities has been shown to enable people to stay in regions.

#### Target key skill shortages, such as planners, in a sector-wide or shared State/local government workforce plan

We support the aims and suggestions for addressing this option. Ensuring education and experience pathways can only benefit the sector.

#### Establish 'virtual' regional teams of regulatory staff to provide a shared regulatory capability

We support the aims and suggestions for addressing this option especially the following.

*Regulatory staff from councils across a region could form a virtual team that supports some or all councils and leverages combined capability. The team could include planning officers, environmental health officers, and other specialist staff. All regulatory responsibilities would remain with councils, and staff would remain physically located in their councils. A proportion of the team's time would be used for predictable regular services for their 'home' councils, such as pre-lodgement liaison with proponents and assessing and determining routine development applications. When required, team members could be assigned to more complex and intermittent work from across the region.*

### **Outcome 5. Regulatory frameworks, systems, and processes are streamlined, simple, and standardised**

#### Deconflict the role of councillors and the role of planning authorities

We strongly oppose the suggestion that Councillors role as planning authorities be removed. They provide the local voice that is essential in such matters. Unfortunately the State Planning Scheme was implemented before any real local plans were developed.

The State Planning Scheme is really a building guide rather than a planning scheme and in determinations Council should be able to consider all the planning issues [climate change predictions re inundation, fire danger, community facilities etc] in making decisions.

Removing planning from Local Government, does not 'create a more robust and capable system of local government that is ready for the challenges and opportunities of the future.'

Councillors should have to put their reasons for supporting or opposing a development application clearly on the public record.

#### [Option 5.1a Refer complex planning development applications to independent assessment panels appointed by the Tasmanian Government](#)

Obviously the assessment of complex development applications depends on access to technical expertise, robust data, efficient administrative systems, sound decision-support systems, and strong communications support. This is difficult for a Local Council with fewer assets. Instead of removing Planning from Local Government the State could provide access to such expertise through specialist personnel in the Local Government Department. Councillors who do not support the expert advice should have to provide a publicly recorded statement of reasons.

Independent panels have not led to better systems on the mainland. We assert that transferring major developments to such would be going against the position taken in 1.3 on Community Impact Assessments. It is the community most affected by planning matters but too frequently they are ignored or denied information under 'commercial in confidence' claims.

We strongly support that a proponent 'user-pays model' is appropriate for Council costs.

#### [Option 5.1b Remove councillors' responsibility for determining development applications](#)

We strongly oppose this options. The new State Planning Scheme has created more difficulties for developers but there is little talk of remedying it.

#### [5.1c Develop guidelines for the consistent delegation of development applications to council staff](#)

The current delegations seem appropriate. We accept that Guidelines could be beneficial and be based on the nature of the development (e.g., capital value, location, activity proposed), the nature of the proponent (private individual, business, government agency, council, councillor) and/or the number of representations received.

We are concerned that the review only sees community pressures and ignores developer pressure which is also political pressure

#### [Option 5.2 Greater transparency and consistency of councils' resourcing and implementation of regulatory functions](#)

We support this option.

#### [Increase support for the implementation of regulatory processes, including support provided by the State Government](#)

We support this option to achieve the desired outcome. We agree greater collaboration and support from the State Government will be critical.

#### [Strengthen connections between councils' strategic planning and strategic land-use planning by working with State and Commonwealth Governments](#)

We acknowledge that this is a vital area for the future. We support the option. The review of the regional land use planning framework underway through the Tasmanian Planning Reforms is essential. The Land Use Planning should have been the first step in the Planning Reforms because as is acknowledged

*without strategic land-use plans, councils:*

- risk making land-use planning, infrastructure, and investment decisions that fail to account for known demographic and other future trends;*
- may fail to make the necessary regional trade-offs for effective and efficient resource allocation;*
- may fail to manage future risks; and*

- *risk costly and ineffective public investment and missed opportunities for meeting social, economic, and environmental objectives.*

## **Outcome 6: Councils collaborate with other councils and State Government to deliver more effective and efficient services to their communities**

### [Require Councils to collaborate with others in their region, and with State Government, on regional strategies for specific agreed issues](#)

We support this option allowing councils to choose the structure most effective for them to consider regional issues.

We support defining the regional role of councils rather than mandating council participation in regional organisations and most of the points in this option.

### [Establish stronger, formalised partnerships between State and local government on long-term, regional, place-based wellbeing, and economic development programs](#)

We support this option in principal as long as the partnerships are between equals and offer transparency of negotiations and community consultation.

Maintaining a healthy and sustainable environment should be a prime consideration in such negotiations for the long-term welfare of the community.

### [Introduce regional collaboration frameworks for planning and designing grant-dependent regional priorities](#)

We support this option in principle. If councillors are being offered pay increases then council representation in regional organisations would be a reasonable option.

### [Support increased integration \(including co-location\) of 'front desk' services between local and State governments at the community level](#)

We acknowledge the Service Tasmania shopfronts are a well established, integrated, customer-centred hub for accessing a broad range of government information and services. There would be value in using them for certain Local Government payments and information.

We would support shared online service portals which can be used by councils to support a range of customer service functions. Such a facility would need State Government funding

## **Outcome 7: The revenue and rating system efficiently and effectively funds council services**

### [Explore how councils are utilising sound taxation principles in the distribution of the overall rating requirement across their communities](#)

The basic rating system is supported. We are aware that for councils with a high rate of casual accommodation do not get a fair income from rates. Housing which is not a main residence could reasonably attract higher rates.

We agree that the design and effectiveness of Tasmania's system of funding local government (rates, user charges, and grants) should be assessed to ensure that it is consistent with contemporary tax design and public finance principles and will meet the future needs of councils and their communities.

This requires more investigation and should be left to regulation at a later date.

### [Enhance public transparency of rating policy changes](#)

We support the recommendations under this option for better and more user-friendly reporting and

transparency of rating policy changes as part of local government performance monitoring and management framework .

We are pleased the Tasmanian Government has agreed to the Local Government Legislation Review recommendation that council audit panels be required to review any proposed rate changes that deviate from a council's long-term financial plan, and/or any changes to a council's long-term financial plan. It is essential that Audit panels are independent of their councils and the panels must have a majority of independent members.

[Examine opportunities for improving councils' use of cost-based user charges to reduce the incidence of ratepayers subsidising services available to all ratepayers, but not used by them all](#)

There should be transparency of spending and subsidies. The previously mentioned plans for better reporting should achieve this. However certain subsidies benefit the whole community and should remain to provide equity and access for well-being. This would include swimming facilities, parks and art installations.

[Consider options for increasing awareness and understanding of the methodology and impacts of the State Grants Commission's distribution of Federal Financial Assistance Grants](#)

Providing information to the community is basic to a democracy.

[Investigate possible alternative approaches to current rating models, which might better support councils to respond to Tasmania's changing demographic profile](#)

As with option 7.1 this needs further consideration and should be examined beyond the time of this reform.

## **Outcome 8: Councils plan for and provide sustainable public assets and services**

[Standardise asset-life ranges for major asset classes and increase transparency and oversight of changes to asset lives](#)

This is an important reform and should benefit long-term planning and economic security

[Introduce requirement for councils to undertake and publish 'full life-cycle' cost estimates of new infrastructure projects](#)

We support the points raised in this option

[Introduce requirement for councils to undertake regular service reviews for existing services](#)

We support this option but acknowledge and strongly support the local government sector point that community service expectations continue to grow, but with no clear appreciation or understanding of service costs, or the consequent trade-offs required.

[Support councils to standardise core asset management systems, processes, and software](#)

We give strong in-principle support for this option, providing that a cost-effective system can be developed to meet the needs of councils. The State mandates should assist financially. We do not believe this requires amalgamations.

## **Amalgamation**

The suggestion that larger and more diverse council areas are a solution to equitable, needs-based distribution of resources between wealthier and poorer areas within municipalities offers no concrete evidence that this would occur.

The further statement that consistent service provision may be a positive outcome of boundary consolidation is not supported with evidence. We would reject both suggestions.

The geography of the state dictates the best divisions for Local Government. It is important that local government is local.

Amalgamations should only occur where councils and Community wish. Co-operative management and sharing resources should be encouraged.

In conclusion we would like to emphasise these issues:

- Planning should remain a Local Government responsibility. It should be recognised that both developers and community are political influences on the process and developers often have more money.
- Poor conduct from Councillors should not be tolerated. A Councillor who has been found guilty in a number of Code of Conduct findings should face significant penalties. Councillors Code of conduct should be clear. Councillors should have to record reasons for their decisions. Councillors should be held responsible for their social media pages. Once council has made a majority decision Councillors should not make public comment.
- Many of the recommendations in these desired outcomes will require more administration and therefore an increase in staff. Some will require increased spending on resources. We believe it would only lead to increased administrative costs and fewer services to the community. There is a clear requirement for state financial support.
- Expectations of community can be difficult to meet. Increased transparency and details of costings might improve community awareness of the realities.
- Throughout the document we are aware of complaints that Council does not consult community. Councils responsibility is to present the information clearly and in an accessible format but the public must access it. Community must bear some responsibility for seeking to know what council is doing.

Yours sincerely,

Hobart residents

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