



Future of Local Government Review

Recommendations/issues

1. Lack of robust Integrity Commission/Ombudsman.

There is a major problem in Tasmania related to bringing poor governance and other practices of Local Government to account and that is not having a anti -corruption watchdog with teeth. Our experience with the Ombudsman has been that they have failed to address blatant examples of corruption brought to their attention while it is well documented that the Tasmanian Integrity Commission is the weakest in Australia.

[Integrity Commission was labelled "toothless" in a report championed by prominent Sydney barrister Geoffrey Watson.](#)

The result of this situation is that Local Governments are not held to account as much as they should be and therefore develop a range of poor practices which go unpunished. In addition a flow on effect is that Tasmania attracts unethical people from other States of Australia where the anti- corruption safeguards standards are higher.

Recommendation: We must have a well- resourced and empowered Integrity Commission and Ombudsman to ensure the public can seek recourse for Local Government and other public service misdemeanours and to instil public confidence that cronyism and corruption is not allowed to flourish or fester in Local Government.

2. Lack of compliance with State Policies and Schedule 1

While in theory Local Planning Schemes and Local Government is supposed to conduct many of its activities and planning duties under the auspices of the above overarching planning principles the reality is that there is no mechanism in place to assess State or Local

Government performance regarding for example objective and measurable ecologically sustainable performance indicators ie extent and condition of native vegetation and habitat, health and status of threatened species, landscape connectivity, water quality and quantity etc. This allows Local and State Govt to oversee continual decline in the health, integrity and resilience of ecosystems because there is no regular requirement to demonstrate they are properly managing environmental qualities and values. The aim of such a program would be to provide evidence that over time environmental indicators are improving not declining. This would obviously entail not only protecting and managing existing qualities and values but also considerable increases in ecological restoration to improve the condition of degraded terrestrial and aquatic ecosystems.

Recommendations:

Introduce a Ecological Indicators Audit System whereby prescriptive targets for a range of ecological/biodiversity and landscape health indicators are established and regularly monitored with the overall goal of net gain over time.

This system should link to the State of the Environment reporting.

The auditing of this process should be undertaken by independent scientists with the relevant skill sets.

There needs to be a significant increase in resources to look after the environment

3. Enforcement of Planning Schemes

This covers issues such as Councils ensuring planning permits are complied with, Council not regularly retrospectively approving illegal works and prosecutions for illegal works such as landclearing etc.

Suzie's dream of retirement among nature's paradise in tatters after land clearing for subdivision

Having bought her "little cottage" on Tasmania's popular Bruny Island with the intention of enjoying retirement nestled in nature — Suzie, and other locals, say the unapproved clearing of trees by a developer has devastated the area. [Read the full story](#)

Recommendations: There needs to be independent audits of Councils performance (see also Point 2. above) to ensure that planning permit conditions are being complied with, illegal works are not routinely retrospectively approved and illegal works are suitably prosecuted. At present Council takes a more reactive role relying on community complaints which is unsatisfactory. The continual retrospective approval of illegal works/activities/land uses must cease or else there is ongoing incentives for people to do the wrong thing. There also needs to be a more accountable process regarding how Councils deal with illegal activities brought to their attention. For example if a complaint regarding illegal landclearing is made by the public at present there is no follow up from Council to advise the complainant as to what action Council has taken. Therefore there is no way of knowing what if any action Council has undertaken.

Laws also need to be changed to increase penalties for illegal activities/works (including by contractors on behalf of landowners) and make it easier for authorities to take out prosecutions.

4. Suitability of Local Government Board to conduct Review

In our view the Local Government Board should not have been invited to oversee the Future of Local Government. The Local

Government Board already is charged with conducting periodic reviews of Councils which have not resulted in our view in correcting Council cultures and has members too close to Local Government as well as conflicts of interest.

Recommendation: The process should have appointed entirely independent experts at arms- length from Local Government who could provide a frank and fearless assessment of Local Government in Tasmania. See link in Pont 1. above of an example of undiluted assessments of the effectiveness of Tasmania's Integrity Commission.

4.Conflicts of Interest

There is a general misunderstanding of the meaning of conflict of interest in Tasmania including in Local Government.

The presence of a conflict of interest is independent of the occurrence of [inappropriateness](#). Therefore, a conflict of interest can be discovered and voluntarily defused before any [corruption](#) occurs. A conflict of interest exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that a decision *may* be unduly influenced by other, secondary interests, and not on whether a particular individual *is actually* influenced by a secondary interest.

[Is it time for developers and estate agents to stand down from local councils?](#)

Recommendation : No Real Estate agents or developers should be permitted to be Councillors given the high level of risk of corruption

associated with the property development industry and Local Government.

5. Independent Planning Panels (IPP)

One of the recommendations buried in the recommendations is the establishment of Independent Planning Panels whereby some planning decisions will be taken out of Local Councils hands and assessed by the IPP's. At the community meeting held in St Helens 8/2/23 it was admitted by the Local Government Board that the consequences of this suggestion had not been explained in their recommendation document. This was a serious omission given the introduction of IPP's would result in loss of current third party appeal rights through TASCAT and instead the Supreme Court would be the first source of recourse for any community group or individual opposed to a IPP decision. This would eliminate most appeals due to the enormous costs of running an appeal while also being exposed to paying costs if the appeal was unsuccessful.

It is concerning that Pam Allan is one of the Local Government Board representatives who was previously involved with controversies related to IPP's in NSW and who is also a member of Northern Tasmania Development a pro development lobby group

[NSW gets planning panels - and loses on democracy](#)

<https://thefifthestate.com.au › Urbanism › Planning>

24 July 2009 — *Southern Region: Pam Allan (Chair), Alison McCabe and Allen Grimwood, with David McGowan as an alternate. Western Region: The appointment ...*

Recommendation: No Independent Planning Panels be introduced.

6. Amalgamations/Service Sharing/Community Meeting

At the community meeting hosted by the Local Govt Board (LGB) in St Helens on February 8th 2023 a “reform pathways” A4 sheet was distributed to all community attendees. Its only discussion points were related to amalgamations (referred to as “boundary consolidations”) and service sharing. This was an unfortunate ploy on behalf of the LGB as it sought to constrain community discussion while also revealing that amalgamations and service sharing was their main agenda.

You have to ask out of all the things that could be addressed regarding local government the LGB decided that amalgamation and service sharing should be prioritised above anything else.....especially given the State Governments current position is no forced amalgamations.

Three options were canvassed in the “reform pathways” A4 doc but there was no option for Councils to both reject amalgamation and service sharing which means that any responses should be taken with a grain of salt because a full range of options were not provided.

Recommendation: No forced or mandatory amalgamations or service sharing. Councils should be able to make their own decisions about these issues not coerced.

7. Community Consultation

Too often Council decides on a course of action and or seeks funding before consulting with the community. This is not proper consultation.

Recommendation: There should be comprehensive consultation with the community prior to Council deciding to pursue particular projects or plans for townships. Councils need to prioritise community needs over tourists and developers.

8. Agendas/Public Question Time

Agendas for monthly Council meetings are only released to the public and Councillors around 4-5 days beforehand. This is insufficient time for Councillors and the community to properly digest the content of the Agenda and in the case of Councillors make well informed decisions and in the case of the community have time to digest and if required question Agenda items. In addition Public Questions to the Council must be submitted 7 days before the meeting which means the public cannot ask questions about any Agenda item unless they attend the meeting.

Recommendation: Agendas for Council meetings should be released at least 10 days before Council meetings.

9. Privitising/outsourcing services

There has been an increasing level of privitisation and outsourcing of public services in recent decades due to the overt influence of neoliberal/economic rationalist ideology. The promised efficiency gains and cost savings have not necessarily materialised while at the same time there is increasing risks associated with conflicts of interest such as contracting planning consultants who also work for

private developers. It is also the case that numerous private contracts are only discussed in Closed Council which provides uncertainty regarding probity, transparency and accountability.

Another element of the neoliberal paradigm shift has been branding Councils as corporations and ratepayers as customers rather than being a public service supporting citizens and the public interest. As part of this process there has been a gradual increase in focus way from public benefit and local needs towards supporting and subsidising private developer/business interests.

Recommendations: Planning staff for Local Government must only work for Councils and not meander back and forth between private and Council planning work as this is a clear conflict of interest.

Councils should where possible seek to train and employ its own staff to carry out its public service functions rather than outsourcing to private companies.

Contracts outsourced by Council should not be Closed Council items to give ratepayers more confidence in the process of awarding jobs to private contractors.

10. Impact of Population Growth

The State Government is pursuing a strategy of encouraging significant population growth in Tasmania. We do not support this policy and it will place substantial burdens and pressures on Local Government which most likely they will be unable to keep up with. There is already substantial problems in areas such as housing, health services, deteriorating environment etc which will be further exacerbated by population growth. Many of the goals sought in the Review will not be able to be delivered and in fact problems may deteriorate further because of population growth.

Impacts of population growth include but are not limited to:

- . *increased traffic congestion
- * ,urban sprawl,
- *urban intensification....including loss of backyards, open space, tree canopy, increased flooding risk, stormwater pollution
- * loss of bushland and biodiversity
- * loss of agricultural land
- *stress on public services including the health system and education system
- * the enormous cost of infrastructure to support population growth ie diseconomies of scale
- * the inability of government to be able to keep up with infrastructure needs
- * loss of residential amenity and quality of life
- * increased cost of housing and lack of housing availability either for purchase or rentals and flow on impacts of housing crisis
- * increased inequality
- *increased use of natural resources
- *increased use pressure on recreational and protected areas
- *increased land use conflict
- * increased corruption property development
- * fire management urban fringes sprawl
- *increased pressure on water supplies

Recommendations: The State Government should pursue a policy of a stable population for Tasmania in order to maintain the quality of life and environmental values that residents and visitors enjoy.

11. Performance based planning schemes

Performance based planning schemes are extremely expensive to administer especially for rural Councils because many of the interpretations in the performance criterias are subjective.

Performance based schemes also create high levels of uncertainty for Councils, developers and the community.

Recommendation: Introduce more prescriptive planning schemes where there is objective certainty regarding what is or isn't permitted. This would create a high level of assurance for the community, developers and Councils thus significantly reducing costs for everyone.

12. Staff competency and training.

In our field of work which includes on ground conservation land management there has been no discernible improvement in Council work practices related to protection, maintenance or restoration of the environment in the past 30 years. Given that the environment is one of Tasmania's biggest assets this is very disappointing.

Recommendation: All staff should be capable and competent in their field of work and should be required to demonstrate adequate levels of understanding and on ground practice related to environmental management.

Yours sincerely

Todd Dudley

President

North East Bioregional Network