
From: Scott Morgan
Sent: Sunday, 19 February 2023 9:42 PM
To: Submissions LGBoard
Subject: Submission on Local Government Reform Options

Dear Sir/Madam

This email is a submission in response to the Local Government Reforms Options;

1.1 Establish a Tasmanian Local Government Charter which summarises councils' role and obligations, and establishes a practical set of decision-making principles for councils

I consider this to be a good idea. The 1962 Local Government Act was more prescriptive than the 1993 Act and this change reduced the clarity in regard to expected roles. Most of the legislated roles or local government currently are set out in other Acts such as LUPAA, Strata Titles Act, EMPCA, Public Health Act, Urban Drainage Act and others, but some services generally provided by councils such as waste collection are not specifically stated to be an obligation of local government. For those services not described in other legislation these should be included in the Local Government Act or specific legislation. Also it would be good to clearly specify the boundaries between local government and state government.

1.2 Embed community wellbeing considerations into key council strategic planning and service delivery processes

I consider this to be worthwhile particularly with some guidance as to how they are to be incorporated and that measures reflect the degree of influence that local government has. For instance councils generally have little influence of economic well being. I note that the Victorian Public Health and Wellbeing Plans appear to have a very narrow focus compared to the Tasmanian Wellbeing Framework, so only cover a limited scope of what wellbeing covers.

1.3 Require councils to undertake Community Impact Assessments (CIAs) for significant new services or infrastructure

I consider this to be a good approach, though it needs to be at a level within the capacity of councils to undertake. It could also apply to instances where councils are ceasing or significantly reducing the level of service or infrastructure it may be providing to the community for example when Hobart City Council ceased the Taste festival. Overall this should be part of a regular Service Delivery Planning framework. While there has been changes to the Local Government Act in regard to asset management, assets are essentially only provided to deliver services and the Act should include and require service delivery planning to be undertaken by council including the cost and sustainability of delivering those services.

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

I consider this to be very important. As councillors are in some ways equivalent to board members of an organisation they sit apart from the performance management and development processes available to council officers. Councillors therefore need a different system to ensure that they are adequately trained and sufficiently skilled to perform well in their role.

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

While reviewing the number of councillors is something that could be undertaken when there are major changes to the role of councils or local government, a major consideration is ensuring adequate representation of the electorate and democratic processes in decision making. In the Rationale it notes: "...there may be merit in reducing councillor numbers in some councils to create a more effective governance model". I do not see how reducing the number of councillors would be more effective, but it would decrease the diversity of viewpoints and perhaps result in poorer decisions. In regard to remuneration this is a difficult question, but ultimately I think it would be good if the amount of remuneration reflected the amount of hours per week that councillors undertake. This in itself can be difficult to assess given the wide variance in capabilities of different councillors, along with attention to detail, consultation and conscientiousness of individuals and how these factors would affect hours worked. Remuneration levels also need to take into consideration the costs to ratepayers.

2.3 Review statutory sanctions and dismissal powers

I consider that the available sanctions have in the past been manifestly inadequate, but I am not sure whether the recent changes are sufficient.

2.4 Establish systems and methods to support equitable and comprehensive representation of communities

This is a difficult issue. Glenorchy City Council set up precinct committees, but from what I heard these tended to attract individuals with particular barrows to push and in the end did not represent the general community, this was also the case with local area traffic committees at Hobart City Council. Some issue based committees appeared to work reasonably well such as a disabled access advisory and a cycling/active transport committee. So from what I have seen sectoral or issues based committees would likely work better than location based ones. I don't consider that increasing the scale of councils would be of benefit. Larger councils may be able to better resource this type of activity but then they also have more residents and ratepayers with a greater diversity of issues to balance and resolve which invariably consumes more resources.

3.1 Require consistent, contemporary community engagement strategies

This issue appears cover much of the same ground as some of the other issues listed. I agree community engagement planning should be undertaken.

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

I support having such a framework - the annual reports provided by councils are not the most user friendly of documents and heavily weighted to providing accounting report type data. Guidance and perhaps also minimum requirements need to be provided by the State Government, to enable comparable reporting by councils, which would also need to allow some flexibility given the different services and service levels that councils provide.

3.3 Establish clear performance-based benchmarks and review 'triggers' based on the performance framework

I support this though it will be difficult to come up with performance based benchmarks that can be applied across the sector as the Victorian Auditor-General found some years ago due to the widely varying services and service levels provided by different councils. I think that there should be better oversight or review of the activities of Audit Panels to confirm they are functioning as the legislation intended.

4.1 Implement a shared state and local government workforce development strategy,

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

I support these two issues.

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

I do not have a specific view on this, but the interaction between planning and other areas of a council such as engineering are important, and this interaction would be better supported by co-location of staff

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

My view is that councillors need to retain the role of determining development applications. They are after all democratically elected to make decisions on behalf of the community. There may be a need to ensure greater training and awareness of their role in this activity and how their decision making must be in the context of the relevant Planning Scheme. There are however numerous elements of discretion in Planning Schemes which councils can exercise and taken into account in making decisions.

5.2 Greater transparency and consistency of councils' resourcing and implementation of regulatory functions

I agree that there should be greater transparency of these issues.

5.3 Increase support for the implementation of regulatory processes, including support provided by the State Government

I agree that there needs to be a greater level of objective rules or tests in regulatory processes to make it more straight forward for the proponent and the regulator to know what is required and that the rules should be provided by the State Government. As an example having standards such as the LGAT municipal standard drawings ensure the requirements for public infrastructure being built by developers are spelled out.

5.4 Strengthen connections between councils' strategic planning and strategic land-use planning by working with State and Commonwealth Governments

I support this, but as noted in engagement feedback that there needs to be greater buy-in, commitment and investment by the State Government.

6.1 Require councils to collaborate with others in their region, and with State Government, on regional strategies for specific agreed issues

I agree that there needs to be better collaboration between councils and the State Government on regional issues, but I don't have a particular view on the best way to support or progress this issue.

6.2 Establish stronger, formalised partnerships between State and local government on long-term regional, place-based wellbeing and economic development programs

6.3 Introduce regional collaboration frameworks for planning and designing grant-dependent regional priorities

6.4 Support increased integration (including co-location) of 'front desk' services between local and state governments at the community level

I support 6.2, 6.3 and 6.4.

Reform Outcome 7 - No specific comments

8.1 Standardise asset life ranges for major asset classes and increase transparency and oversight of changes to asset lives

I support this concept. However asset life ranges need to be accurately determined. For example stormwater pipes may be assigned a life of 80 years by the manufacturer, when actual lives can be well over 100 years so there needs to be a robust engineering assessment/statistical analysis of actual lives that are being achieved not some book based or accounting exercise.

8.2 Introduce requirement for councils to undertake and publish 'full life-cycle' cost estimates of new infrastructure projects

I support this.

8.3 Introduce a requirement for councils to undertake regular service reviews for existing services

I support this but there needs to be a consistent approach across councils and guidance provided as to how these are to be undertaken and expected outputs. I also think that councils should be required to develop service delivery plans. While there is a requirement for asset management plans, what is actually provided to the community is services and communities should be aware of the future costs being planned for the delivery of each service.

8.4 Support councils to standardise core asset management systems, processes, and software

While I support standardisation of systems and processes, it would be a very costly, challenging and complex exercise to standardise software. An alternative may be to standardise software outputs. For instance at Hobart City Council I believe it has taken more than three years to change over the asset management software. Also in modern local government business systems, asset management software is typically integrated with financial, GIS, customer request and other software functions and is not a stand alone system.

Do you agree with the Board's assessment that Tasmania's current council boundaries do not necessarily reflect how contemporary Tasmanians live, work, and connect?

This is true, but then if the boundaries were changed how long would it be before those new boundaries were no longer appropriate - and there would be numerous costs each time the boundaries are changed.

We have heard

that councils need to be "big enough to be effective and small enough to care". How big is big enough to be effective? How small is small enough to care? What factors determine that? How do we strike the balance between these factors?

From research undertaken by Brian Dollery and others over the years it would appear that a financially efficient size of council is about 20,000 rateable properties. This would thus appear to me to be big enough to be effective. Recent research findings of the 2016 NSW amalgamations found that amalgamated councils financially performed significantly more poorly than those that weren't amalgamated and that there were some diseconomies of scale that didn't appear to have been factored in.

The small enough to care is a more challenging question and probably dependant on community expectations. Another element is the tyranny of distance - some years ago I was talking to an officer being shared between Southern Midlands and Central Highlands Councils and he had a call to go to Derwent Bridge for an inspection, but at the time he was in Campania. So having a council that is too large in area can increase travel times and the cost of doing business.

Thinking about

Tasmania now, and how it might change over the next 50 years, what are the most important things to consider if we were to 'redraw' our council boundaries?

Some of the obvious issues is where the majority of the population growth is going to occur, the likely demographic changes and the outputs of regional land use planning/strategies including transportation corridors. The cost of "redrawing" boundaries on councils and the communities will however be significant.

Which of the three broad reform pathways do you think has the best chance of delivering what the community needs from local government?

I don't think that the case has really been made that any of the three broad reform pathways should be implemented or pursued, as there does not appear to be any analysis that demonstrates conclusively that they would improve on the current situation. If any was to be pursued I consider that sharing of services is the preferred option if there is to be a change from the current system. The costs and complexities and diseconomies of scale would all be major factors in any significant move to amalgamations and I am against this alternative.

What would be your biggest concerns about changing the current system? How could these be addressed?

I don't have any particular issues with the current system of local governments. If the decision was made to go with a change I think that by going with the sharing of services option that many of the challenges, disruptions, staff issues and the like of the amalgamation or boundary adjustments option could be avoided. Issues such as incompatible software systems and the costs of integration as just one example require very large costs and resources to implement and entail significant impacts on service delivery to ratepayers.

In any structural reform process, how do we manage the very different needs and circumstances of rural and urban communities?

This is very difficult - I worked with someone who went through the amalgamation process in Victoria in a regional area and he found that when this occurred the urban area and its ratepayers suffered significantly as far more money was required to bring the rural area's services up to the same service levels. Overall I would think it best to keep highly urban areas separate from rural areas with regional centres due to the different issues, priorities and communities of interest.

In the 1990s there was work done by the Hand Committee on local government and I read the reports of this investigation. There was very good information provided in the background papers on the expenditure and performance of various councils. However what was disappointing was that there was no detailed analysis to identify why particular councils appeared to be performing better than other councils. These better instances of performance were not particularly related to the size of the council. Unfortunately it appeared that rather than trying to work out the actual factors or reasons for good performance the report jumped to amalgamations being the answer, but this was not supported by the detailed information obtained from councils. So my view is that it would be good to see which councils are performing well and investigate why that is so and whether these factors enabling these results can be replicated at other councils.

Thank you for the opportunity to comment, but it would have been better to have more time to consider and prepare a response.

Regards
Scott Morgan