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20 February 2024

To: The Director, Office of Local Government
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CC: LGAT CEO – Dion Lester
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To the Director, Office of Local Government,

Thank you for the opportunity to provide a submission on the Final Report from the Future of Local Government Review, the Council appreciates the opportunity which has been provided. Following consideration and discussions over the last few months, Council provides you with the attached Submission for your consideration.

During the discussion which occurred at our Council Meeting on 19 February 2024, concern was expressed that the Final Report might be consigned to sit on a shelf somewhere gathering dust as a result of the recently called State Election resulting in a change in direction. This would be extremely disappointing given the millions of dollars of cash and resources that have been put into the process by everyone which has been involved in the process to date. Regardless of the position of the future government in relation to the matter of boundary adjustments or amalgamations, the Final Report includes many recommendations which will set the sector up to meet the challenges of the future.

Yours sincerely,

A handwritten signature in blue ink that reads 'Mick Tucker'. The signature is written in a cursive style with a large initial 'M'.

Mick Tucker
MAYOR

Future of Local Government Review – Final Report (October 2023)

Break O’Day Council Submission [draft vers1 03-01-2023]

Recommendation #	Recommendation Headline	Council Comment
<p>1</p>	<p>Define in Tasmania’s new Local Government Act the role of local government consistent with the statement below:</p> <p>The role of local government is to support and improve the wellbeing of Tasmanian communities by:</p> <ol style="list-style-type: none"> 1. harnessing and building on the unique strengths and capabilities of local communities; 2. providing infrastructure and services that, to be effective, require local approaches; 3. representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making; and <p>promoting the social, economic, and environmental sustainability of local communities, by mitigating and planning for climate change impacts.</p>	<p>Recommendation Supported</p> <p>Statement proposed for inclusion in the Local Government Act is generally reflective of what Council has argued through the FoLGR process through its submissions.</p>
<p>2</p>	<p>The Tasmanian Government – through subordinate legislation – should implement a Local Government Charter to support the new legislated role for local government.</p> <p>The Charter should be developed in close consultation with the sector and clarify and consolidate in a single document councils’ core functions, principles, and responsibilities, as well as the obligations of</p>	<p>Recommendation Tentatively Supported</p> <p>Previously Council has questioned the need for a Charter. The narrative within the Final report provides a better explanation of what a Charter will encapsulate and seems reasonably logical. This may be the only area where Local Government can better define the relationship between Local Government and the State Government.</p>

	<p>the Tasmanian Government when dealing with the sector as a partner in delivering community services and support.</p>	<p>The Board failed to meaningfully address the frustrations that Local Government has. Many of our challenges come from our relationships with the State Government and its many agencies. When they suffer from systemic under funding, under resourcing, gaps in responsibility and lack of clarity and purpose, it also impacts at a Local Government level.</p> <p>The Charter MUST address the need for a formal cost sharing arrangement framework between State and Local Government.</p> <p>The State Government has a history of developing systems relating to Local Government activities and then once they have been established say to Local Government that it needs to pay for the system’s ongoing operation, maintenance and development. This discussion must be discussed and agreed at the outset.</p>
<p>3</p>	<p>The Tasmanian Government should work with the sector to develop, resource, and implement a renewed Strategic Planning and Reporting Framework that is embedded in a new Local Government Act to support and underpin the role of local government. Under this Framework councils will be required to develop – within the first year of every council election – a four-year strategic plan.</p> <p>The plan would consist of component plans including, at minimum, a:</p> <ul style="list-style-type: none"> • community engagement plan; • workforce development plan; • elected member capability and professional development plan; and 	<p>Recommendation requires Review</p> <p>The concept of a renewed Strategic Planning and Reporting Framework embedded within the Act is logical. However the Board has failed to adequately describe an all encompassing approach and have instead confused the situation by proposing a Four-year Strategic Plan encompassing four elements which are ‘Corporate’ and inward focussing and focus on four themes which are included in the Final Report. Questions start to arise as to whether a Workforce Development Plan is actually an operational matter for which the General manager has responsibility.</p>

	<ul style="list-style-type: none"> financial and asset sustainability plan. 	<p>Division 2 of the current Act requires the preparation of a Strategic Plan for at least a 10 year period. Councils consult extensively with their communities in developing a Strategic Plan which includes a vision for the future of the Council. Division 2 also includes Long-term Financial Management Plans; Financial Management Strategies; Long-term Asset Management Plans etc.</p> <p>Substantial work is required on this very important element.</p>
<p>4</p>	<p>Formal council amalgamation proposals should be developed for the following:</p> <ul style="list-style-type: none"> West Coast, Waratah-Wynyard and Circular Head Councils (into 2 councils); Kentish and Latrobe Councils; Break O’Day, Glamorgan-Spring Bay and Sorell Councils (into 2 councils); City of Hobart and Glenorchy City Councils; Kingborough and Huon Valley Councils. <p>The Board acknowledges council interest in and discussions on boundary changes are less advanced in respect of City of Hobart and Glenorchy, and Kingborough and Huon Valley councils, but nonetheless believes that these councils have expressed clear interest in further exploring opportunities. The Board believes there is substantial merit in ensuring that those councils (and their communities) are afforded the opportunity to genuinely explore structural consolidation proposals in greater detail.</p>	<p>Recommendation Supported</p> <p>Break O’Day Council has clearly stated its position on this matter to the Board. It believes that a detailed investigation is required in relation to the options for creating an East Coast Council. Until that investigation occurs, there is insufficient information to make an informed decision. The Council has not expressed a position on where the boundary might be located along the Coast.</p> <p>Council notes that the option to incorporate the Bicheno/Coles Bay and Break O’Day areas to form a Council covering the northern East Coast is one option, but reiterates that this needs to be addressed through the detailed investigation.</p>

5	A new Local Government Board should be established to undertake detailed assessment of formal council amalgamation proposals and make recommendations to the Tasmanian Government on specific new council structures.	<p>Recommendation Supported</p> <p>The State Government must provide the funds necessary to enable detailed investigations of amalgamation proposals and the funds necessary to meet the transition costs to the new structure</p>
6	A Community Working Group (CWG) should be established in each area where formal amalgamation proposals are being prepared. The CWG would identify specific opportunities the Tasmanian Government could support to improve community outcomes.	<p>Recommendation Supported</p>
7	In those areas where amalgamation proposals are being developed, a community vote should be held before any reform proceeds, to consider an integrated package of reform that involves both a formal council amalgamation proposal and a funded package of opportunities to improve community outcomes.	<p>Recommendation Supported</p>
8	If a successful community-initiated elector poll requests councils to consider amalgamation, the Minister for Local Government should request the Local Government Board to develop a formal amalgamation proposal and put it to a community vote.	<p>Recommendation Supported</p> <p>This is effectively the process currently contained within the Local Government Act 1993.</p>
9	The new Local Government Act should provide that the Minister for Local Government can require councils to participate in identified shared service or shared staffing arrangements.	<p>Recommendation Tentatively Supported</p> <p>This will depend on the provisions proposed to be included in the Act.</p>
10	Give councils the opportunity to design identified shared service arrangements themselves, with a model only being imposed if councils cannot reach consensus.	<p>Recommendation Supported</p> <p>Sharing of services is a logical arrangement where there are mutual benefits from this occurring. Discussions on opportunities involving Councils is an ongoing activity. It</p>

		currently extends beyond shared service arrangements to include procurement activities on a regional basis.
11	Before endorsing a particular mandatory shared service arrangement, the Minister for Local Government should seek the advice of the Local Government Board.	<p>Recommendation Tentatively Supported</p> <p>More clarification is required regarding the circumstances in which a mandatory shared service arrangement is being considered. ‘Shotgun’ arrangements can result in resistance and hinder the outcomes being sought by the arrangement.</p>
12	If councils are unable to reach consensus on a mandatory service sharing agreement, the Minister for Local Government should have the power to require councils to participate in a specific model or models the Tasmanian Government has developed.	<p>Recommendation Tentatively Supported</p> <p>As stated in Recommendation 11, ‘Shotgun’ arrangements can result in resistance and hinder the outcomes being sought by the arrangement.</p>
13	<p>The first priorities for developing mandatory shared service arrangements should be:</p> <ul style="list-style-type: none"> ▸ sharing of key technical staff; ▸ sharing of common digital business systems and ICT infrastructure; and ▸ sharing of asset management expertise through a centralised, council-owned authority. 	<p>Recommendation Tentatively Supported</p> <p>There is certainly a lot of merit in considering a common IT platform for Local Government. Projects of the scale being contemplated here invariably end up costing far more than expected and have significant implementation issues. An initial step would be all Councils heading to a common suite of products which then evolves into shared ICT infrastructure.</p> <p>Asset Management on the surface appears to be one of the more simple activities to be focussed on and should be the top priority. Scoping of the situation, design of a system and investigation of options should be funded immediately by the State Government.</p> <p>The sharing of key technical staff presumes that there is spare capacity laying around in Councils which can be shared. Workforce shortages in key areas of Local</p>

		Government is well known and documented. How can Councils be forced to share a resource where there is no spare capacity? It is illogical at the current time, maybe as part of addressing workforce shortages it has merit.
14	Include a statutory requirement for councils to consult with local communities to identify wellbeing priorities, objectives, and outcomes in a new Local Government Act. Once identified, councils would be required to integrate the priorities into their strategic planning, service delivery and decision-making processes.	Recommendation Tentatively Supported This requirement needs to be embodied within the requirements that Councils will need to address through their strategic planning process. Once this has been done then it should flow through into service delivery and decision making processes as a matter of course.
15	To be eligible to stand for election to council, all candidates should first undertake – within six months prior to nominating – a prescribed, mandatory education session, to ensure all candidates understand the role of councillor and their responsibilities if elected.	Recommendation Supported This requirement will assist in building the foundational knowledge of all potential Councillors. The need for this to occur for existing councillors who have previously completed this mandatory prescribed education session needs to be further discussed. It can be argued that it is good to do a refresher as you pick up something new every time. If an existing Councillor has been completing professional development throughout their term, should they be forced to do this session again?
16	The Tasmanian Government and the local government sector should jointly develop and implement a contemporary, best practice learning and ongoing professional development framework for elected members. As part of this framework, under a new Local Government Act: <ul style="list-style-type: none"> • all elected members – including both new and returning councillors - should be required to complete a prescribed ‘core’ learning and development program within the first 12 	Recommendation Supported This is largely in line with the Policy which Council has just adopted based on the model Learning & Development Policy prepared by the Office of Local Government supported Working Group

	<p>months of being elected; and</p> <ul style="list-style-type: none"> • councils should be required to prepare, at the beginning of each new term, an elected member learning and capability development plan to support the broader ongoing professional development needs of their elected members. 	
17	<p>The Tasmanian Government should further investigate and consider introducing an alternative framework for councils to raise revenue from major commercial operations in their local government areas, where rates based on the improved value of land are not an efficient, effective, or equitable form of taxation.</p>	<p>Recommendation Supported</p> <p>Much of the infrastructure (particularly Windfarms) is a significant capital improvement on the land and as such should affect the rateable value. This is no different to other infrastructure that results in revenue being earned.</p>
18	<p>The Tasmanian Government should work with the sector and the development industry to further investigate and consider introducing a marginal cost-based integrated developer charging regime.</p>	<p>Recommendation Supported</p> <p>This would ensure that developers which benefit from infrastructure being installed pay what is a fair and reasonable contribution to the capital cost of this infrastructure.</p>
19	<p>Introduce additional minimum information requirements for council rates notices to improve public transparency, accountability, and confidence in council rating and financial management decisions.</p>	<p>Recommendation Supported</p> <p>This would help with consistency in disclosure</p>
20	<p>Within the context of the national framework, the Tasmanian Government should seek advice from the State Grants Commission on how it will ensure the Financial Assistance Grants methodology:</p> <ul style="list-style-type: none"> • is transparent and well understood by councils and the community, • that assistance is being targeted efficiently and effectively, and • is not acting as a disincentive for councils to pursue structural reform opportunities. 	<p>Recommendation Supported</p> <p>Simple recommendation asking for advice. The State Government has little control or influence over the activities of the State Grants Commission.</p>

<p>21</p>	<p>The Tasmanian Government should review the total amount of Heavy Vehicle Motor Tax Revenue made available to councils and consider basing this total amount on service usage data.</p>	<p>Recommendation Supported</p> <p>Review of this amount and arrangements is long overdue with Council roads playing a vital role in the movement of heavy vehicles. The failure of the State Government to adequately share this revenue source is reflective of the nature of the relationship between State and Local Government.</p>
<p>22</p>	<p>Introduce a framework for council fees and charges in a new Local Government Act, to support the expanded, equitable and transparent utilisation of fees and charges to fund certain council services.</p>	<p>Recommendation Tentatively Supported</p> <p>Whilst this concept is supported in principle and it seems logical, it is not as simple as stated by the Board. Using a few examples, compliance activities invariably result in Council's incurring significant costs with cost recovery being problematic. Fines relating to Dog Control Act offences are difficult to recover, Court action is costly and lodging with MPES (Monetary Penalty Enforcement scheme) is virtually impossible without a date of birth.</p> <p>These issues are a step beyond the Recommendation made by the Board but Councils need to be able to efficiently and effectively recover penalties to offset the significant costs of compliance work. After all, why shouldn't the person who does the wrong thing where the cost of Council pursuing compliance.</p>
<p>23</p>	<p>The Tasmanian Government should review the current rating system under the Local Government Act to make it simpler, more equitable, and more predictable for landowners. The review should only be undertaken following implementation of the Board's other rating and revenue recommendations.</p>	<p>Recommendation Tentatively Supported</p> <p>Insufficient information to take an informed position, but it seems logical</p>

<p>24</p>	<p>The Tasmanian Government should work with the sector to develop, resource, and implement a best practice local government performance monitoring system.</p>	<p>Recommendation Tentatively Supported</p> <p>Development of the performance monitoring system is fully supported, what is not clear is who will be paying for the cost of developing and operating this system and this needs to be addressed.</p> <p>The State Government has a history of developing systems relating to Local Government activities and then once they have been established say to Local Government that it needs to pay for the system’s ongoing operation, maintenance and development. This discussion must be discussed and agreed at the outset. This relates to Recommendation 2.</p>
<p>25</p>	<p>The Tasmanian Government should develop a clear and consistent set of guidelines for the collection, recording, and publication of datasets that underpin the new performance reporting system to improve overall data consistency and integrity, and prescribe data methodologies and protocols via a Ministerial Order or similar mechanism.</p>	<p>Recommendation Supported</p> <p>There must be only one data gathering exercise which Local Government has to address and it needs to meet the requirements of all State Agencies.</p>
<p>26</p>	<p>The new Strategic Planning and Reporting Framework should actively inform and drive education, compliance, and regulatory enforcement activities for the sector, and entities with responsibility for compliance monitoring and management – including the Office of Local Government and council audit panels – should be properly empowered and resourced to effectively deliver their roles.</p> <p>As part of this the Tasmanian Government should consider introducing a requirement for councils to have an internal audit function given their responsibilities for managing significant public assets and resources, and whether this requirement needs to be legislated or otherwise mandated. Consideration should also be given to resourcing internal</p>	<p>Recommendation requires Review</p> <p>The Board states in the Final Report “Consideration should be given to sector contributions to fund regulatory oversight functions of the office of Local Government”. This statement whilst not featured explicitly within the Recommendation is a cause for concern and the State Government should clearly state that this will not be considered.</p> <p>Council currently has an internal audit program which is monitored by the Audit Panel. Further discussion and examination of this recommendation is required because it will result in significant change and resource implications.</p>

	audit via service sharing or pooling arrangements, particularly for smaller councils.	The Final report canvasses increasing resourcing within the Office of Local Government as an option. The Board has not taken into account the Performance Audit program undertaken by the Tasmanian Audit Office and whether this is a more logical avenue to address the deficiencies the Board has identified.
27	The Tasmanian Government should collaborate with the local government sector to support a genuine, co-regulatory approach to councils' regulatory responsibilities, with state agencies providing ongoing professional support to council staff and involving councils in all stages of regulatory design and implementation.	Recommendation Supported The failure to adequately involve Local Government in all stages of regulatory design and implementation has been an issue for decades. The State Government develops legislation and then Councils are left to sort it out and try and implement.
28	The Tasmanian Government should work with the local government sector to pursue opportunities for strengthened partnerships between local government and Service Tasmania.	Recommendation Supported It is agreed that opportunities exist to integrate customer facing service delivery and this should be pursued.
29	Councils should migrate over time to common digital business systems and ICT infrastructure that meet their needs for digital business services, with support from the Department of Premier and Cabinet's Digital Strategy and Services (DSS).	Recommendation Supported This links back to Recommendation 13. There is certainly a lot of merit in considering a common IT platform for Local Government. Projects of the scale being contemplated here invariably end up costing far more than expected and have significant implementation issues. An initial step would be all Councils heading to a common suite of products which then evolves into shared ICT infrastructure.

30	The Tasmanian Government – in consultation with the sector – should review the current legislative requirements on councils for strategic financial and asset management planning documentation to simplify and streamline the requirements and support more consistent and transparent compliance.	<p>Recommendation Supported</p> <p>This links back to Recommendation 3 and partially duplicates that recommendation.</p>
31	The Tasmanian Government – in consultation with the sector – should investigate the viability of, and seek to implement wherever possible, standardised useful asset life ranges for all major asset classes.	<p>Recommendation Supported</p> <p>This also in part links back to Recommendation 3 and the narrative in the Report</p>
32	All Tasmanian councils should be required under a new Local Government Act to develop and adopt community engagement strategies – underpinned by clear deliberative engagement principles.	<p>Recommendation Supported</p> <p>This also in part links back to Recommendation 3 and the narrative in the Report</p>
33	A new Local Government Act should require councils, when developing and adopting their Community Engagement Strategies, to clearly set out how they will consult on, assess, and communicate the community impact of all significant new services or infrastructure.	<p>Recommendation Supported</p> <p>This also in part links back to Recommendation 3 and the narrative in the Report</p>
34	Following the phase 1 voluntary amalgamation program, the Tasmanian Government should commission an independent review into councillor numbers and allowances.	<p>Recommendation Supported</p> <p>There is no real timeframe around the Phase 1 voluntary amalgamation program. It may be more logical to disconnect this review from that program.</p>
35	The Tasmanian Government should expedite reforms already agreed and/ or in train in respect of statutory sanctions available to deal with councillor misconduct or poor performance.	<p>Recommendation Supported</p>
36	<p>The Tasmanian Government should:</p> <ul style="list-style-type: none"> • support the Local Government Association of Tasmania (LGAT) to develop and implement – in consultation with 	<p>Recommendation Not Supported</p> <p>After all the Board has heard about workforce shortages in key areas in Local Government and the way that they have</p>

	<p>councils and their staff – a workforce development toolkit tailored to the sector and aligned with the Tasmanian Government’s workforce development system;</p> <ul style="list-style-type: none"> • support councils to update their workforce plans at the time of any consolidation; • support LGAT to lead the development and implementation of a state-wide approach to workforce development for key technical staff, beginning with environmental health officers, planners, engineers and building inspectors; • recognise in statute that workforce development is an ongoing responsibility of council general managers and is included as part of the new Strategic Planning and Reporting Framework; and <p>include simple indicators of each council’s workforce profile in the proposed council performance dashboard.</p>	<p>used this as a reason for sharing of services (by non-existent or over stretched staff) it is quite disappointing to be provided with a recommendation that is a rehash of what has happened in the past and wishy washy at best.</p> <p>The situation of shortages in key areas is not something that has been caused by Local Government solely so we should fix it. Many of these positions are also in State Government and the private sector. We don’t need another toolkit or to copy the Tasmanian Government approach which we have no idea what it looks like</p> <p>What is not required is a focus on more reports being updated and new ones created, what is needed is some meaningful recommendations and action including:</p> <ol style="list-style-type: none"> 1. Partnering with the Federal Public Sector Skills Council to address sector shortages, it is named up at the front end of what their purpose is. 2. Tasmanian Government and LGAT to work with Utas and TasTAFE to ensure that tertiary and vocational program delivery meets the needs of industry and the various sectors. 3. Promote paraprofessional pathways through TasTAFE and Utas. 4. Support Councils to provide a range of traineeships and cadetships, this could be through a shared approach between multiple council with funding available to support coordination 5. Councils to participate in career education opportunities by working in partnership with the Regional Jobs Hub network and local schools to highlight the wide diversity of career opportunities in Local Government
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		<p>6. Consider the impact of Artificial Intelligence on some of these positions in the future.</p> <p>How long will it be before AI will look at a set of building Plans and assess whether they comply with the Building Code?</p> <p>How long will it be before AI will scan a Development Application and do the bulk of the work assessing compliance with the Planning Scheme?</p>
<p>37</p>	<p>The Tasmanian Government should partner with, and better support, councils to build capacity and capability to plan for and respond to emergency events and climate change impacts.</p>	<p>Recommendation Supported</p>