



City of **HOBART**

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Office of Local Government  
Department of Premier and Cabinet  
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Via Email: [lg.consultation@dpac.tas.gov.au](mailto:lg.consultation@dpac.tas.gov.au)

Dear Sir/Madam,

## **TARGETED AMENDMENTS TO THE *LOCAL GOVERNMENT ACT 1993***

The City of Hobart welcomes the opportunity to respond to the discussion paper in relation to the Targeted Amendments to the *Local Government Act 1993* and commends the Tasmanian Government's commitment to implementing its Local Government Priority Reform Program 2024-26 ahead of the 2026 Local Government elections.

The enclosed submission was endorsed by the Council at its meeting held on 24 February 2025 and provides a response to each of the 11 key reform areas as identified in the discussion paper.

The City of Hobart looks forward to reviewing the exposure draft legislation which is scheduled to be published in May 2025.

Once again, I thank you for the opportunity to contribute to this important work.

Yours sincerely,

  
(Michael Stretton)  
**CHIEF EXECUTIVE OFFICER**

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### Targeted Amendments to the *Local Government Act 1993*

Reform Summary	Comments
<p><b>Legislating Good Governance Principles</b></p> <ul style="list-style-type: none"> <li>• Good governance principles will be embedded in the <i>Local Government Act 1993</i> to set clear standards and expectations for how Tasmanian councils should make decisions as a collective on behalf of their communities.</li> <li>• The principles will mirror those currently captured in the local government Good Governance Guide, which are themselves based on well-accepted standards drawn from national and international best practice.</li> <li>• The change will mean all councils will have a general duty under the Act to uphold and act in accordance with the principles when performing their statutory roles and functions.</li> <li>• The Minister for Local Government will be empowered to issue guidelines to support councils to interpret and apply the principles in different circumstances and contexts. New mandatory learning and development modules for councillors will also include a focus on the practical application of the principles to the everyday business of councils.</li> <li>• Legislating the principles will provide a further avenue for early regulatory intervention where a council is clearly acting contrary to the standards established under those principles.</li> </ul>	<p><b>Support.</b></p> <p>There is merit in embedding clear standards and expectations for Councils in the <i>Local Government Act 1993</i>.</p> <p>It is expected that such guiding principles would assist Elected Members in their decision making and practice, but also Local Government administrators, including the provision of best-practice reports and information to assist Elected Members to fulfil their duties.</p>
<p><b>Introducing serious councillor misconduct provisions</b></p> <ul style="list-style-type: none"> <li>• New provisions will be included in the Act which allow for stronger sanctions (including removal and barring from office for up to seven years) where councillors are found to have engaged in serious councillor misconduct under the councillor Code of Conduct.</li> <li>• Serious councillor misconduct will be defined as a serious and severe breach of the code, determined by reference to clear criteria which</li> </ul>	<p><b>Support.</b></p> <p>It's clear to most in the sector that the current Code of Conduct process has been relatively ineffective in addressing inappropriate behaviour by Elected Members.</p> <p>The process is wieldy, time consuming and the sanctions available do not provide a sufficient</p>

<p>go to the impact of the conduct in question, and its reflection on a person’s fitness (or otherwise) to hold public office.</p> <ul style="list-style-type: none"> <li>• Serious councillor misconduct complaints will be heard and determined by the Tasmanian Civil and Administrative Appeals Tribunal (TASCAT), and not the existing Code of Conduct Panel. The Code of Conduct Panel will be retained in its current form and will continue to consider all other complaints.</li> <li>• Serious councillor misconduct complaints will only be able to be referred to TASCAT by the Director of Local Government.</li> <li>• In response to a finding of serious councillor misconduct, TASCAT will be able to issue an expanded set of sanctions (in addition to those already available to the Code of Conduct Panel) including dismissal and disqualification from office for a period of up to seven years.</li> </ul>	<p>deterrent for breaches of the Code, when they occur.</p> <p>The provision of an additional ‘layer’ of sanctions for serious misconduct would be welcome as it would provided added incentive for Elected Members not to engage in any such behaviour and would also provide for suitable response in the unfortunate event that an Elected Member is found to have engaged in serious misconduct.</p> <p>Whilst severe misconduct is to be defined as a “severe breach of the code”, with criteria yet to be developed, it is expected that serious misconduct would relate to examples like: dishonesty (including fraud, theft), physical violence, gross negligence, wilful and/or repeated misconduct, bullying, sexual harassment, disclosure of confidential information, failure to disclose a conflict of interest..(etc).</p>
<p><b>Broadening performance improvement direction provisions</b></p> <ul style="list-style-type: none"> <li>• Changes will be made to performance improvement direction (PID) provisions under the Act, which will provide that the Minister for Local Government may issue a PID to a council or councillor in response to a broad range of performance and governance concerns, including: <ul style="list-style-type: none"> <li>○ breaches of or non-compliance with a council policy made under the <i>Local Government Act 1993</i> that are not of a minor nature; and</li> <li>○ a serious and material failure by a council to act in a way that is consistent with the good governance principles.</li> </ul> </li> <li>• This change will make clear that PIDs can be issued in response to circumstances beyond clear-cut statutory breaches, which is</li> </ul>	<p><b>Support.</b></p> <p>The comments made in respect to the current Code of Conduct process above are equally relevant to this proposed reform.</p> <p>The proposal to provide an ability for the Minister to issue a performance improvement direction (PID) to a council or councillor in response to a broad range of performance and governance concerns, would provide an agile and timely approach for addressing performance at an individual Elected Member or council level without the need for a Code of Conduct process, or a Board of Inquiry process.</p>

<p>consistent with their original regulatory intent as an early intervention tool to flexibly and promptly address issues with council performance and compliance.</p> <ul style="list-style-type: none"> <li>• In addition, a failure to comply with a PID may also trigger the appointment of a temporary advisor.</li> </ul>	<p>A PID would provide an opportunity to quickly address issues that have been identified within a council and would therefore be a welcome reform.</p>
<p><b>Introducing temporary advisors for councils</b></p> <ul style="list-style-type: none"> <li>• New provisions will allow for the Minister for Local Government to appoint – in response to evidence of existing or emerging governance issues at a council – a temporary advisor to a council to provide advice and recommend governance improvements to the council, the Director of Local Government and the Minister for Local Government.</li> <li>• Advisors would be given all necessary and appropriate powers to undertake these functions. Specifically, advisors would have the authority to enter council premises, review its operations, request information from the council administration and its audit panel, provide guidance to elected members and senior staff, and make recommendations to the council on governance improvements.</li> <li>• At the end of their period of appointment, advisors would provide a final report to the Minister for Local Government and recommend any further action (including regulatory intervention) as they saw fit.</li> <li>• Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction (PID).</li> <li>• Temporary advisors would complement and reinforce existing and proposed regulatory tools (including broadened PID provisions) and provide a means of understanding whether there are serious issues present at a council which may justify further action, including a Board of Inquiry</li> </ul>	<p><b>Support.</b></p> <p>There is no doubt that there are times when, for various reasons, a council may lose its way in terms of its focus on the necessary role that it plays for its community. It could be as a result of poor strategic decision making, relationship breakdowns between key leaders, employee and or Elected Member misconduct (and the like).</p> <p>The ability to appoint a temporary advisor to a council to provide advice and recommend governance improvements to that council would provide a ‘light touch’ means of addressing the identified problems, rather than resorting to an expensive and time-consuming Board of Inquiry process.</p> <p>Certainly, an inquiry will still have its place for the most serious of circumstances, but the advisor would be a useful tool to work with existing councils to identify and address problems, before more serious interventions are required.</p>

<p><b>Clarifying work health and safety obligations</b></p> <ul style="list-style-type: none"> <li>• Doubts removal provisions will be included in the Local Government Act, removing any ambiguity elected members are bound by, and have obligations under, work health and safety (WHS) legislation.</li> <li>• The changes will further clarify that councils – and specifically elected members – have legislative obligations to prudently and actively manage WHS hazards. They will not conflict with, replace, or duplicate any existing obligation under the WHS framework, nor in any way insert the Director of Local Government as a workplace safety regulator for councils.</li> </ul>	<p><b>Support.</b></p> <p>Elected Members are not officers or workers, but have coverage under the <i>Workplace Health and Safety Act 2012</i> because whilst conducting council-related ‘work’ they are ‘Other Persons at the Workplace’.</p> <p>This concept continues to create confusion and complexity within the sector and therefore any changes to the <i>Local Government Act 1993</i> to clarify the matter would be supported.</p>
<p><b>Mandating council learning and development obligations</b></p> <ul style="list-style-type: none"> <li>• New legislative provisions will require all councillors (both new and returning) to undertake minimum learning and development activities within the first 12 months of being elected.</li> <li>• The requirements will focus on councillors’ core roles and responsibilities (including their various statutory obligations) will be set out in a Ministerial Order, allowing for flexibility and adjustment over time, as necessary.</li> <li>• The provisions would ensure that mandatory requirements must be relevant to the performance of a councillor’s functions and duties, and the Minister for Local Government would be required to consult with councils on the contents of any order before it is issued.</li> <li>• General managers would also be required to develop an elected member learning and development plan for the council at the beginning of each term, and councils would need to make reasonable provision in their budgets to support participation of councillors in learning and development opportunities consistent with those plans.</li> </ul>	<p><b>Support.</b></p> <p>In recent years the Office of Local Government and LGAT has developed a Local Government Learning and Development Framework which provides a useful resource for Elected Members. In addition to the Framework, councils should be routinely providing learning and development opportunities for their Elected Members, through workshops, conferences, formal and informal training (and the like).</p> <p>The requirement to develop an Elected Member learning and development plan for the council at the start of each term would ensure that the organisation is focused on ensuring that the Elected Members do receive an adequate level of learning and development across the sector.</p>

<ul style="list-style-type: none"> <li>• Councils would need to publicly report on each councillor’s completion of mandated learning and development activities. Non-compliance with the new requirements would be a breach of the Local Government Act, and therefore could result in the potential issuing of a performance improvement direction on a council or councillor.</li> <li>• Mandatory pre-election education (completion of an information session) would also be introduced, but this will be implemented via the new Local Government Elections Bill.</li> <li>• The reform implements key recommendations from the Future of Local Government Review and will ensure councillors are better supported and equipped with the skills and knowledge they need to perform their important functions and duties.</li> </ul>	
<p><b>Introducing a contemporary role statement and a charter for local government</b></p> <ul style="list-style-type: none"> <li>• The local government role statement developed by the Future of Local Government Review will be included in the Local Government Act, setting a clear, contemporary vision for councils, focused on the wellbeing of local communities.</li> <li>• A head of power will also be included in the Act for the Minister for Local Government to issue via Ministerial Order a Local Government Charter to support the delivery of the new role, subject to first consulting with the local government sector.</li> <li>• The charter will clarify and consolidate councils’ core functions and duties, offer principles for financial management and engagement, and facilitate strategic state and local government collaboration on issues like regional land use planning and emergency preparedness.</li> <li>• The charter will provide a more flexible mechanism for capturing core functional</li> </ul>	<p><b>Support.</b></p> <p>The Hobart City Council supported the proposal to develop a Local Government Charter through the Future of Local Government Review and its inclusion in this process is supported.</p> <p>Councils are focussing more than ever on the services that they provide to the community and, specifically on service levels.</p> <p>A well-constructed charter would assist councils and their communities to understand and agree the services that are provided by their respective councils.</p>

<p>responsibilities of councils which, in turn, will improve sector and community understanding of local government responsibilities.</p> <ul style="list-style-type: none"> <li>• The new role statement and charter will be complemented and put into practice via changes over time to the strategic planning and reporting framework, aligning council actions with community priorities, particularly in respect to wellbeing (see reform 8).</li> </ul>	
<p><b>Improving the Strategic Planning and Reporting Frameworks</b></p> <ul style="list-style-type: none"> <li>• Changes to the Local Government Act will provide the statutory underpinning to improve (flexibly and over time) the way councils plan for the future and report to the community on their progress and achievements.</li> <li>• The current 10-year strategic planning period will be retained, but councils will now be required to link their strategic plans to identified community wellbeing priorities.</li> <li>• New statutory requirements will be introduced for councils to develop and adopt community engagement plans and workforce development plans, consistent with FoLGR recommendations.</li> <li>• Beyond these broad parameters, councils will retain significant flexibility to set strategic priorities that are relevant and important to each of their communities.</li> <li>• The Government is not proposing changes to the existing suite of council financial and asset management plans at this time, but other changes being introduced mean these will need to align with and support implementation of their strategic plans, based on community wellbeing priorities.</li> </ul>	<p><b>Support.</b></p> <p>This amendment is consistent with the Strategic Planning and Reporting Framework adopted at the City of Hobart.</p> <p>The <i>Capital City Strategic Plan 2023</i> is the City of Hobart’s primary planning document and outlines the outcomes the City is aiming to achieve over a ten-year period in response to the community vision - <a href="#">Hobart: A community vision for our island capital</a>.</p> <p>Similarly in respect to the community engagement recommendation, the Hobart City Council has an established Community Engagement and Policy and Framework and would be supportive of the requirement to develop and adopt a community engagement plan.</p> <p>In respect to the requirement for councils to develop a Workforce Development Plan, the City of Hobart operates the One Hobart Program, which aims at building a constructive organisational culture which is consistent with the proposed reform.</p>

<p><b>Improving Consistency in Data Collection and Reporting Methodologies</b></p> <ul style="list-style-type: none"> <li>• New provisions will give the Minister for Local Government the ability to issue clear and binding instructions to councils in relation to a broader range of performance indicators and their associated data collection and reporting requirements.</li> <li>• More consistent collection and reporting of key council performance data is essential to, and will support the development of, a new performance monitoring framework for the local government sector.</li> <li>• Better data and improved confidence in performance monitoring will empower communities to understand how well their council is performing and support better and more proactive monitoring and regulatory intervention.</li> </ul>	<p><b>Support.</b></p> <p>Hobart City Council currently maintains a suite of key performance indicators (KPIs) which it utilises to assess its performance and also to identify areas for improved performance. These KPIs are based on similarly sized council organisations from across Tasmania and Australia.</p> <p>More consistent collection and reporting of key council performance data across the sector would be a step forward and assist councils in monitoring and improving their performance where required.</p>
<p><b>Enhancing Transparency of Information in Council Rates Notices</b></p> <ul style="list-style-type: none"> <li>• The Act will empower the Minister for Local Government to prescribe additional information requirements for council rates notices so ratepayers will have a clearer picture of how and why their rates change over time, and how rating revenue is supporting different council services and functions.</li> </ul>	<p><b>Support.</b></p> <p>Firstly, in principle, the proposed amendment in relation to enhancing transparency of information in council rates notices is welcomed.</p> <p>Ratepayers should have access to easy to understand information about their rates, how they are calculated and what are the drivers for change in a transparent manner. This information will assist ratepayers to be informed and increase understanding of what Council rates are used to fund for the community – how they are invested to enhance communities.</p> <p>The City of Hobart already provides its ratepayers with a range of information and includes a flyer to explain rates and what rates are spent on, drivers for change, and the City’s budget each year with its</p>



	<p>annual rates notices, albeit this is at the whole of municipal area level rather than the individual property level.</p> <p>The proposal to provide this at the individual level is considered beneficial but does come with resourcing implications.</p> <p>Prescribing the type of information that councils need to provide will ensure consistency, which the City considers will be valued by its ratepayers, particularly those that own property in multiple municipal areas.</p>
<p><b>Mandating Internal Audit for Councils</b></p> <ul style="list-style-type: none"> <li>• New provisions will require all councils to establish and maintain an internal audit function, bringing them into line with Tasmanian Government agencies.</li> <li>• This reform responds directly to a Future of Local Government Review recommendation and recognises councils are responsible for managing significant public assets and resources.</li> <li>• General managers, through audit panels, will be responsible for delivering their council’s internal audit function.</li> <li>• An amendment to the <i>Local Government Act 1993</i> will provide for the application to councils of Treasurer’s Instructions for internal audit issued under the Financial Management Act 2016 (subject to</li> <li>• The Director of Local Government will also be given explicit authority to request targeted internal audits, promoting stronger compliance and proactive regulatory intervention.</li> </ul>	<p><b>Support.</b></p> <p>The City of Hobart already maintains an internal audit program which reports to the Risk and Audit Committee.</p> <p>The Council’s Risk and Audit Panel approves the priority areas that are identified for internal audit, based on recommendations from the internal auditor and the Executive Leadership Team.</p> <p>If there were specific industrywide areas of concern identified by the Treasurer or Director of Local Government, it would be appropriate that they be included in the Council’s internal audit program.</p>