

Review of Tasmania's Local Government Legislative Framework

Discussion Paper Response

Summary

Overview of Local Government

- Any changes to the Act should **not limit the scope of activities** in which a council can engage provided it can demonstrate transparency, accountability and democratic process in its decision-making and operations.
- **Community involvement** is central to long term vision setting and medium term strategic planning.
- Any legislative requirement should include an expectation, but provide councils with the opportunity to determine the extent and scope of engagement relative to their area and capacity.
- A sound **long term financial plan** is essential in understanding not only the community and budget impacts but also for the Council in maintaining the capacity and resourcing required to provide the services.
- Long term planning can only be effective if councils have **control over their service choices and service standards** based on their understanding of the community.

Council Governance and Powers

- If it is intended that '**good governance**' be defined in legislation it would be appropriate to establish the principles within the new Act with an expectation that each council would create a policy statement that aligns their approach to the principles.
- Details or specific powers related to service delivery can be prescribed in regulation so as not to compromise the generality and flexibility within the Act. **General powers** also allow for response to changes in the external environment or service delivery
- The current Act requires a minimum 10 year **strategic plan**. A longer planning horizon would be an improvement

Democracy and Engagement

- The council has long held the view that **compulsory voting** is required in local government elections to assist in achieving a more balanced representation of the community as a whole
- The Tasmanian Electoral Commission should be responsible for reviewing voting eligibility as well as undertaking the administration of the **General Manager's Roll**.

- The challenge for local government both in **attracting candidates** that are skilled, diverse and representative is to create the opportunity where potential barriers are minimised.
- The Government legislate for the compulsory disclosure of **campaign donations** from all sources.
- Greater clarity be provided as to the status of in-kind donations and whether they should be disclosed.
- The inclusion of an '**election period policy**' would allow the operations of the Council to continue while providing scope for the decision making of the sitting council.

Council Revenue and Expenditure

- All Council financial policies, strategies, plans and reports be **available publicly** in understandable and accessible formats.
- It is important that councils have legislative flexibility to determine the appropriate **rating strategy** for its own municipal area.
- **Long term planning financial planning** can only be effective if councils have control over their service choices and service standards based on their understanding of the community.

Performance Transparency and Accountability

- From a legislative perspective broad powers should be non-specific while **controls around accountability** can be promulgated in regulation to ensure an industry standard approach which can be monitored and audited, if required.
- Clearer powers for the Director of Local Government to dismiss **complaints** that may be vexatious or frivolous.
- There are sufficient controls and mechanisms to respond or intervene when a **council is not performing** as required.
- The diverse nature of local government in Tasmania is such that **industry benchmarks** and comparisons are of limited value.