

HISTORY OF LOCAL GOVERNMENT REFORM IN SOUTHERN TASMANIA

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1. Introduction

The experiences of the past can often provide the key to the solutions for the future and, at a time when local government reform in Southern Tasmania has become a pressing issue, the history of local government in the region has the potential to provide clues to the way forward.

In this document, we look at where are we today, recent history, how we arrived at this point, the lessons we learnt along the way, and what these might tell us about the future.

2. Current situation

2.1 Unresolved structure

Currently Tasmania, and in particular Southern Tasmania, does not have a compelling vision for the future of local government. We have a State Government that is “picking off the low hanging fruit” and has removed the ownership of water and sewerage assets from local government. Individual councils are jockeying for position with respect to service delivery for other, usually smaller, councils, and there appears to be an ongoing rumble of dissatisfaction from the community about the number of councils and the level of service they provide.

2.2 Divided ambitions

The larger councils have recently formed a Metropolitan Councils Group (MCG), consisting of the Tasmanian cities of Burnie, Clarence, Devonport, Hobart and Launceston, as well as Kingborough. The MCG operates under auspice of the Local Government Association of Tasmania (LGAT). Glenorchy is not a member of the group as it is presently not a member of the LGAT.

The members of the group are concerned that the distinction between urban and rural areas – a feature of local government in its early years – has effectively been abandoned. They feel they are being constrained by the fact that the structural and legislative provisions are uniform across all local governments. Hobart City Council, for example, has a policy that there should again be a separate *City of Hobart Act* – a concept that could be applied to all cities and major urban centres.

2.3 Potential for reform

The Haward and Zwart review of reform and restructuring of local government in Tasmania¹ asserted that any successful process for reform must have effective local government engagement and clear guidelines for the review. These criteria are in place in 2011.

With water and sewerage recently removed from the direct control of councils, a period of readjustment and re-alignment is occurring, while each council picks up and refocuses on its residual activities. This has provided an ideal opportunity to engage with councils, communities and the State and Federal Government to fashion a clear vision of a 21st century local government structure for Southern Tasmania. Previous experience has taught us how it should be done and the changes occurring within local government, and in the external environment, offer an ideal opportunity to mark out a clear direction.

State Government policy in relation to this issue is that it encourages the voluntary merger of councils but will not force councils to amalgamate. This policy appears to be shared by the Opposition and the Tasmanian Greens. There are frequent assertions on all sides that there should be fewer councils, and the official State Government policy has led to the Minister referring the matter of voluntary mergers to the Local Government Board. This follows its decision not to recommend a voluntary merger between Glamorgan Spring Bay and Break O’Day councils. As a result, the Board has produced a document on voluntary mergers.²

¹ Haward, M. and Zwart, I. *Local Government in Tasmania: Reform and Restructuring* University of Tasmania Australian Journal of Public Administration September 2000 p.1

² Local Government Board *Principles For Voluntary Mergers Report, February 2010*

2.4 Options for change

An independent panel is working on options for change in Southern Tasmania. These are designed to benefit both urban-dwellers and rural communities, while maximising the potential of Hobart as Tasmania's major city. More detail can be found in discussion paper *Towards improved local government in southern Tasmania - A review of structural reform options*, but essentially the four options are:

- That the 12 Southern Tasmanian councils sign up to a joint body, which takes over many of the regional activities, such as planning, procurement, looking after roads, maybe even water, and which becomes the main point of contact for residents.
- The 12 councils are merged to create a Southern Tasmanian Regional Council, which would be the seventh largest council in Australia.
- A new Greater Hobart City Council is created from Hobart, Glenorchy, Brighton, most of Clarence and the urban part of Kingborough.
- New local government areas are created, reducing the 12 councils to, say, five.

3. Recent history (1993-1998)

Since 1939 there have been five inquiries into Tasmanian local government structures, all arguing for some degree of boundary reorganisation and reduction in the number of local government authorities. In the main, these reviews only created "resentment and opposition from Councils and frustration from the State Government"³ and brought about little or no change. The one exception to this general rule was the 'modernisation process' that occurred in conjunction with the changes to the *Local Government Act 1993*.

3.1 1993 review of local government in Tasmania

The 1993 review of Local Government in Tasmania was based on a reference by the Minister of Local Government to the Local Government Advisory Board to investigate and report on:

*"Measures, inclusive of territorial restructuring, appropriate and desirable to effect the modernisation of the present system of local government in Tasmania and to enable local authorities to achieve an enhanced capacity for efficient and effective discharge of municipal functions and services to the communities which they serve."*⁴

In 2002, Colin Balmer⁵ provided the following account of how the 1993 review was conducted, and the legislative and other changes that followed:

"In November 1989 the Minister for Local Government announced that he would initiate a reference to the Local Government Advisory Board aimed at reducing the number of councils. Instead of opposing this move, local government responded by suggesting that the local government system be 'modernised', with a rationalisation of state-local functions and finances, legislative reform, and structural change all considered as an integrated package. This reform package is now partly in place, while reviews to finalise it are underway.

"Structural change was completed first, with the Local Government Advisory Board reporting to the Minister for Local Government in September 1992, and the reduction in the number of councils from 46 to 29, that it had recommended, coming into effect in April 1993. These territorial changes affected mainly the smaller councils as most were abolished through mergers with neighbours. Most of the larger cities were left largely unchanged. An important part of the structural changes has been the decision by most councils to abandon the ward, or electoral district, base for council elections.

"As part of the modernisation program, a new Local Government Act came into effect from the beginning of 1994. A package of several other Acts, dealing with the land use planning system and environment protection, has been enacted. A new Building Act is expected to be considered by Parliament late in 1995.

³ Roodenrys, R. 1995 *Local Government Reform: The Tasmanian Experience*, Australian Local Government Yearbook, Canberra pp 28-33

⁴ Local Government Advisory Board 1991 (Tasmania)

⁵ Balmer, C. Feature article – Local government in the 1990s. A.B.S. 1384.6 – Statistics – Tasmania 2002

“The Local Government Act 1993 provides the constitution under which councils operate. It removed the distinctions between Hobart and Launceston (which formerly operated under their own legislation) and all other councils by making all councils subject to the same Act. The Act also provides councils with a ‘general competence power’, enabling them to take whatever measures are needed to give effect to their decisions, rather than being restricted to exercising only those few powers which are actually listed, as was the case with the former Local Government Act.

“The Local Government Act, while generally continuing the rating powers of the previous Act, also provides a power to set differential rates. Councils are also able to delegate matters to local committees if they wish. This is particularly relevant for councils that are large in area (such as Northern Midlands) or otherwise have distinct local areas (as in the case of Kingborough which now incorporates Bruny Island). Councils may also join with other councils to create joint authorities, when they decide, for example, that they will be able to undertake a particular function more efficiently by operating over a wider area than a single municipal area.

“The planning and environment legislation consists of several separate Acts. A similar philosophy underlies all these Acts: the desired outcomes are to be achieved by following the procedures which are most appropriate, rather than ones prescribed in legislation.

“The State Policies and Projects Act 1993, among other things, provides for the development of State Sustainable Development Policies, which will ultimately provide a set of guidelines for actions by all agencies (public and private) to ensure that developments will be ecologically sustainable in the long term. It also provides for the preparation of a regular environment audit report.

“The Land Use Planning and Approvals Act 1993 provides a framework within which councils and marine boards may undertake their planning responsibilities for all municipal areas and coastal waters. It also establishes a Land Use Planning Review Panel to approve planning and development applications.

“The Environmental Management and Pollution Control Act 1994 provides for the control of activities that could lead to environmental harm. It classifies functional activities into three categories, with local government being responsible for assessing those falling into Level 1. To assist in this, an assessment manual has been prepared to provide guidelines. Codes of practice have also been developed to provide additional guidance.

“The Resource Management and Planning Appeal Tribunal Act 1994 establishes a tribunal to resolve conflicts, preferably by mediation, between parties in relation to planning and environment management matters.

“These planning and environmental management Acts are of central importance to local government, which regards control over the development and management of the local area as the core of its functional responsibilities.

“One of the more far reaching changes accompanying the establishment of the new local government arrangements was the decision to conduct elections by post. All residents who are listed on the House of Assembly electoral role automatically receive ballot papers (and a reply paid envelope) for the municipal area in which they live. Thus they are enabled to vote in the council elections without going to a polling booth, if they wish. This system is expected to be extended to include property owners who are resident in another municipal area elsewhere in Tasmania.

“All elected members of local government are now elected for four-year terms, with half the members of each council retiring each two years. With one exception (Launceston), the mayors and deputy mayors of the cities are elected at large by the community. Along with Launceston, the principal member of all other units, now termed ‘councils’, rather than ‘municipalities’, is chosen from among councillors at a council meeting.

“The principal member is now termed ‘mayor’ for all units except the capital city of Hobart, replacing the term ‘warden’ which had been used for municipality leaders. Hobart’s chief elected member continues to be termed lord mayor.

“The Local Government Act allocates to elected councillors the roles of setting policy and determining the directions of the council, and requires the council to appoint a general manager who is charged with providing professional advice on all matters considered by the councillors and with implementing their decisions.

“The council is required to develop a strategic plan covering the forthcoming five years, and to consult with the local community both in determining the contents of the plan, and in relation to the annual report outlining the year’s events. Through this means, and others of a similar nature, the Act effectively

makes councils responsible to the communities they serve, rather than to the Minister for Local Government and the State Government.”



More recently, further changes have been made to the electoral provisions of the Act that have resulted in mayors and deputy mayors being directly elected by the people.

3.2 The Local Government Board

The mechanism for achieving the 1993 reform was the Local Government Advisory Board (since re-named the Local Government Board), established following an amendment to the *Local Government Act 1962*. These provisions, which were incorporated into the 1993 Act, largely unchanged, enable changes in municipal boundaries to be achieved by a process that does not require such changes to be

achieved through Parliamentary approval. The process is set out in detail in *appendix 1*.

As a result of the 1993 reform, the Local Government Advisory Board determined that it would base recommendations concerning future council boundaries on three sets of criteria:

1. Geographic, social and community of interest factors

These factors included following natural boundaries; not mixing rural and urban communities; providing sufficient land for adequate planning, development control and future expansion, and ensuring each area contained at least one recognised regional commercial centre. The minimum population was to be 10,000 people.

2. Economic, financial independence, viability and diversity

Areas were to have a minimum \$6 million income base, at 1993 values, and grants (other than road grants) would not represent more than 35% of revenue.

3. Planning and management capability

There would be an appropriate range of professional staff available to be employed and the capacity to exercise all delegated statutory powers of approval.

3.3 The 1997 review of local government in Tasmania⁶

The approach taken for the 1997 review of local government differed greatly from the approach four years earlier. In 1997, the Local Government Board was required by the Minister to report on the following matters:

- A reduction in the number of municipal areas in Tasmania to not more than 15
- The boundaries of municipal areas, to the greatest extent practical, to be aligned with natural catchment areas
- Common links and interests to be recognised in the fixing of new boundaries, to the end that artificial divisions between communities were minimised
- Genuine economies of scale and other means of achieving improved efficiencies in local government to be achieved
- Greater Hobart and Launceston (including the Tamar Valley), to become single municipal areas
- Equality in population, size or rating base of municipal areas was not to be regarded as a paramount consideration

⁶ Local Government Board *Report to the Tasmanian State Government by the Local Government Board January 1998, Chapter 2*

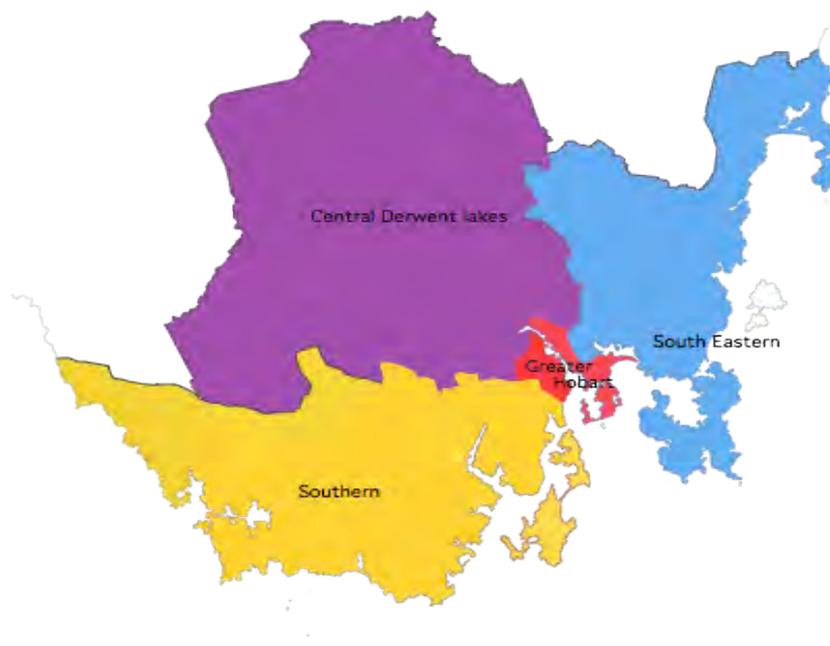
- Appropriate terms for transitional arrangements to be the subject of recommendation by the Board.

At the commencement of the review, council boundaries in the southern region were as they are today, but the initial recommendation of the Local Government Board was that there be four councils in Southern Tasmania (see page 6).

In February 1998, the Minister for Local Government asked the Local Government Board to reconsider its recommendations,⁷ as some councils disagreed with the findings and further dissent was indicated by a number of elector polls and surveys of residents.

Map 1: Southern Tasmanian council boundaries 2011

Map 2: Proposed council boundaries; initial recommendation of Local Government Board, 1998



⁷ Local Government Board *Reconsideration of Final Report - Response to the Minister for Local Government by the Local Government Board - May 1998*

Central Derwent Lakes Council, comprising most of Central Highlands, Derwent Valley; part of Southern Midlands, Brighton

Southern Council, comprising all of the Huon Valley; part of Kingborough, West Coast, Derwent Valley

South East Council, comprising all of Sorrell, Tasman, Glamorgan Spring Bay; part of Central Highlands, Clarence, Southern Midlands

Greater Hobart Council, comprising all of Glenorchy and Hobart; part of Kingborough, Derwent Valley, Brighton; most of Clarence

Key issues for the Minister arose from representations by councils and others reviewing the Board's final report that a number of issues mitigated against the likely success of its recommendations, namely the capacity for the new councils and their elected members to effectively represent the interests of their residents; the opposition of many residents to change, as evidenced by the results of the elector polls and resident surveys, and the loss of local identity and the absence of common interest in respect of the proposed new councils.

In reconsidering the recommendations from its initial report the Board made two changes. It made some boundary changes to the previous principle recommendation:

- Adjustments to the boundary between Greater Hobart and the proposed South East council area, and to the boundary between the proposed South East and Central Lakes councils in the Oatlands area.

And it recommended 'acceptable' but not preferred alternative options for reform:

- The establishment of an Eastern Shore council, based on merging the urban areas of Clarence and Brighton council
- A Western Shore council, based on merging the Hobart and Glenorchy councils
- The retention of the three city councils of Hobart, Clarence and Glenorchy.

In the instances outlined above the Board believed that strong and effective joint authority arrangements needed to be put in place if efficiency gains and other improved outcomes of any substance were to be achieved.

Other significant conclusions of the Local Government Board were:

Electoral districts (wards)

The Board was opposed to the establishment of electoral districts on the grounds that they effectively disenfranchised voters by removing their capacity to influence the election of councillors from other electoral districts, and they encouraged (and tended to institutionalise) parochial decision making. The Board, while making no recommendation in regard to electoral districts, felt they should be actively discouraged, with the exception, perhaps, of the first election of a new council.

Representation issues

The Board was of the view that the community was not fully aware of the changed role of councillors and aldermen, and a community awareness program regarding the role of elected members should be undertaken.

Community access and participation issues

The Board believed that effective and efficient community participation and consultation opportunities were not diminished by the creation of larger councils. On the contrary, the Board expected that larger councils with improved resourcing and the ability to employ a wider range of professionals, particularly in the community development area, would result in greater efficiencies and effectiveness.

Regional bodies

The Board recommended the establishment of a number of regional authorities under the joint authority model provided for in the *Local Government Act*, including:

A regional policy coordination authority focused on land-use planning, infrastructure planning, and regional economic and social development. It was proposed that the authority would have no involvement in the delivery of local government services.

A local government services corporation to maximise efficiencies through economies of scale and make the most efficient use of investment capital, plant and equipment and human resources.

4. Local government reform since 1998

According to Haward and Zwart, the 1998 “process collapsed following legal challenges and the proroguing of parliament prior to the 1998 State election. The defeat of the Liberal government saw the abandonment of the proposed amalgamations and establishment of ‘partnerships’ between the new ALP State Government and councils.”⁸

One major cause of council and community opposition to the 1997 process was that it was driven by a State Government that already had described the answer and set a time frame that did not allow for any real involvement by local councils or their communities – a tactic that was used successfully, at a later date, to achieve State Government objectives in relation to water and sewerage that has resulted in widespread dissatisfaction with the outcome of that reform (see below).

Since the collapse of the 1998 project, there have been a number of positive achievements in improving the relationship between the State and local government.

4.1 Financial reform

Following attempts to examine and rationalise the roles and functions of State and local governments that were a feature of much of the 1990s, it was determined to limit this attempt to the financial relationship and as a result the *State and Local Government Financial Reform Act 2003* was made law on 1 July 2004.

The Act gives effect to reforms agreed to by the Premier’s Local Government Council to simplify and make more transparent the financial relations between State and local government. Under the agreement, councils are required to pay duty on transfer of real property, land tax (except for land used for recreational purposes and to which free public access is normally available) and payroll tax. At the same time, the State Government is required to pay council rates on its property, and the property of State-owned companies, with the exception of land held by the Forestry Commission.

4.2 Partnership agreements

Partnerships between the State Government and single councils or groups of councils have been a feature of the relationship since 1998. In recent years, partnership agreements with single councils have been largely wound back. They did, however, provide a means by which both spheres of government agreed to work together to deliver benefits for local communities. They also resulted in closer working and collaborative relationships between State and local government officials.

In recent years, councils have become somewhat sceptical of such arrangements, seeing them as a means by which the State Government has sought to control the activities of councils. Such scepticism has been strengthened by the manner in which the water and sewerage reform was conducted. In this case, the State Government sought initially to present local government with a single ‘solution’ to deficiencies in the then current system and was deaf to alternatives that councils put forward.

4.3 Premier’s Local Government Council

On a statewide basis, the program has seen the establishment in 2000 of the Premier’s Local Government Council (PLGC), which is a high-level forum for discussions between the State Government and local government on issues of statewide significance. It was established in 2000 and meets three times a year to discuss topical and continuing issues.

The PLGC membership comprises the Premier, as chair, the Minister for Local Government, the President of the Local Government Association of Tasmania and seven elected local government representatives from various Tasmanian councils.

⁸ op.cit.

5. The origins of local government in Tasmania

Local government in Tasmania had its early development in the colonial and post-colonial era of the 19th century. Its origins lie in collaboration by early settlers, taking joint action to meet the challenges of the time. From European settlement until the 1850's, many forms of joint action were undertaken and gave rise to such organisational structures as Police Districts, Roads Boards and others to deal with issues such as weeds and vermin.

5.1 Early years

By the end of the century, these organisations had largely merged into municipal councils in Hobart and Launceston – these had been declared cities, Hobart in 1842, and Launceston in 1845 – and rural municipalities in much of the rest of the state where non-Aboriginal human settlements had grown up. The first such rural municipality in Tasmania (and Australia) was Glamorgan, with its centre at Swansea on the east coast. It was created early in 1860, with Spring Bay formed later in the same year.

5.2 Local Government Act 1906

The *Local Government Act 1906* provided the legislative basis for Tasmanian local government and regulated the activities of all councils with the exception of Hobart and Launceston, where separate *Corporation Acts* enacted in 1857 and 1894 respectively, remained in place.

Compared with the *Local Government Act 1906*, the Hobart and Launceston *Corporation Acts* contained provisions that reflected the fact that these were the only relatively densely populated urban areas in Tasmania. For example these Acts contained different electoral provisions; higher levels of expenditure before public tenders were required, and more extensive powers in relation to the provision of water and sewerage services and storm water drainage.

5.3 From 1906 to 1985

There were 51 councils in Tasmania in 1906 and this number was reduced by two early in the century with the inclusion of the rural municipalities of Queenborough (Sandy Bay) and Newtown within the City of Hobart. The total number of 49 remained until the mid 1980s when Gormanston, a thriving mining settlement in the late 19th and early 20th century, whose population had by that time reduced to about 50, was merged with Queenstown. In 1985 Launceston, Lilydale and St. Leonards were merged into an enlarged Launceston City council area.

The *Local Government Act 1906* was replaced by a conservatively revised Act in 1962.

6. Impact of population change

From the tables on page 11, it can be seen that the population of Southern Tasmania as a whole grew by a total of 223% over the whole period from 1911 to 2006, at an average rate of 2.3% per annum. Most significant growth occurred in what were to become the largest suburban municipal areas to the north, east and south of the City of Hobart.

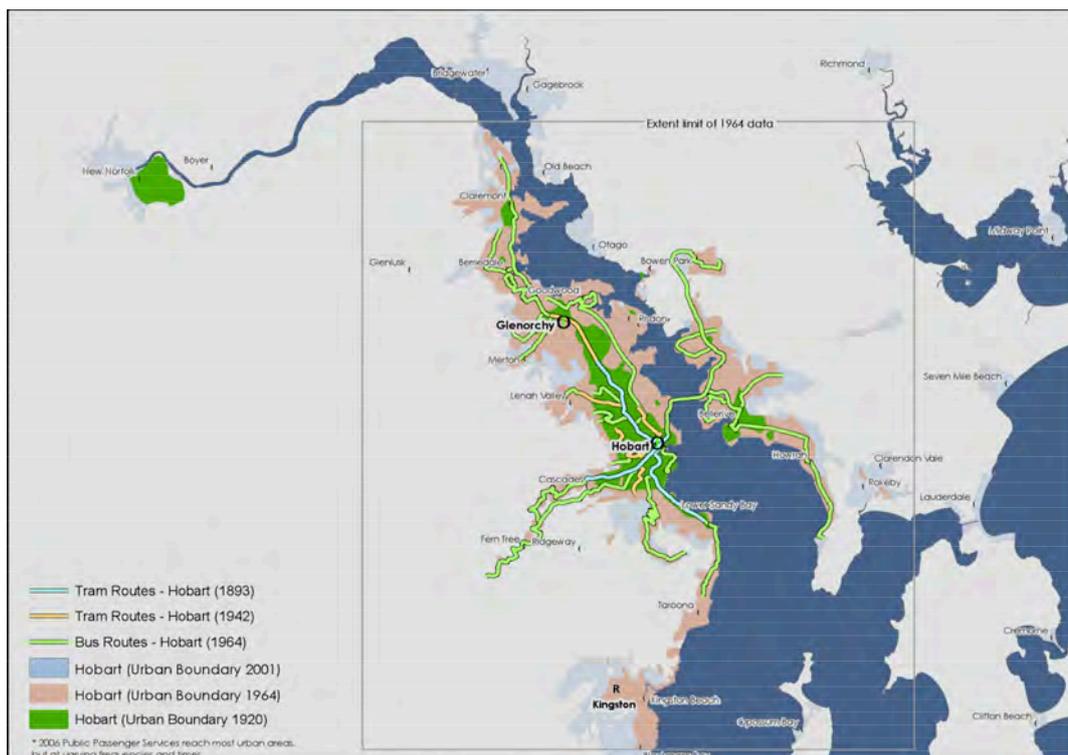
This occurred sequentially with significant growth commencing firstly with Glenorchy in the second and third decades of the 20th century and continuing until the early 1960s. Glenorchy achieved city status in 1964, by which time it had satisfied the requirement of the *Local Government Act 1962* that required an area to have a population of at least 20,000 before it could seek to become a city.

Growth at Glenorchy was followed by Clarence from the 1950s and continuing until the early 1980s. Clarence was proclaimed a city in 1988. The growth of Kingborough began from a lower base, with increases in population occurring more consistently but at a lower rate than Glenorchy or Clarence. Sorell experienced significant growth commencing from about 1960 – growth that was maintained for the balance of the century.

Less significantly, as far as absolute numbers are concerned, very high rates of population growth commenced at Brighton two decades after Clarence, with the sub-division of large areas of land for public housing between 1970 and 1995. In this regard it followed both Glenorchy and Clarence, where the provision of public sector housing played an important part around the commencement of the growth period of both of these municipal areas.

The growth of these areas is further illustrated in map 3 below. This shows the expansion of the area of Greater Hobart from 1920 to 2001.

Map 3: Urban growth and passenger transport links



Source: Department of Infrastructure Energy and Resources

Southern Region Overview Report, informing development of the Southern Integrated Transport Plan, October 2007 p.14

At the same time as the suburban municipal areas grew there was a relative, and in some cases an absolute, decline in the population of rural areas. The decline in the population of the Central Highlands area occurred following a period of construction of the hydroelectric scheme. This involved the construction of lakes and power stations by a large temporary workforce in the south of that municipal area in the immediate post-war era. The fall in population in the Huon Valley in the 1960s due to a crisis in the apple and pear-growing industry has been made up by growth in population in recent years due in part to the growing popularity of this area for commuters.

Table 1: Population density of certain municipalities, 1901

Rural district/municipality	Population	Persons/km ²
Hobart	32,418	415.6
Glenorchy	1864	15.4
Carnarvon (Tasman)	4152	8.9
Richmond	2457	4.3
Brighton	1863	4.2
Oatlands	3182	1.6
Glamorgan	1860	1.2

Source: Australian Bureau of Statistics *Population Census 1901*

Table 2: Population of the municipal areas established in 1993

Municipal Area	Census year								
	1911	1933	1947	1955	1966	1976	1986	1996	2006
Brighton ¹	1,941	1,917	1,839	2,570	2,207	4,910	11,669	12,471	13,986
Central Highlands ²	3,493	3,665	4,491	7,403	5,337	4,390	3,310	2,550	2,291
Clarence ³	4,280	6,077	6,822	14,283	31,894	44,050	47,691	47,461	48,654
Derwent Valley ⁴	6,124	6,708	7,928	9,429	10,315	10,240	9,832	9,538	9,391
Glamorgan Spring Bay ⁵	1,462	1,694	1,816	2,147	2,330	3,070	3,712	4,035	4,301
Glenorchy ⁶	3,393	9,897	14,493	25,810	39,053	42,600	40,883	43,066	42,816
Hobart ⁷	34,506	47,054	56,640	54,887	53,257	50,570	47,356	46,676	48,844
Huon Valley ⁸	7,106	11,957	10,990	11,676	11,554	10,110	10,854	12,907	13,651
Kingborough ⁹	2,524	4,841	6,543	8,926	10,722	13,630	20,805	26,839	30,090
Sorell ¹⁰	2,000	2,218	2,080	2,391	3,309	4,350	6,782	10,114	11,629
Southern Midlands ¹¹	4,228	4,384	3,871	3,863	3,381	3,080	2,923	5,324	5,537
Tasman ¹²	1,171	1,339	1,039	1,079	1,126	950	1,369	2,256	2,208
Southern Tasmania	72,228	101,751	118,552	144,464	174,485	191,950	207,186	223,237	233,398

Source: Australian Bureau of Statistics *Census of Population and Housing*

Notes: [1] Not strictly comparable between censuses before and after 1993 when there was a minor boundary adjustment. [2] Not strictly comparable between censuses before and after 1993 when former Bothwell and Hamilton municipalities were combined with another boundary adjustment involving Derwent Valley. [3] Not strictly comparable between censuses before and after 1993 when former Clarence and Richmond municipalities were combined with another boundary adjustment involving Southern Midlands. [4] Not strictly comparable between censuses before and after 1993 when boundary of the former New Norfolk Municipality was adjusted with the formation of Central Highlands. [5] Glamorgan and Spring Bay councils were merged to form Glamorgan Spring Bay in 1993. Data from censuses before and after 1993 are comparable. [6] Data from censuses before and after 1993 are comparable. [7] Populations of Queenborough and Newtown added to that of the City of Hobart at the 1911 census. Data from censuses before and after 1993 are comparable. [8] Not strictly comparable between censuses before and after 1993 when there was a minor boundary adjustment. [9] Esperance, Huonville and Port Cygnet councils were merged to form Huon Valley in 1993. Data from censuses before and after 1993 are comparable. [10] Not strictly comparable between censuses before and after 1993 when there was a boundary change that transferred the Forestier Peninsula to Tasman. [11] Not strictly comparable between censuses before and after 1993 when there was a boundary to transfer from Sorell.

Table 3: Annual percentage change in population 1911 to 2006

Municipal Area	Annual Percentage Change from Last Census								Popn. Change 1911 -2006	
	1933	1947	1955	1966	1976	1986	1996	2006	Total	Average p.a.
Brighton ¹	-0.1%	-0.3%	3.1%	-1.3%	12.2%	13.8%	0.7%	1.2%	620.6%	6.5%
Central Highlands ²	0.2%	1.6%	5.0%	-2.5%	-1.8%	-2.5%	-2.3%	-1.0%	-34.4%	-0.4%
Clarence ³	1.9%	0.9%	8.4%	11.2%	3.8%	0.8%	0.0%	0.3%	1036.8%	10.9%
Derwent Valley ⁴	0.4%	1.3%	1.5%	0.9%	-0.1%	-0.4%	-0.3%	-0.2%	53.3%	0.6%
Glamorgan Spring Bay ⁵	0.7%	0.5%	1.4%	0.8%	3.2%	2.1%	0.9%	0.7%	194.2%	2.0%
Glenorchy ⁶	8.7%	3.3%	6.0%	4.7%	0.9%	-0.4%	0.5%	-0.1%	1161.9%	12.2%
Hobart ⁷	1.7%	1.5%	-0.2%	-0.3%	-0.5%	-0.6%	-0.1%	0.5%	41.6%	0.4%
Huon Valley ⁸	3.1%	-0.6%	0.5%	-0.1%	-1.2%	0.7%	1.9%	0.6%	92.1%	1.0%
Kingborough ⁹	4.2%	2.5%	2.8%	1.8%	2.7%	5.3%	2.9%	1.2%	1092.2%	11.5%
Sorell ¹⁰	0.5%	-0.4%	1.2%	3.5%	3.1%	5.6%	4.9%	1.5%	481.5%	5.1%
Southern Midlands ¹¹	0.2%	-0.8%	0.0%	-1.1%	-0.9%	-0.5%	8.2%	0.4%	31.0%	0.3%
Tasman ¹²	0.7%	-1.6%	0.3%	0.4%	-1.6%	4.4%	6.5%	-0.2%	88.6%	0.9%
Southern Tasmania	1.9%	1.2%	1.7%	1.9%	1.0%	0.8%	0.8%	0.5%	223.1%	2.3%
Population growth, annual average of >2.5%										
Population decline, annual average of <-1.5%										

Source: Australian Bureau of Statistics *Census of Population and Housing*

7. Lessons learned

Important points emerge from the history of local government reform in Southern Tasmania, which can inform future initiatives.

- A constant theme for local government reform over the last 72 years has been the benefit to be accrued from a reduction in the number of councils in the region. These include economies of scale, improved efficiencies, better use of resources and the availability of professionals with a range of skills.
- In the early years, there were different structures for urban centres and rural municipalities, recognising the different challenges and scale of operations. This specific focus has been felt to be a loss in recent times.
- The delineation between State and local government has become less well-defined, with the potential that services best delivered locally become swept up in the State bureaucracy.
- For reform to be successful, it must have engagement from councils and be in full consultation with the community.
- Any mergers or changes to council boundaries must be built on affinities, for example where there are natural boundaries and communities with common interests. They must also aim to preserve local identity and “sense of place”.
- The level of income and population must be sufficient to make a local government area viable.

These findings have been used as the basis for the current review and underpin the four options for local government reform in Southern Tasmania developed by the independent panel commissioned by the Southern Tasmanian Councils Authority (page 3).

Appendix

Local Government Act 1993

Provisions relating to Review of Councils by the Local Government Board

PART 12A - Local Government Board

Division 1 - Local Government Board

210. Local Government Board

(1) The Local Government Board is established.

(2) The Board consists of –

- (a) one person nominated by the Local Government Association of Tasmania; and
- (b) one person nominated by the Local Government Managers Australia (Tasmania); and
- (c) one person who is the chairperson; and
- (d)
- (e) the Director of Local Government or his or her nominee.

(3) The persons referred to in subsection (2)(a), (b) and (c) are appointed by the Minister.

(4) If a nomination under subsection (2) is not made within 60 days after it is required to be made by the Minister, the Minister may appoint a person without such a nomination.

(5) If a body referred to in subsection (2) ceases to exist or changes its name, the Governor, by order, may amend that subsection by substituting –

- (a) the name of a body which the Governor is satisfied substantially represents the interests represented by the body which has ceased to exist; or
- (b) the name of the body as changed.

(5A) The Minister may, by instrument of appointment, appoint one or 2 additional persons to be members of the Board for the purposes of a review under this Part that is specified in the instrument.

(6) Schedule 1 has effect with respect to membership of the Board.

(7) Schedule 2 has effect with respect to meetings of the Board.

211. Functions and powers of Board

(1) The Board has the following functions:

- (a) to carry out reviews;
- (b) to advise the Minister on any other matters the Minister may determine.

(2) The Board may do anything necessary or convenient to perform its functions.

212. Staff

The Board may make arrangements with the Head of a State Service Agency for State Service officers and State Service employees employed in that Agency to be made available to the Board to enable it to perform its functions under this Act.

213. Delegation by Board

The Board, in carrying out a review under this Part, may delegate in writing to any person any of its functions relating to that review.

Division 2 - Reviews of councils

214. Reviews of council

(1) The Minister may require the Board to carry out a general review of a council.

(2) The Minister may require the Board to carry out a specific review relating to one or more of the matters specified in section 214A –

- (a) at any time; or
- (b) at the request of a council; or
- (c) on a petition proposed in accordance with section 57(2) of at least 20% of the electors in the municipal area.

(3) Before carrying out a review of a council, the Board must give the council at least 30 days' notice of the date on which the review is to start, unless the council requests otherwise.

(4) The Board may carry out any review in respect of more than one council.

214A. Scope of review

Any review may take into account any one or more of the following matters:

- (a) the governance and operations of a council;
- (b) the boundaries of the municipal area and any electoral district;
- (c) the naming of the municipal area, council and electoral district;
- (d) the declaration of a municipal area or part of a municipal area as a city;
- (e) the naming, or changing of the name, of a city;
- (f) the creation or abolition of a municipal area or electoral district;
- (g) the division of the municipal area into electoral districts;
- (h) the combining of 2 or more municipal areas, parts of 2 or more municipal areas or 2 or more electoral districts;
- (i) the creation or abolition of councils;
- (j) the election of councillors of a municipal area;

- (k) the total numbers of persons to be elected as councillors of a municipal area or in respect of each electoral district;
- (l) any other factor;
- (m) any matter referred to it by the Minister.

214B. Supplementary review

- (1) The Board may recommend to the Minister that a supplementary review of a council be carried out to follow up on any matter arising from a general review.
- (2) The Minister may –
 - (a) accept the recommendation; or
 - (b) refuse to accept the recommendation.

214C. Procedures for review

- (1) The Board may carry out any review in any manner it thinks appropriate.
- (2) In carrying out any review, the Board must provide –
 - (a) reasonable opportunity for public consultation; and
 - (b) reasonable opportunity for any council affected by the review to make any submissions.
- (3) The Board is to publish in a daily newspaper circulating in the municipal area a statement –
 - (a) specifying that a review is being carried out; and
 - (b) if it is a specific review, specifying any matter being reviewed; and
 - (c) inviting submissions relating to any matter referred to in section 214A or in the specific review.
- (4) Section 8 and Part 3 of the Commissions of Inquiry Act 1995 apply to a review carried out by the Board as if –
 - (a) the Board were a Commission established under section 4 of that Act; and
 - (b) the review were the inquiry being conducted by that Commission under that Act.

214D. Report of review

- (1) The Board is to submit to the Minister a written report of any review it carries out together with its recommendations.
- (2) The Board must not make any recommendation relating to an electoral district unless satisfied that –
 - (a) it is in the best interests of the municipal area concerned; and
 - (b) it would lead to a fair representation of the community in the municipal area.
- (3) The Board must not make any recommendation relating to the declaration of a municipal area or part of a municipal area as a city except in prescribed circumstances.
- (4) On receipt of a report, the Minister is to –
 - (a) forward a copy of the report to –
 - (i) the council in respect of which the review was carried out; and
 - (ii) any other council the Minister considers may be affected by the recommendations of the Board; and
 - (b) invite any such council to make submissions to the Minister on any matter covered by the report within a specified period.
- (5) After considering any submissions, the Minister may –
 - (a) accept any or all of the Board's recommendations; or
 - (b) request the Board to reconsider any or all of its recommendations; or
 - (c) refer to the Board any alterations to its report requested by a council; or
 - (d) reject any or all of the Board's recommendations.
- (6) If the Minister rejects any of the Board's recommendations in respect of a review, the Minister may not make a recommendation under section 214E relating to that recommendation in respect of that review.
- (7) The council is to keep all matters contained in the report and recommendations of the Board forwarded by the Minister confidential until the report is published under subsection (8).
- (8) The Minister is to cause to be published the report and recommendations of the Board, excluding any matter that the Board advises is confidential and the Minister considers is exempt information under the Right to Information Act 2009.

214E. Result of review

- (1) As a result of any review, the Governor, by order and on the recommendation of the Minister, may do any one or more of the following:
 - (a) create a municipal area;
 - (b) abolish a municipal area;
 - (c) alter and define the boundaries of a municipal area;
 - (d) combine 2 or more municipal areas or parts of such areas to form one municipal area;
 - (e) divide a municipal area into 2 or more municipal areas or parts of 2 or more municipal areas;
 - (f) name or change the name of a municipal area;
 - (g) declare a municipal area or part of a municipal area to be a city;
 - (h) name or change the name of a city;
 - (i) create a council;
 - (j) abolish a council;
 - (k) dismiss all the councillors of a council;
 - (l) name or change the name of a council;
 - (m) determine the total number of persons to be elected as councillors of a municipal area;
 - (n) determine the number of persons to be elected in respect of each electoral district;
 - (o) divide a municipal area into 2 or more electoral districts;
 - (p) abolish the division of a municipal area into electoral districts;

- (q) alter the boundaries of an electoral district;
 - (r) combine 2 or more electoral districts in a municipal area to form one electoral district;
 - (s) name or change the name of an electoral district;
 - (t) declare that an election is to be held.
- (2) In an order under subsection (1), the Governor may fix a closing day, within the meaning of Part 15, for an election to be held.
- (3) An election fixed to be held under subsection (2) may be conducted in respect of any proposed municipal area or areas.
- (4) An order under subsection (1)(k) may be made only in conjunction with an order made under subsection (1)(a), (b), (c), (d), (e), (j), (m), (n), (o), (p), (q) or (r).
- (5) The Governor, on the recommendation of the Minister and in relation to an order under subsection (1), may make –
- (a) an order in respect of any appropriate savings and transitional matters; and
 - (b) an order in respect of employees of a council that is affected by an order under subsection (1); and
 - (c) an order relating to the requirements of the first meeting of a council of a proposed municipal area; and
 - (d) any other order necessary or expedient.
- (6) An order made under subsection (5) that is inconsistent with any provision of this Act or any other Act, other than section 45C of the Constitution Act 1934, prevails over that provision to the extent of that inconsistency.
- (7) An election for an existing or a proposed municipal area to be held as a result of an order made under this section is to be held in accordance with Part 15 and any regulations made for the purpose of that Part.

214F. Transfer and vesting of assets

If, as a result of an order under section 214E, a municipal area is abolished and combined with an existing or a newly created municipal area –

- (a) any assets of the council of the abolished municipal area are transferred to, and vest in, the council of the existing or newly created municipal area with effect from the day specified in that order; and
- (b) any legal proceedings by or against the council of the abolished municipal area in respect of those assets not determined before that day may be continued, on or after that day, by or against the council of the existing or newly created municipal area; and
- (c) a judgment or order of a court obtained before that day by or against the council of the abolished municipal area in respect of those assets may be enforced by or against the council of the existing or newly created municipal area; and
- (d) a document addressed to the council of the abolished municipal area in respect of those assets may be served on the council of the existing or newly created municipal area; and
- (e) a contract made or entered into by the council of an abolished municipal area in respect of those assets before that day but not performed or discharged before that day is taken to have been made or entered into by the council of the existing or newly created municipal area.

214G. Apportionment between councils

(1) If, as a result of an order under section 214E, part of a municipal area is or is to be combined with an existing or a newly created municipal area, the Minister may require the councils of the municipal areas affected by the order to make an agreement in respect of the parts of the municipal area to be combined as to the apportionment of the assets between those councils or any proposed council.

(2) The Minister may determine the apportionment as between the councils or proposed councils if the existing councils –

- (a) fail to make an agreement in relation to the apportionment; or
- (b) fail to agree on the apportionment of one or more assets.

(3) The Minister may require an agreement to be made on or before a specified day.

(4) The Minister may refer any matter that is in dispute between councils to an arbitrator appointed by the Minister for that purpose.

(5) A decision of the Minister is final.

(6) Any apportionment takes effect –

- (a) on the day on which the order under section 214E takes effect; or
- (b) on a later day if the Minister so determines.

(7) Any assets apportioned under this section are vested in the relevant council on the day –

- (a) specified in the agreement; or
- (b) if there is no agreement, specified in the determination under subsection (2).

214H. Costs

(1) A council created or directly affected by an order under section 214E is to pay the costs and expenses in relation to that order or any transfer or vesting under sections 214F and 214G.

(2) The Minister may apportion the costs and expenses among more than one council in any manner the Minister considers appropriate.